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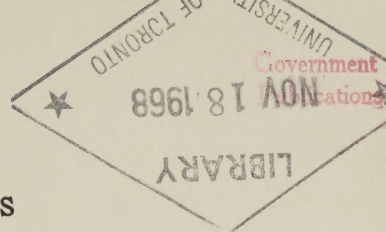
Canada. Parliament. House of
Commons. Standing Committee
on Privileges and Elections
Limits of proceedings
and evidence

1968/69 no 1-12

1969/70 no 1-21



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HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

PROCEEDINGS

No. 1

THURSDAY, OCTOBER 24, 1968

ORGANIZATION

Including

APPENDIX A

The items listed in the Revised Main Estimates for 1968-69, relating to the Chief Electoral Officer and the Representation Commissioner.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968



STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme¹

Vice-Chairman: Mr. James Jerome

and Messrs.

Aiken,
Benjamin,
Cafik,
Downey,
Fortin,
Howard (*Skeena*),

MacGuigan,
Marceau,
Mazankowski,
Peddle,
Portelance,
Prud'homme,

Richard,
Ritchie,
Ryan,
Sullivan,
Trudel,
Valade—20.

(Quorum 11)

Edouard Thomas,

Clerk of the Committee.

¹ Mr. Laflamme replaced Mr. Kaplan on October 16, 1968.

HOUSE OF COMMONS
TUESDAY, October 8, 1968.

Resolved,—That the following Members do compose the Standing Committee on Privileges and Elections:

Messrs.

Aiken,
Benjamin,
Cafik,
Downey,
Fortin,
Howard (*Skeena*),
Jerome,

Kaplan,
MacGuigan,
Marceau,
Mazankowski,
Peddle,
Portelance,
Prud'homme,

Richard,
Ritchie,
Ryan,
Sullivan,
Trudel,
Valade—(20).

WEDNESDAY, October 16, 1968.

Ordered,—That the name of Mr. Laflamme be substituted for that of Mr. Kaplan on the Standing Committee on Privileges and Elections.

WEDNESDAY, October 16, 1968.

Ordered,—That, saving always the powers of the Committee of Supply in relation to the voting of public moneys, the items listed in the Revised Main Estimates for 1968-69, relating to the Chief Electoral Officer and the Representation Commissioner, be withdrawn from the Committee of Supply and referred to the Standing Committee on Privileges and Elections.

FRIDAY, October 18, 1968.

Ordered,—That the subject-matter of Bill C-16, An Act to amend the Canada Elections Act (Students Franchise), be referred to the Standing Committee on Privileges and Elections.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

MINUTES OF PROCEEDINGS

THURSDAY, October 24, 1968

(1)

The Standing Committee on Privileges and Elections met this day at 10.38 a.m., for organization purposes.

Members present: Messrs. Cafik, Fortin, Laflamme, MacGuigan, Marceau, Mazankowski, Portelance, Richard, Ryan, Sullivan, Trudel, Valade (12).

The Clerk of the Committee attending and having called for nominations, Mr. Ryan moved, seconded by Mr. Marceau, and

Resolved,—That Mr. Laflamme be the Chairman of the Committee.

The Clerk of the Committee, having declared Mr. Laflamme duly elected Chairman, requested him to take the Chair. Mr. Laflamme took the Chair and thanked the members of the Committee for the honour bestowed upon him.

Moved by Mr. Portelance, seconded by Mr. Cafik, and

Resolved,—That Mr. Jerome be elected Vice-Chairman.

Moved by Mr. Ryan, seconded by Mr. Richard, and

Resolved,—That the Committee print 750 copies in English and 350 copies in French of its Minutes of Proceedings and Evidence.

Moved by Mr. Ryan, seconded by Mr. Cafik, and

Resolved,—That a Sub-Committee on Agenda and Procedure be comprised of the Chairman, the Vice-Chairman and five other members appointed by the Chairman after consultation with the Whips of the different parties.

Moved by Mr. Marceau, seconded by Mr. Trudel, and

Resolved,—That the items listed in the Revised Main Estimates 1968-69 relating to the Chief Electoral Officer and the Representation Commissioner referred to the Committee on October 16, 1968, be printed as an Appendix to the Committee's Proceedings. (*See Appendix A*)

The question of obtaining authority to sit while the House is sitting was referred to the Sub-Committee on Agenda and Procedure.

At 10.55 a.m. the Committee adjourned to the call of the Chair.

Edouard Thomas,
Clerk of the Committee

APPENDIX "A"

SECRETARY OF STATE

REVISED ESTIMATES, 1968-69

No. of Vote	Service	1968-69	1967-68	Change	
				Increase	Decrease
		\$	\$	\$	\$
	F—OFFICE OF THE CHIEF ELECTORAL OFFICER				
(S)	Expenses of elections including the salary of the Chief Electoral Officer (Details, page 451)...	14,262,680	121,000	14,141,680	
45	Salaries and Expenses of Office (Details, page 451).....	165,500	140,900	24,600	
		14,428,180	261,900	14,166,280	
	SUMMARY				
	To be voted.....	165,500	140,900	24,600	
	Authorized by Statute.....	14,262,680	121,000	14,141,680	
		14,428,180	261,900	14,166,280	

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
		F—OFFICE OF THE CHIEF ELECTORAL OFFICER	\$	\$
		Approximate Value of Major Services not included in these Estimates		
		Accommodation (provided by the Department of Public Works).....	75,400	71,400
		Accounting and cheque issue services (Comptroller of the Treasury).....	19,800	16,200
		Contributions to Canada Pension Plan Account and Quebec Pension Plan Account (Treasury Board)....	2,200	2,000
		Contributions to Superannuation Account (Treasury Board).....	13,200	11,000
		Employee surgical-medical insurance premiums (Treasury Board).....	500	1,400
		Employee compensation payments (Department of Labour).....	2,300	1,100
		Carrying of franked mail (Post Office Department).....	5,300	4,800
			118,700	107,900
		Statutory—Expenses of Elections including the salary of the Chief Electoral Officer		
1 (1)	1 (1)	SALARY OF THE CHIEF ELECTORAL OFFICER (CHAP. 39, STATUTES OF 1960).....(1)	22,680	21,000
		EXPENSES OF ELECTIONS (CHAP. 39, STATUTES OF 1960) .. (12)	14,240,000	100,000
		Total, Statutory Item.....	14,262,680	121,000
		Expenditure		
		1965-66..... \$ 12,725,443		
		1966-67..... 734,802		
		1967-68 (estimated)..... 602,000		
		Vote 45—Salaries and Expenses of Office		
		Salaried Positions:		
		Administrative and Foreign Service:		
2	1	(\$10,000-\$12,000)		
2	3	(\$ 8,000-\$10,000)		
1	1	(\$ 6,000-\$ 8,000)		
		Technical, Operational and Service:		
1	1	(\$ 6,000-\$ 8,000)		
5	3	(\$ 4,000-\$ 6,000)		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		F—OFFICE OF THE CHIEF ELECTORAL OFFICER (Continued)		
		Vote 45 (Continued)		
		Salaried Positions: (Continued)		
		Administrative Support:		
		(\$ 6,000-\$ 8,000)		
2	2			
6	5	(\$ 4,000-\$ 6,000)		
2	2	(Under \$ 4,000)		
21	18			
(21)	(18)	Continuing Establishment.....	129,800	117,700
(3)		Casuals and Others.....	8,900	
(24)	(18)	Salaries and Wages.....(1)	138,700	117,700
		Travelling Expenses.....(2)	3,500	1,200
		Freight, Express and Cartage.....(2)	100	100
		Postage.....(2)	300	200
		Telephones and Telegrams.....(2)	2,900	2,900
		Commissionaire Services.....(4)		11,900
		Office Stationery, Supplies and Equipment.....(7)	4,300	2,000
		Furniture and Furnishings.....(9)	14,500	3,800
		Sundries.....(12)	1,200	1,100
			165,500	140,900
		Expenditure		
		1965-66.....\$ 107,500		
		1966-67.....165,867		
		1967-68 (estimated).....150,300		

De- tails page		Estab- lishment 1968-69	1967-68		1966-67	
			Estab- lishment	Strength (Oct. 1, 1967)	Estab- lishment	Strength (Oct. 1, 1966)
		Man-Years	Man-Years	(Numbers)	Man-Years	(Numbers)
451	Chief Electoral Officer.....	25	22	(22)	18	(18)

No. of Vote	Service	1968-69	1967-68	Change	
				Increase	Decrease
		\$	\$	\$	\$
	N—OFFICE OF THE REPRESENTATION COMMISSIONER				
(S)	Salary of the Representation Commissioner (Details, page 466).....	27,000	25,000	2,000	
(S)	Expenses of Representation Commission (De- tails, page 466).....	98,000	135,000	37,000
		125,000	160,000	35,000

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		N—OFFICE OF THE REPRESENTATION COMMISSIONER		
		Approximate Value of Major Services not Included in these Estimates		
		Accommodation (provided by the Department of Public Works).....	8,200	11,100
		Accounting and cheque issue services (Comptroller of the Treasury).....	3,300	3,600
		Contributions to Superannuation Account (Treasury Board).....	9,600	9,200
		Contributions to Canada Pension Plan Account and Quebec Pension Plan Account (Treasury Board)....	1,300	900
		Employee surgical-medical insurance premiums (Treasury Board).....	100	300
			22,500	25,100
1 (1)	1 (1)	Statutory—Salary of the Representation Commissioner (Chapter 40, Statutes of 1963, as amended)..... (1)	27,000	25,000
		Statutory—Expenses of Representation Commission (Chapter 40, Statutes of 1963)		
		Salaried positions:		
		Administrative and Foreign Service:		
		(\$14,000-\$16,000)		
1	1	(\$12,000-\$14,000)		
1	1	(\$10,000-\$12,000)		
1	1	(\$6,000-\$8,000)		
		Administrative Support:		
3	3	(\$6,000-\$8,000)		
5	8	(\$4,000-\$6,000)		
	2	(Under \$4,000)		
11 (11)	16 (16)	Salaries..... (1)	82,500	98,200
		Travelling Expenses..... (2)	2,000	12,000
		Freight, Express, Cartage and Postage..... (2)	150	150
		Telephones and Telegrams..... (2)	2,050	2,050
		Professional Services..... (4)	2,000	7,500
		Office Stationery, Supplies and Equipment..... (7)	3,000	3,000
		Materials and Supplies..... (7)	6,200	12,000
		Sundries..... (12)	100	100
			98,000	135,000

De- tails page		Estab- lishment 1968-69	1967-68		1966-67	
			Estab- lishment	Strength (Oct. 1, 1967)	Estab- lishment	Strength (Oct. 1, 1966)
			Man-Years	(Numbers)	Man-Years	(Numbers)
466	Representation Commissioner.	12	17	(12)	17	(13)

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

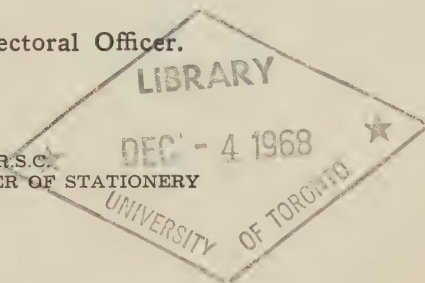
THURSDAY, OCTOBER 31, 1968

The items listed in the Revised Main Estimates for 1968-69,
relating to the Chief Electoral Officer

WITNESS:

Mr. J. M. Hamel, Chief Electoral Officer.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968



STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

Aiken,	Marceau,	Ritchie,
¹ Brewin,	Mazankowski,	² Rose,
Cafik,	Peddle,	Ryan,
Downey,	Portelance,	Sullivan,
Fortin,	Prud'homme,	Trudel,
MacGuigan,	Richard,	Valade—20.

(Quorum 11)

Edouard Thomas,
Clerk of the Committee.

¹ Mr. Brewin replaced Mr. Howard (*Skeena*) on October 24, 1968.

² Mr. Rose replaced Mr. Benjamin on October 28, 1968.

ORDERS OF REFERENCE

THURSDAY, October 24, 1968.

Ordered,—That the name of Mr. Brewin be substituted for that of Mr. Howard (*Skeena*) on the Standing Committee on Privileges and Elections.

MONDAY, October 28, 1968.

Ordered,—That the name of Mr. Rose be substituted for that of Mr. Benjamin on the Standing Committee on Privileges and Elections.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORTS TO THE HOUSE OF COMMONS

The Standing Committee on Privileges and Elections has the honour to present its

FIRST REPORT

Your Committee recommends that it be authorized to sit while the House is sitting.

Respectfully submitted,

OVIDE LAFLAMME,
Chairman.

(Presented October 31, 1968)

The Standing Committee on Privileges and Elections has the honour to present its

SECOND REPORT

Pursuant to its Order of Reference of Wednesday October 16, 1968, your Committee has considered the items listed in the Revised Main Estimates for 1968-69 relating to the Chief Electoral Officer.

Your Committee commends them to the House.

A copy of the relevant Minutes of Proceedings and Evidence (Issues No. 1 and 2) is tabled.

Respectfully submitted,

OVIDE LAFLAMME,
Chairman.

(Presented October 31, 1968)

MINUTES OF PROCEEDINGS

THURSDAY, October 31, 1968
(2)

The Standing Committee on Privileges and Elections met this day at 10.08 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Cafik, Jerome, Laflamme, MacGuigan, Mazankowski, Peddle, Portelance, Richard, Rose, Sullivan, Trudel, Valade—(12).

Also present: Messrs. Mather, Peters.

In attendance: Mr. J. M. Hamel, Chief Electoral Officer; Mr. R. M. Favelle, Chief Examiner of Elections.

Moved by Mr. MacGuigan and

Resolved,—That the Committee seek the permission to sit during sittings of the House.

Moved by Mr. MacGuigan and

Resolved,—That a message be conveyed to the Committee on Procedure of the House asking that Committee to investigate the question of providing sufficient interpreters to satisfy the requirements of all committee meetings.

Item I of the Chief Electoral Officer's revised budget for 1968-69 having been called and a copy of the Chief Electoral Officer's Report dated September 11, 1968 being tabled, members of the Committee questioned the witness.

The Chief Electoral Officer was requested to provide a breakdown of election costs at a later date.

The Committee agreed to report and commend the Revised Estimates 1968-69 for the Chief Electoral Officer to the House.

At noon, the Committee adjourned to the call of the Chair.

Edouard Thomas,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, Oct. 31, 1968

• 1010

The Chairman: At the start I would like to mention that we have had the co-ordinating meeting of the different committees. It has been decided that we might sit during the evenings next week, and for this we will need a motion from any one of you. We need a motion to sit while the House is sitting. During the Private Members' hour, maybe.

[Interpretation]

Mr. Valade: Before submitting this proposal, I feel the Committee should give some thought, especially after the meeting of the committee chairmen, to the possibility of an agreement about early morning sessions. I have no objections to evening sittings but they do create problems. It means a twelve or thirteen-hour working day and I wonder if we can work effectively if we have evening sittings in addition to a normal day's work in other committees, in the House and in our offices.

The Chairman: Mr. Valade, at the co-ordinating committee meeting, which included members from all parties, the External Affairs Committee, the Broadcasting Committee, the Privileges and Elections Committee and even the Finance committee, it was found necessary that some committees agree to evening sessions to make it possible to sit at all. I take it then that you have no objections to evening sittings? It was also expected, I think, that most members would limit themselves to membership in two committees.

Mr. Valade: Mr. Chairman, three committees of which I am a member sit at intervals of half an hour in the morning, so there is obviously a conflict here. However, I do not want to object formally, but I wonder if the committee would give my suggestion some serious thought.

[English]

Mr. Mather: Mr. Chairman, on a point of order.

The Chairman: Yes.

Mr. Mather: I do not have any interpretation here.

Mr. Cafik: That is correct. There is none.

Mr. Richard: Is it the intention of the Committee to sit all the time in the evening, and never during the day? All the meetings will be in the evening?

The Chairman: No. Yesterday the co-ordinating meeting decided to correct the situation you found yourself in this morning, Mr. Valade, having to attend two different committees at the same time. This is to correct the situation. And in accepting the schedule proposed by the co-ordinating meeting, we would sit during the evenings next week, and with sitting during that time we will not have two different meetings at the same time.

Mr. Valade: Do you mean that this will be only a temporary arrangement?

The Chairman: Yes.

Mr. Cafik: Do you need a motion on the floor in order to allow us to sit while the House is sitting? Is this the object at the present moment?

The Chairman: Yes. This is the object. We need a motion from this Committee to put the motion before the House, to ask its permission to sit while the House is sitting.

See *Minutes of Proceedings*.

• 1015

The Chairman: Have you gentlemen received this report from Mr. Hamel? Do you have a copy of this report in your hands? We have here with us today Mr. Jean-Marc Hamel, who is the Chief Electoral Officer. With him is Mr. Fauvell, and Mr. Fournier. Mr. Fauvell is the Accountant for the Office.

We deeply regret that this morning we do not have interpretation here.

Mr. MacGuigan: Mr. Chairman, why do we not have interpretation?

The Chairman: This is what I tried to find out myself. It is lack of personnel, maybe.

Mr. MacGuigan: It seems to me it shows lack of respect for this Committee on the part of those who are administering this.

Mr. Mather: Mr. Chairman, I understand that another committee had that problem the other day—I forget which committee it was—and they passed a motion referring the problem to the Committee on Procedure of the House to rectify the situation as soon as possible, which I think is a very sensible idea, I imagine the problem is physical, that there are perhaps not that many interpreters available, but it is essential. I think we should have interpretation.

The Chairman: It is up to you to decide if we accept to go on without interpretation.

Mr. Sullivan: Mr. Chairman, what language are we going to speak?

The Chairman: Both, I think.

Mr. Portelance: Mr. Chairman, most of us here are French-speaking but understand English. There is no problem.

The Chairman: Well, I personally agree with every one of you that we should have, and we must have interpretation in our deliberations. The only thing we will have to decide—I will try to find out myself—is how it happened that we did not have any, and to make sure that it is not going to happen again. But for the time-being and for this meeting, if there are any objections to continuing our deliberations without interpretation, then we will just adjourn this meeting. But if we can go on this way...

Mr. Sullivan: Mr. Chairman, I think that if somebody will repeat in English what they said in French, I think it will be fine, but otherwise...

Mr. Mather: I would agree to proceed as best we can, Mr. Chairman, but it might be a point in line with what I have said earlier that another committee faced the same problem and they took the action of referring the matter to the Committee on Procedure to urge them to rectify this. It may add strength to that representation if our Committee were to do the same thing.

Mr. Valade: Mr. Chairman, on that point, we sensed that this was developing when we started because I spoke French to my good friend here Barry Mather who claimed that there was no translation and could not understand what I was saying. I do not mind

speaking English because I can do it, but there are some technical expressions sometimes and technical words which are difficult to translate into French, or into English. This is the difficulty. I do not mind going on myself, but I assure the Committee that I intend to speak in French sometimes. If this creates a problem for other members...

Mr. Mather: It seems to me that the thing to do is to try to rectify the present problem rather than stop the meeting. And I would move, if I had a seconder, that this committee urges the Committee on Procedure of the House to take up the matter of proper provision of interpretation to all the committees.

The Chairman: This is, I think, a good suggestion. We were not advised that we were not going to have interpretation this morning. We were only advised when we asked where the interpreter was. He was not here. I think we should try to carry on, but if there are objections or if there is something that anyone has to object to, we will adjourn.

• 1020

Mr. Mather: Would you accept the motion which I made?

The Chairman: Yes.

Mr. Valade: Just on that point, I see that there is a report from the Chief Electoral Officer here. Is this report going to be read in French? I have a French copy. Is it going to be read in French or in English?

The Chairman: Well, I had it in both languages.

Mr. Valade: Yes, I know, but is it going to be read by the Chair or by Mr. Hamel in French or in English? I want to follow it one way or another. If it is read in French, those members who only speak English may have difficulty in following it. If it is read in English, we can follow it in French.

Mr. Trudel: Do you intend to table the report, Mr. Chairman, or just read it?

An hon. Member: This will answer Mr. Valade's question.

The Chairman: I think, Mr. Valade, you must have received a French and an English copy.

Mr. Valade: I have a French report. I am sorry, I have a—

The Chairman: You have the English copy as well?

Mr. Valade: No, I am just asking if the report is going to be read or tabled?

The Chairman: This report has already been tabled in the House and referred to this Committee for consideration. This is the reason we have Mr. Hamel here. If you have any questions to put to him with regard to the matters raised by this report, he is here to give all the information he can.

Mr. Richard: Mr. Chairman, if I may say so, I think we should go ahead with this meeting. I think it would be very difficult to come back to another meeting and have the same situation.

The Chairman: I agree.

Mr. Richard: I think we should go ahead. I do not think we would have the same situation another time.

Mr. Mather: Then the motion still stands to refer this to the Parliamentary Committee on Procedure of the House. To try to rectify the situation for all committees as soon as possible. Is there a question on the motion?

The Chairman: This is a motion and I think it has already been seconded. Is anyone opposed to this motion?

Mr. Mather: It has been moved and seconded. It is a motion and I think we should have a vote on it.

The Chairman: We will have representations made to the Committee on Procedure of the House.

Mr. Hamel, do you have a statement to make?

Mr. Jean-Marc Hamel (Chief Electoral Officer): Thank you, Mr. Chairman. No, I do not have any statement. I am here to answer any questions you may wish to ask me. As the Chairman said, this report was tabled in the House at the beginning of this session, together with the report of the representation commissioner. So, I am at your disposal.

Mr. Jerome: Mr. Hamel, I noticed in a couple of places in your report you indicated that you will be submitting further commentary later on about some of the aspects of the election, and that your detailed report will be finalized sometime in March of next year. Will your further commentary on the last election come forward at that time or are you anticipating that you will be submitting something between now and then?

Mr. Hamel: There are two matters here. First of all, the report, which should be ready by March, is what we call the poll-by-poll report of the election. This is the report I have to submit after each election pursuant to Section 58 of the Act. This is being prepared and I understand that part of it is now with the printer. As I say, it should come out, about March. This is still our target date.

Mr. Jerome: I believe that is section 56.

Mr. Hamel: That is correct. As I say, this will be ready in March. This is the big blue book.

The second thing I refer to here is a series of amendments to the Canada Elections Act. As you know, under the Act I am expected to make recommendations to Parliament for the better administration of the Act.

• 1025

Mr. Jerome: Yes.

Mr. Hamel: You may recall that in 1963 the Standing Committee on Privileges and Elections considered a series of amendments, which were never enacted because of the dissolution of Parliament before they were actually considered by the House. Since then we have discovered there are a few other amendments which we feel should be submitted to you for the better administration of the Act. This is something else we are presently working on and it will be ready whenever the Committee decides to consider amendments to the Canada Elections act.

Mr. Jerome: So that your material is virtually ready at any time given reasonable notice?

Mr. Hamel: Oh, yes.

Mr. Jerome: Thank you.

Mr. Hamel: Although I must admit that this series of amendments to the Canada Elections Act is a fairly big task. It will have to be completely prepared with a new format. In 1963 it was prepared in the format which was in use at the time. It now means an English and a French version. We will now have to prepare it in bilingual form, which means that we will have to have a completely new printing of the whole series of amendments whatever we feel should be added to it in light of the last two elections.

The Chairman: Mr. Sullivan?

Mr. Sullivan: Mr. Chairman, will this Committee be supplied with office copies of the Canada Elections Act as it is presently amended and any other material, any studies made, for recommendations for amendments?

The Chairman: This is supposed to be referred to this Committee, but until it is referred to us by the House of Commons we have no right to study it. However, I am inclined to believe that it is going to be sought very soon. Do you have any other questions, Mr. Jerome?

Mr. Jerome: No, Mr. Chairman, I have no further questions.

The Chairman: Mr. Valade?

Mr. Valade: What is the work of the Committee before we get references from the House? What are we going to...

The Chairman: This is the budget of the whole office of the Chief Electoral Officer. If you want to examine the estimates of the Chief Electoral Officer, it has already been referred to this Committee and Mr. Hamel, Mr. Fauvelle and Mr. Fournier are here for this reason. If you have the Blue Book of the Estimates it is at page 441, Vote 45—office of the Chief Electoral Officer.

45. Office of the Chief Electoral Officer
(S) Expenses of elections including the salary of the Chief Electoral Officer
45 Salaries and Expenses of Office
\$14,428,180

Mr. Valade: Does Mr. Hamel have any general comments to make on this before we go into the estimates?

Mr. Hamel: No. The only comment I may make is that this is the budget that was prepared last year about this time and which was amended to include the approximate cost of the election. This is why it is called the Revised Estimates for 1968-69. So, this is the budget as submitted last year.

The Chairman: For your information, Mr. Valade, on this item of estimates you are allowed to ask Mr. Hamel any question you wish on any matter relating to his office.

Mr. Valade: Yes. On this question, Mr. Chairman I would like to ask Mr. Hamel to indicate to the Committee if he intends to change the representation in the poll workers—although "poll workers" is perhaps not the correct term—or does he intend to cover

up some expenses to the effect that parties will have electoral expenses paid by the government? Is this foreseen?

• 1030

Mr. Hamel: As I mentioned earlier, Mr. Valade, my obligation under the Act is to make recommendations for the better administration of the Act. I have a feeling that if I were to make a recommendation along these lines I might exceed my terms of reference. This would be a fundamental change in the Act, so I do not think I have the authority to make these kinds of recommendations to the Committee.

Mr. Valade: This is where we seem to be boxed in in our discussion. In my opinion, Mr. Chairman, these changes must be considered seriously by the Committee. Certainly, on this topic, we should have the Director General's opinion and an estimate of what would be the cost of such an amendment to the law.

In the documents tabled here there is such a recommendation in Appendix C which was submitted to you by Mr. Lizotte, the official agent for a candidate. He suggested that the electoral law be amended to bring it somewhat closer to that of the electoral law of the Province of Quebec which defines very clearly the ministerial and opposition parties' representation.

Certainly one of the objects of this Committee is to look into that possibility. If we do that there will have to be a forecast of, or some provision made for, what the cost will be and how it will be met. I think that information could be given by the Director General, who has vast experience, and whether it is feasible on a national scale.

Mr. Hamel: Perhaps it would be of interest to you gentlemen to know that whenever the Committee wishes to consider the Act I intend, at its first meeting, to table a copy of every suggestion received from the public and from different groups. Practically every week we receive, either directly or through some members or cabinet ministers, recommendations for amendments to the Act which would involve fundamental changes in the concept or in the philosophy of the Act. These I intend to table for the consideration of the Committee, without any specific recommendations in some cases.

If it involves my own responsibility for making amendments or recommendations for the better administration of the Act, I may

make a recommendation that this be, or be not, followed.

On your other point, about how much it might add to the total cost, this, I presume, would be quite easy to establish. If the Committee intended to make a certain change in the Act we could, on the basis of the number of polling stations we have, establish an approximate cost for the coming election.

One final comment I would like to make on that subject is that if you refer to the committee which prepared the amendments to the Act of 1960, the Act that is now in force, you will see that a number of amendments originated from that committee. I am thinking of one at the moment regarding the use of English French in New Brunswick.

In 1963 the same thing happened. Although these were never enacted, a number of amendments to the Act were recommended on the initiative of the committee and not on the initiative of the Chief Electoral Officer.

Therefore, amendments could come, as I say, from your Committee, on the one hand, and also from recommendations emanating from my own office.

Mr. Valade: Mr. Hamel, do you feel that in the last election you had sufficient personnel and that the arrangements were such as to meet the obligations of your office in an efficient way, or were you short of personnel? Were there any problems in communications and materials?

• 1035

I put this question because I complained to the returning officer in my area that they were lacking some materials. His reply was that they had been asking for this in Ottawa, through your office, and that they were not supplied enough material. Were you short of personnel or material?

Mr. Hamel: We were certainly not short of material, and I do not think we were short of personnel. This might have been only an excuse. I think every returning officer was provided not only with enough material but usually with some additional supplies just in case he would need more than we had expected.

As I say, I cannot understand how this could happen, because generally I think we were quite fast in answering any request for additional supplies. By and large, and judging by the return we had of unused material from the districts, I think most of the return-

ing officers had much more than they actually needed.

Mr. Valade: On another subject, because this particular problem may have been a local one, did you receive many complaints during the campaign, Mr. Hamel, on the conduct of the election in ridings? Were you subject to many demands for inquiries. Were there complaints about the activities of returning officers throughout Canada, or was it regionalized?

Mr. Hamel: I did not receive any official complaint under section 58 of the Act. I received, of course, the odd oral complaint or, at times, some letters but never specifically accusing an election officer of having contravened some section of the Act. Neither did I receive any complaint specifically pursuant to section 58, in which case I would have had to take action in conjunction with the Representation Commission.

Mr. Valade: You say "specifically", Mr. Hamel. I remember sending a telegram to your office complaining of the activities of my returning officer. During an election, when a candidate is busy with his campaign, I know it is technically difficult to ask him to make an official written accusation to your office, with all the requisite information, but I know that I have sent many telegrams to you and have telephoned many times to protest against certain irregularities.

This brings me to the following question: How do you deal with the complaints that are made to your office by an official candidate during an election?

Mr. Hamel: Every complaint, be it oral or in writing, under section 58 of the Act has to appear in the report that is tabled in the House. However, we follow up on every other complaint and write the returning officer and ask for his explanation and in all cases, as you probably remember, we send copies of the reply of the returning officer to whoever complained against him.

Mr. Valade: I want to be more specific and I am asking these questions because perhaps they will assist the Committee later on when it is discussing proposed amendments.

Do you consider your office has the necessary tools to make inquiries *in vivo—de visu*, if you wish me to use this word—on the spot when a serious complaint is made about a returning officer not doing his job properly?

• 1040

As an example of this, I complained that the locale used by the returning officer was not suitable for the ordinary conduct of an election. I remember your office informed me that, after having inquired, they found the premises to be in accordance with the regulations. I still maintain they were not in conformity with the spirit of these regulations.

Now I ask the question whether, with a view to clearing this matter up, your office could not have a better arrangement by which it could inquire into these complaints on the spot? If you rely on a report which can be made by an RCMP officer or an investigator of some sort who may have no idea of the complaint or the situation, do you not think this is a very important matter for an election? This caused a lot of problems in my area. The premises were not even in accordance with the requirements of City Hall because there was a hazard in the stairs used to reach the premises. It was a hazard that could have caused accidents. The space was so narrow that no more than two persons could accommodate themselves in that office when the regulations state that the premises should allow all the functions of an election to go smoothly. Now, the answers I received, after inquiry, were that the premises met the requirements.

I am asking the question, based on an example, if there is no way these complaints could be more efficiently investigated. In any complaint that is made, of course, the person responsible for investigating should at least have contact with those who make the complaints.

Mr. Hamel: Well, we have many ways of establishing whether the premises selected by the returning officer to use as his own office are adequate or not. I may say that during the last election we forced a few Returning Officers to move because it was demonstrated to us that the premises were not adequate. However, in the particular case in point, all the information I had was to the effect that this was suitable.

In fact, in large cities reports are presented to me even before any complaint is received, to make sure that the premises are adequate, not only from the physical point of view, that is from the point of view of allowing the people to go and come easily, but also from the security point of view. Apparently everything was in order. I for one, consider that

our present way of investigating these complaints is quite efficient.

Mr. Valade: How do you go about having the complaints investigated. Maybe that will help me to put my suggestions later on. How do you go about investigating a complaint? Do you have a regular staff or a special staff for investigation, particularly during an election period?

Mr. Hamel: We mainly use the facilities of the RCMP.

Mr. Valade: The RCMP?

Mr. Hamel: Yes, and this has been done for years as far as I know.

Mr. Valade: I will pass.

Mr. Richard: Mr. Chairman, I have a supplementary to this specific question. Are there any restrictions on the returning officer about choosing a site? Why do they have to choose a cheap site or something that would not be decent? What are the restrictions on choosing a proper office? Why should they not choose something good? Are there limitations?

• 1045

Mr. Hamel: No. We cannot establish a flat rate or a flat rent because conditions vary too much from one end of the country to the other. The only advice we give them is to try to get something reasonable, at a reasonable cost. I have heard that some returning officers were establishing their offices in pretty shabby places, in old stores and so on. This is something we may have to look into more carefully next time. It is a question of cost for an area. We are trying to keep the cost down as much as we can, but on the other hand, some people might be satisfied—I may add that in same places it is not easy to find a decent place for two months or two and a half months because it is just not possible to find something adequate for that period.

Mr. Richard: It is not due to any restriction that you put on cost or anything?

Mr. Hamel: No, we do not impose any ceiling because this would be unrealistic. Perhaps for \$200 a month you could find something very good in a small town, while in Toronto, Montreal or Vancouver you would not even get a shack for that.

Mr. Richard: There is really no reason for using all these shabby places that we use in

most cases as offices for returning officers during elections?

Mr. Hamel: Another thing you have to remember is that the returning officer cannot afford to take a week or two weeks to find a place. He has to do it in a matter of hours because under the law he has to open an office immediately after the election is called. So at times he may only have a day or two days or three days.

Mr. Richard: I will come back later.

Mr. Mazankowski: I am just wondering whether some terms of reference should not be outlined in this case. For example, in my constituency the returning officer operated out of his own home. While I am not complaining about it, he was very accommodating and he co-operated in every way, shape or form, but it seems rather strange that one should have to operate out of a basement in his home and in rather cramped quarters. Now, if there is a restriction, in a town of 4,000 people certainly some accommodation could be made available, you would think. Do you have any restrictions in so far as that is concerned?

Mr. Hamel: Under the law the returning officer is responsible for selecting his own office space and the only advice we give him is to try to keep it to a reasonable cost. Many of them, for a number of reasons which I do not have to explain because they have a basement or a couple of extra rooms in their house, will rent this for election purposes. In some cases, as I say, we had to force them to rent something else either for briefing the enumerators or for election night, because there was just no way to move TV cameras in or for the press people to go in.

As I say, it is very difficult under the terms of the present law to tell a returning officer: "You are not going to use your own house." We ask them two questions when they come to use for an office. First, the number of square feet, is it large enough for the kind of work you intend to do, and second, how much does it cost? If it is 400 square feet and he is asking us \$1,000 for two months, well, we will say: "Well, be reasonable," or, "Maybe 400 square feet is not enough." However, as I say, there is no—I do not think there could be any fast rule on this because of local conditions, even in the same city. For example, in Edmonton, some of the Edmonton returning officers had no problem at all but one of them, as I understand it, had a

heck of a time finding a place. In Montreal, and in Toronto, it is the same thing.

Mr. MacGuigan: I would just like to follow up on this. First of all, do I understand that they may rent from themselves? You rent from them? I mean, they can profit financially from it?

Mr. Hamel: In that case we would pay them rent for that portion of their house which they will use as their election office.

Mr. MacGuigan: Fine. I understand there is now a permanent group of returning officers who remain with you from election to election. Did you find there was a need to replace many of these returning officers before this election? Is this a fairly stable group?

Mr. Hamel: This is not new. Returning officers under the Canada Elections Act for quite a while have been appointed almost for an indeterminate period. Before the last election a number had to be appointed, not because they resigned, and so on, but because under the new electoral map there were 258 new electoral districts. The Representation Order of 1966 made tremendous changes in the representation in Canada and only six electoral districts remained unchanged. The mandate, the returning officer who was in function before which he had terminated with the life of his own electoral district and for the new district a returning officer had to be appointed and, by the way, as you know returning officers are appointed by the government and not by me, so we had—I do not know—over 200 returning officers who were pretty new to the job for the last election.

• 1050

Mr. MacGuigan: Yes. Do you train these people? Do they just get materials or do you actually have an oral training session for them?

Mr. Hamel: We feel that it would be unfair for these people just to throw the book at them and say, "Well, this is your job and you try to do it the best you can."

Usually we had a three-day course for these people as soon as they are appointed. They are called to Ottawa and they spend a couple of days on the Canada Elections Act, on the practices, on procedures and so on, and then one day on the financial aspect of conducting an election, what is allowed and what is not allowed and which accounts you

pay and which accounts we pay from Ottawa, and so on.

Unfortunately, when an election is called usually a number of people get scared, or a number of people are not available. In the last election, for instance, we had two in Europe. One of them could not come back on time. We had one who was involved in a car accident the week before and was in hospital and was not due to be out of the hospital before July.

So these people had to be replaced and the election had been called and as you know there is a period of about 10 days between the day the writs are issued and the beginning of the enumeration. During that period of time the returning officer has to select and appoint his enumerators, select an office for his own use, have his proclamation printed and a number of other chores, you know. So every day is very important. In those cases we gave them only a very condensed course of no more than about a day and fortunately, with the exception of one, they were all from places not too far from Ottawa. It meant they could come here in the same day.

Mr. MacGuigan: Do they in turn instruct their deputy returning officers orally as well as giving them materials?

Mr. Hamel: They are expected to train them.

Mr. MacGuigan: I am wondering how the early counting of ballots could have occurred in a number of polls. Is there a feeling that the deputy returning officers were not adequately instructed in these polls? This would seem to be fairly elementary.

Mr. Hamel: Do you mean mistakes in the counting of the ballots in the poll itself, or in the compilation in the office of the returning officer?

Mr. MacGuigan: No. Apparently it was ballot papers cast at advance polling stations that were counted early in this case. I am referring to your report on page 3. Nine deputy returning officers made a count before the allowed time.

Mr. Hamel: On that point—and I am not divulging any secret because this was part of the series of recommendations made in 1963—there will have to be some amendment to the Canada Elections Act if we want to avoid this in future because, if you look at my predecessor's reports after the 1965 election, 1963

and 1962, this is not new. This happened at every election. In fact, in 1965 the number was less than in 1968, but in 1963 the number was much higher than in 1968 and this in spite of specific instructions issued.

I investigated each case and in each case the deputy returning officer acting at the advance poll received very specific instructions. Now, why did they do it? I do not know. In all cases, as you know, the pay is forfeited. They lose their \$50.

• 1055

Mr. MacGuigan: Yes.

Mr. Hamel: I cannot go any further than that at the moment.

Mr. MacGuigan: On the other matter you mentioned that some DRO's were reluctant to accept responsibility for the custody of the ballot boxes for the period from the close of the advance polls until 9.00 p.m. on the ordinary polling day, do you expect the DRO's individually to keep these boxes.

Mr. Hamel: Under the law they have to.

Mr. MacGuigan: That seems not to be a very secure proceeding in any case. It leads to a proliferation of depositories for the ballot boxes.

Mr. Hamel: In essence this is the recommendation I intend to make to you people. Instead of asking DRO's to keep custody of boxes between the close of the advance poll and the polling day, they should be transmitted to the returning officer for custody.

Mr. MacGuigan: I have just one final question. At Appendix C, is one suggestion for change in the Canada Elections Act. Why is this the only suggestion for amendment which you append to your report?

Mr. Hamel: This is the only recommendation received that is specifically pursuant to section 58 of the Canada Elections Act. We received a number of other suggestions from associations, other handicapped people, blind people and so on, and these will be submitted to the Committee at the beginning of its first session. This will be tabled.

Mr. MacGuigan: Thank you.

The Chairman: Mr. Rose?

Mr. Rose: My question is supplementary to something that Mr. MacGuigan said. He said that you and your office do not appoint the

returning officers; that is done by the government.

Mr. Hamel: That is correct.

Mr. Rose: You see, this brings up all kinds of interesting aspects of political patronage and that kind of thing in the appointment of these various returning officers, and I am interested in knowing what kind of recommendations you might have in this connection.

Mr. Hamel: I do not have any recommendations. If you go back, I think to about 1930, the Chief Electoral Officer was responsible for the appointment of the returning officers. I do not think this would be efficient because I do not have the machinery, having my office in Ottawa, if at the beginning of an election a returning officer drops dead or decides not to take the job away out in British Columbia, Alberta or in Saskatchewan, to try to find a replacement.

Mr. Rose: Do I understand, then, that the returning officers are appointed by the province or some organization within the province?

Mr. Hamel: That I do not know. This is the responsibility of the government. How they go about getting their names I do not know.

Mr. Rose: It seems very strange, sir, that no one knows something as vital and as basic as this and I just cannot conceive its happening. It is like the answer we got yesterday concerning the political affiliations of appointees. I am not laying this at the door of any one political party, because I think this certainly has happened under both of the major political parties, but I think we could certainly look to some other kind of method for appointing these people, because I am convinced that not always are the best people appointed for this purpose and further, that there have been some very capable ones that have been replaced regardless of the changing of the boundaries.

I will not pursue this any further because I think we must be loyal to the kind of supplementary privileges we are allowed here. I have other points, but I know there are other people who had their hands up to be next. Do you have any further comments on this?

Mr. Hamel: This has been in the Canada Elections Act since 1937, so far as I know, and it was again put in the Canada Elections Act in 1960 when it was last amended. In

other words in 1960 when the Canada Elections Act was amended, if you read section 8, it says that every returning officer holding office at that time shall be deemed to have ceased to be a returning officer and new appointments will be made. This has been the case so far as I know since 1937.

Mind you, a number of returning officers—not too many—have been in office for quite awhile. I have one appointed in 1938 who has acted at every election since then except the election of 1945 while he was serving, and there are two or three I can think of at the moment who have been in office since 1950, 1949, 1952. There is a small group. . .

• 1100

Mr. Rose: They are in the minority, are they not?

Mr. Hamel: Yes.

Mr. Rose: Thank you.

The Chairman: Mr. Mather?

Mr. Valade: I have a supplementary related to that same question.

The Chairman: Mr. Valade?

[Interpretation]

Mr. Valade: I should first like to ask a question.

What authority does the Director General have to lay off a returning officer against whom official complaints have been made? Must he apply to the governor-in-council, and wait for the governor-in-council to make other recommendations to replace him?

Mr. Hamel: No authority, either for appointments or suspensions or for laying off any returning officer. According to section 8 of the Act, the governor-in-council has full authority. The only thing I can do, if the returning officer does not do his work in a competent way, is to recommend to the governor-in-council that he should be dismissed. I have done that only once over the past 2 and a half years. Although the man concerned had been appointed a year and a half ago, I could not get him to sign the papers. So, I recommended that he be replaced.

Mr. Valade: This procedure is valid in a normal election period, but I am speaking of the period of time when the list is issued. Under this procedure can you replace a returning officer during that short period of

time, if you have a very serious grievance against him, and if you recommend this dismissal to the governor-in-council? Do you have enough time to make a replacement in such a short time, or will the decision be made only after the elections?

Mr. Hamel: Well, if something very serious were to happen during an election, the recommendation would go to the Secretary of State, who is responsible to the governor-in-council for the application of this Section of the Act, and I imagine that a decision would be made immediately.

Mr. Valade: Is it physically possible to make such a change during election time?

Mr. Hamel: Well, of course, we would have very serious problems.

Mr. Portelance: According to the Act, the returning officer of the riding would have to deal with the problem.

Mr. Hamel: If the returning officer is unable to carry out his duties, dies, or resigns, the election secretary becomes acting returning officer for the riding.

Mr. Valade: On an interim basis. But not necessarily for the election period.

Mr. Hamel: He will carry out his duties until replaced. This means that the problem is serious. Because of the provisions of the Act, it is impossible to ensure the replacement of a returning officer during election time without an order from the Governor in Council.

Mr. Valade: Do you intend to submit a sub-amendment to the Committee with respect to this?

Mr. Hamel: No, for the same reason I gave a while ago, I do not feel that I have the authority to make such a recommendation. This would be a radical change in the Act, and I am only entitled to recommend changes which would facilitate the administration of the Act.

Mr. Valade: This is exactly the question which was posed by my colleague, awhile ago. If this returning officer, whether it be the clerk or some other person in charge of the polls, were to become "ipso facto" the returning officer, this would solve the problem without having recourse to the governor-in-council.

Mr. Hamel: We would of course need a change in the present Act.

Mr. Valade: Yes. That is why I am asking you whether you actually intend to recommend such a change in the Act?

Mr. Portelance: Mr. Chairman, I wish to ask a supplementary question. At present, the secretary replaces the returning officer until the latter is appointed. Actually, the secretary himself can also be appointed, can he not?

Mr. Hamel: Yes, it happened in Prince Edward Island, the returning officer died two days after the elections. So, his wife, who was his secretary during the elections, became, "ipso facto," the acting returning officer, and was appointed to this post in due course.

Mr. Portelance: Apparently, Mr. Lizotte states in Appendix VI, that the Act is not very clear. Regarding the appointment of returning officers, clerks, and secretaries, I believe however, that the Act is clear, but one may not always be in a good position to judge it. Of course, this may not be very pleasant to all parties participating in the campaign. The Act is not very clear, where paying the secretary is concerned. I believe the Quebec Act is much clearer. The secretary knows exactly where he stands with regard to his salary. But the Federal Act does not provide any such clear information.

Mr. Hamel: I think we have to make two distinctions. There are two procedures concerning the choice of enumerators, rural procedure and urban procedure.

• 1105

For instance, in the urban procedure, the candidate elected in the preceding election, i.e. the member who sat in the previous parliament, and the candidate who had the largest following number of votes, in the preceding election are to recommend the enumerators to be appointed by the returning officer.

In the rural procedure, it is the returning officer who, according to the act, chooses and appoints the enumerators, and deputy-returning officers.

As far as the secretary is concerned, two points must be mentioned: according to the Act, the secretary should know his exact duties at appointment. He must be present on nomination day, during the provisional days, and on the official polling day. Provision is made for his fee. But, the returning officer occasionally uses the same person as chief office clerk or private secretary. If he uses

him as a messenger, there is no problem: we pay him. But if he uses him in his office to write his correspondence we pay him a given amount based on the number of names on the voters' register. That person is paid according to an agreement between the returning officer and himself. And that's where we occasionally have some problems. But, this is completely beyond our control.

Mr. Portelance: I feel, however, that some suggestions should be made so that under the new Act, the secretaries can be remunerated according to an established rate.

Mr. Hamel: Well, of course, he then ceases to be an election secretary and becomes a mere employee of the returning officer.

Some returning officers, for instance, instead of hiring people for the office, ask schools for the blind or retarded children's schools to help addressing envelopes in which the lists of electors are sent to the electors. Others have hired from 1 to 6 girls to do the job.

Mr. Portelance: Mr. Hamel, on that same point: a returning officer must have someone to replace him when he is away. This requires a responsible person. That is where the Provincial Act allows the returning officer to appoint a secretary to replace him when he is absent. Someone has to be in the office all the time. If the Act does not provide for the returning officer to be able to appoint someone to replace him occasionally, he is not entitled to do so.

Mr. Hamel: Yes, he can do it. For instance, I know of a returning officer who was paid \$3,200 for his expenses, for clerical help. Which means all the clerical work done in his office. The person appointed claims she has not received a cent! Unfortunately, I heard about it when the returning officer had already been paid.

Mr. Portelance: Does this person have any recourse?

[English]

The Chairman: Mr. Mather?

Mr. Mather: Mr. Chairman, the Commissioner has indicated that he has several recommendations to make later, I think, in regard to improving the electoral system. I hope one of those recommendations will be in an area where reform is very long overdue, and that is, the situation as affects the indus-

trial worker, particularly in the part of the country I come from, the lower mainland of British Columbia. We have hundreds if not thousands, of industrial workers, loggers and fishermen who, during any summer election, are away for several days and maybe weeks prior to the advance pool, on the fishing grounds, in the logging camps, in the mining areas of the province, hundreds of miles away from their own voting constituency. These people by means of not being able to vote at the advanced poll and not being able to get back to vote in their own riding, in effect are disenfranchised, and in many cases have been for some years. I do not know whether the Commissioner can make recommendations in that field. I do know that different election committees of this House over many years, have studied this same problem and have made recommendations toward reforming it. I think it is really an issue that we should concern ourselves with, if not now, perhaps later on.

• 1110

In the case of the members of the armed services, we have in effect absentee voting. It is not just because members of the armed services usually vote very much against the party I happen to represent that I am raising this, or that members of the industrial workers usually vote very much in favour of our party that I am raising this, but there is a disparity there, an imbalance. My question is whether the Commissioner would consider, or if he is considering, bringing in recommendations to change and improve that situation. If he is not, I can tell the Committee that if I am a member of the Committee I will be doing so later on.

The Chairman: I do not want to answer this question, Mr. Mather, but I may say at this point that at the beginning of his remarks Mr. Hamel stated his terms of reference and he is here within his administrative responsibilities as Chief Electoral Officer. I do not think he has any authority at this time to make recommendations except for the improvement of the administrative part of the law.

Mr. Mather: I think this would be a considerable improvement in the operation of the law.

Mr. Hamel: I just want to mention that at the very beginning of this session you had Mr. Castonguay's report which he tabled pur-

suant to the Representation Commissioner Act. I see a copy of that report over there, and this kind of situation is covered in it. I presume the Committee will consider this matter whenever it studies that report.

Mr. Mather: Thank you. It is not in your province to make that type of recommendation at this time?

Mr. Hamel: No, the Representation Commissioner was asked by Parliament in 1964 to make a specific study of this problem. This is one of many problems, this is one facet of...

The Chairman: At a subsequent meeting we will have Mr. Castonguay here and then you can ask him questions.

Mr. Mather: Yes.

The Chairman: Mr. Mazankowski?

Mr. Mazankowski: Yes, Mr. Chairman, I have a supplementary with respect to the matter of returning officers. Who does, in fact, make the appointments of returning officers, and upon whose recommendations, and upon what qualifications are such appointments made?

Mr. Hamel: Well, the appointment is made by way of an Order in Council on the recommendation of the Secretary of State. Beyond that, well, this is completely outside my own jurisdiction.

Mr. Mazankowski: Legally, you do not make the appointments officially?

Mr. Hamel: The first I know of a returning officer is when I get a copy of the Order in Council giving me the name and the address of the man, then I get in touch with him to see what he looks like.

Mr. Mazankowski: Thank you.

• 1115

[Interpretation]

Mr. Valade: A supplementary question, Mr. Hamel. When you happen to learn the names of the deputy returning officers recommended by the governor in council, are you able to judge whether they include candidates who are not qualified. If you feel that the person is not qualified, do you have the authority to intervene? Have you any discretionary powers to enable you to ensure that the election is properly conducted. Have you the authority to make recommendations to the governor-in-

council in this regard? Because you might find cases where the person is unable to do the job, is not competent. In that case, are you helpless. You must accept a recommendation which is inconsistent with efficient performance of the job.

Mr. Hamel: This is very difficult to establish. Among our returning officers, we have people from nearly all professions, all walks of life,—farmers, foremen, doctors, lawyers and so on.

Mr. Valade: Excuse me, Mr. Hamel this is not a "red herring" and I do appreciate your difficulty.

Mr. Hamel: Well, these people come to the office for three days. It is very difficult, in three days, to decide whether a fellow is able or unable to do the work. What we have tried to do, is to show them that this is not an easy job. Many think that it is a kind of a job which takes an hour or two per day, even during election time. So we try to impress upon them that their work involves serious responsibilities, is time consuming, and calls for a lot of effort.

Occasionally, some returning officers may give us the impression that they will have serious difficulties because of a lack of education or resourcefulness but these sometimes turn out to be the best we have. So until a man has actually been put to the test, it is very difficult to find out whether he is able or unable to do the work.

Mr. Valade: Well, it may be that my question was not very clearly put. What I mean is this. When as director-general, you actually find out that a returning officer is not up to the job, you do not then seem to have the discretionary authority to replace him or even to recommend his replacement.

Mr. Hamel: Only if there is some violation of the Act. Competence is certainly included among the conditions in the returning officer's oath of office.

Mr. Valade: But apparently, your terms of reference do not seem to give you the discretion to recommend a change.

Mr. Hamel: Well, as I said a while ago, I did so in one case. If I am convinced that a man is not competent to do the job, this is of course a very serious matter and we must have very serious reasons before making such a recommendation, of course.

Mr. Valade: Well, I am amazed at the scope of your authority. It seems that you are subject to rather strict control concerning your freedom, to seek out the best possible staff to run an election. And you always seem to be bound by an order-in-council in such decisions. Well, I have no wish to keep anyone else from speaking...

The Chairman: No, go ahead.

Mr. Valade: I wanted to ask another question concerning the number of spoiled ballots during an election. Often, during an election, perhaps in some ridings only, there is a large number of spoiled ballots. When a candidate feels there is an undue number of spoiled ballots in an election, his only way to verify to find out whether these ballots are for him or against him, is to ask for a judicial recount. Do you not think that there should be some sort of mechanism which would allow for a recount of such ballots, without resorting to judicial recount, legal recount. Do you not think that we should have some sort of machinery to consider the spoiled ballots only? My own case is a special one. I checked with your office and apparently, in my constituency, 3.8 p. 100 of the ballots were spoiled. I think the national average was about 1.3. So if I lost an election, I would have to take legal steps, legal measures to ask for a judicial recount, which of course, involves considerable expense, which might be between fifteen hundred to three thousand dollars or even more.

Do you not think that there could be some sort of machinery by which wasted ballots could be counted during the official recount without resorting to a judicial recount? That would apply only to wasted ballots.

Mr. Hamel: Well the protection which you have at present is through the agent of the candidate who is present in the office during the counting of the ballots. I admit that we have not tallied the total ballots rejected during the 1968 election. I know that in some districts, including yours, the number of rejected ballots is larger than average. The average of the whole country is about 1 per cent or a little above 1 per cent. I have three districts in mind where the number was well above that average. The same occurred in 1965. I do not have the figures here but if you look at Quebec, in general, the number of rejected ballots has been higher than in the rest of the country. We must say that there have been quite big discrepancies. However, in Quebec, there is little difference in the average number of rejected ballots in provin-

cial elections and federal elections. Why is this so? I'm afraid I don't know.

• 1120

Mr. Valade: Mr. Hamel, my point concerns the recount machinery of such ballots. During elections, candidates have no way of finding out whether the rejected ballots are actually ballots which should be rejected according to the letter and meaning of the Act.

I wonder whether the Committee could not upon your recommendation, devise a process whereby it would be possible, during the official recount, to set aside the envelopes of rejected ballots which may not be opened at the time of the official counting. You have the returning officers' report, but you are not allowed to open the envelopes of rejected ballots to find out, in the presence of those concerned, whether or not such ballots should actually have been rejected. I wonder whether you intend to propose or recommend any changes...

The Chairman: Mr. Valade, I think that Mr. Hamel has already answered that question. As far as the possibilities of amending the Act are concerned, except for administration questions which concern him, I do not think that the question you ask is actually under his authority.

Mr. Valade: Mr. Chairman, I thought I was in line with our discussion, to find out the kind of suggestions which Mr. Hamel could make in order to amend the Act.

At this stage of our work, I think we are simply looking into the various difficulties which arise from the Act. This I consider an extremely serious problem because a candidate has no way of finding out whether rejected ballots were actually rejected in strict accordance with the various causes stipulated in the Act. In order to do this, the candidate must request a judicial recount. I should like to ask the Director General whether this is not a case where an Act ought to be amended because I think this is an administrative matter.

The Chairman: I believe the question has already been answered. Actually, the amendment of the Act is under our jurisdiction and not that of the Director General.

Mr. Valade: Naturally on the recommendation of the Director General.

Now, to switch to something else...

[English] *Mr. Hamel:*

The Chairman: With your permission, Mr. Valade, I will now call on Mr. Peters.

• 1125

Mr. Peters: Mr. Hamel, is a service being provided similar to that in Ontario where they have an electoral court composed of a judge and a number of people who review specific offences that may take place in an election? I think they call it an electoral board.

Do we have this method of reviewing Federal elections, and can an offence or an omission that may be committed by the returning officer be brought before an agency in the area concerned?

I am thinking of the example you used a few minutes ago, of a person not being paid where there appears to have been a service rendered. Can this be referred to an electoral board in the area?

Mr. Hamel: Under the Canada Elections Act there is no election board, or electoral board, as it might exist in certain other provinces.

When an election officer is alleged to have been guilty of an offence under the Act it is up to the Chief Electoral Officer, or, under the terms of the present Act, up to the Representation Commissioner, to take action.

If any person other than an election officer is alleged to have been guilty of an offence any individual can take action, and it is a private action in that case. It is up to whomever is aware of the action to lay charges with the appropriate authorities.

Mr. Peters: In Ontario it seems to be of dubious value, and I do not really know what finally happens when an individual has to lay a charge, but have you considered the different systems that the provinces may use?

It seems to me that every Member of Parliament is in a position in his own area to correct some of the problems that develop, and will continue to develop. I have seen a number of these problems recur. Are any of the provinces using machinery better suited to correcting some of these local difficulties or problems that arise with deputy returning officers, or that develop in the election machinery, rather than doing it through the Act? Have you considered any alternative ways of doing this?

Mr. Hamel: No, not at the moment. I am not aware of any provision in provincial legislation about this.

Mr. Mather: May I ask a supplementary question?

The Chairman: Yes, Mr. Mather.

Mr. Mather: Can the Commissioner say whether other countries, such as Australia or Britain, have any sort of court, to which Mr. Peters has referred in the provincial sense, for dealing with problems, on protests, arising out of an election? Does any machinery, different from our own, exist in say, Australia?

Mr. Hamel: Not on this matter, no.

The Chairman: Mr. Peddle?

Mr. Peddle: Mr. Hamel, the result of the election in Humber-St. George's-St. Barbe is being contested before the Court. Can you tell the Committee the background to that situation?

Mr. Hamel: The information I have I got from the copy of the brief submitted to the judge.

It is alleged that a number of polls worked on daylight saving time instead of on standard time; in other words they opened one hour too early in the morning and closed one hour too early in the evening. I understand this is the basis of the action. I understand about 15 polls closed at 7 o'clock daylight saving time instead of at 8 o'clock daylight saving time.

Mr. Peddle: Did this happen anywhere else in Canada?

Mr. Hamel: Not that I know of; I know of a number of polls in sections of rural Quebec and rural Ontario which opened at 8 o'clock daylight saving time. I heard about it in the afternoon and I told them to stay open until 8 o'clock because the opening time is far less important than the closing time.

• 1130

It is very important to me that they all close at the same time. Therefore, they were open for 12 hours, but at least they closed at the same time as the others.

[Interpretation]

Mr. Portelance: Mr. Hamel, do you have an assistant during elections, for instance, in Montreal or in large centres?

Mr. Hamel: No.

Mr. Portelance: Which means that even before the returning officer can have the ballots printed, no one is authorized to have this printing done without him.

Mr. Hamel: According to the Act, this is the responsibility of the returning officer. All elections are conducted from my office in Ottawa.

But if you look at the meaning of the Federal Act, the returning officer, in his constituency apparently has all the responsibility. The returning officer has powers which I myself do not have. He has duties which I cannot perform on his behalf. He is supplied with all the material necessary and with necessary controls, but from thereafter he is on his own. With modern communications we can settle some problems, for instance, we have several cases in isolated places where we found errors on the ballot paper two days before the advanced poll, and we were able to replace them in time.

Mr. Portelance: A further question. I know that Quebec is smaller than Canada, if you like, but the Chairman of the Election appoints an assistant in the large centres. For instance, no returning officer can order the printing without the higher official's signature. This eliminates many errors and the letters are uniform. In a word there is a standard guide-line.

Mr. Hamel: It should be remembered, too, that in this regard the Quebec ballot paper is different and that the Quebec Act restricts the printing which must appear on the part of the ballot paper so that there is no blank where people might write their cross, while the Federal paper is required by the Act to be open.

There is a big blank space where the name and address of the candidate are printed and the cross must be made at the end. All that is required to leave sufficient space, I think it is an inch, between the end of the name of the candidate and the end of the ballot paper so that there is enough space for the cross to be marked.

But according to the present Act, I have no authority to appoint or to delegate a representative or an assistant in Montreal, Toronto or Winnipeg.

Mr. Portelance: Do you think this would be a help from your point of view?

Mr. Hamel: It all depends on the kind of powers to be delegated. According to the present Act, there is no delegation authority.

• 1135

[English]

The Chairman: Mr. Jerome?

Mr. Jerome: Mr. Chairman, I notice in the estimates of the Secretary of State concerning the election, that in excess of \$14 million was estimated for the cost of the election as per statute, and I was wondering if the Chief Electoral Officer will be tabling, for the consideration of this Committee, a detailed report of the distribution of the actual cost of the 1968 election?

Mr. Hamel: We usually do. What we had last time was a breakdown by district, by province, and under a certain number of headings, such as preliminary duties, and the revision of the boundaries of the polling divisions. I have the report for the last election here—returning officer's services and expenses, printing, cost of polling stations, cost of enumeration, and finally the total for each electoral district in Canada. Then the sub-total for each province; as well as the sub-total under each of the main headings, such as. . .

Mr. Jerome: Are you required to complete and file that report with Parliament?

Mr. Hamel: No.

Mr. Jerome: So unless we request you to table it before this Committee, you are not required by any statute to do so?

Mr. Hamel: No. We will do it in any event. If you wish to have a look at it we would be pleased to table it. Exactly when we will be in a position to do it, I really do not know. We still have a number of returning officers who have not submitted their personal account.

Mr. Jerome: Right. I am very anxious that at some time during the course of the work of this Committee we examine that detailed breakdown. If you would be good enough to go ahead and make copies available for the members of the Committee or something of that sort I do not know whether a motion is required to that effect, if it is I so move.

The Chairman: It is a good suggestion. Do you have an idea of when it would be feasible?

Mr. Hamel: I am told that sometime towards late December we could have this ready, fairly complete.

Mr. Jerome: Yes. If, Mr. Chairman, you feel that it requires a motion I would be prepared to so move.

The Chairman: It does not require a motion.

Mr. MacGuigan: Mr. Chairman, I have one small question. I had a number of complaints from election workers after the election. My recollection is that it was from workers in the advance polls, perhaps it is in the course of revision, but they had not been paid as promptly as those who worked on election day, which seemed a bit incongruous in view of the fact that their duties ended earlier. The explanation I had at the time was that because they were paid from Ottawa their cheques were necessarily longer in coming, but there was a rather lengthy delay it seemed this year. Is this usual, or can anything be done to speed up this process of payment?

Mr. Hamel: Well, this could be due to one of many factors or a combination of many factors.

First of all, we cannot pay earlier than the date we receive the account through the returning officers office and some of them were pretty slow in sending their accounts out.

Second, we had the postal strike, which kept the whole thing at a standstill for a while. Finally, in some cases some people were paid but forgot about it. We receive at times complaints either from you people or from individuals complaining that they have not received any cheque. One day we received 18 complaints like this, and we referred 18 complaints to the Comptroller of the Treasury to find out whether the cheque had been issued and so on. Out of 18, 16 had been cashed by the right person.

Mr. Mather: They are so small, they did not notice them.

Mr. Hamel: One even said the cheque was so attractive that he thought it was some publicity material.

Mr. Richard: Mr. Hamel, my question is in connection with the preliminary work done by the returning officer to prepare a map showing the polling divisions. I have always found that it was a pretty cheap job. We get

a map that is outlined in red pencil or something, and I have always thought that your office, after receiving this map showing the divisions, should be able to produce a decent map showing these divisions so we would understand exactly what the divisions are, by streets; I am talking about cities.

At election time, one of the great difficulties we have in enumeration, as you know, is that the enumerators are not properly instructed. That is the big—irregularities in elections do not exist very much—I mean, those are local complaints. However, the machinery, the instruction of enumerators by the returning officer is done in great numbers, 20 or 25 people in 15 minutes, and with a statement describing the poll in writing. Very few people understand a geographical description of a poll. If they had a proper little map showing them each poll, what the limitations of that poll are on a map, and if our own map was a proper map it would help. You know very well the maps we receive are copies of a map that was outlined in red pencil by some amateur cartographer, and I think it is the machinery, the tools that are lacking at the beginning. We do not have proper maps and the enumerators do not receive proper instructions, and the mistakes are honest mistakes by enumerators because they do not know what they are doing.

• 1140

Mr. Hamel: Well, you are undoubtedly right with this question of poor training on the part of the returning officers when it comes to the enumerators. With respect to preparing those maps, there certainly is a physical problem in the sense that I certainly could not do it with my present staff because we have about 50,000; particularly if we were to prepare maps for each polling division. This may be beyond human possibility, preparing this here in Ottawa. If each returning officer could be given the tools to do that, it might be the best way to do it.

Now, as to our preparing or reproducing in a more expert way, the map prepared by the returning officer, well, there is no doubt that it could be done, although I do not think I could do it with my present personnel resources.

Mr. Richard: It would be a great help.

[Interpretation]

Mr. Portelance: Are the maps you mention, Mr. Hamel, supplied to the returning officer so that he can establish some kind of divi-

sion? Apparently, the man, in my district, had to draw up the map of his own riding. Apparently, he was unable to get a proper map from you.

Mr. Hamel: Well, the only maps we can supply them are the maps which have been drawn up by the Department of Mines and Technical Surveys. These maps are not always very detailed, are not always very useful. And we found out that a large number of such maps have accurate boundaries only for districts as a whole. But when it comes to the interior of the district, i.e. parishes, municipalities, rural areas and so on, the detail is not as well given. Very often, returning officers have to ask for more detailed maps on the spot. They are allowed a modest amount for the purchase of more detailed maps.

Mr. Richard: Mr. Hamel, what happens very often, as during last election, is that we have a map which shows nothing at all. There was a poll in the area covered by the map where, according to the returning officer's last report, many new streets had been laid out and areas built up. There were two or three hundred people living on new streets not even shown on the map.

Mr. Hamel: Well, one of the problems is that our population is very mobile. If you look at Mr. Castonguay's report, the Representation Commissioner's report, it is estimated that 4,800,000 Canadians change domicile every year. This represents 25 p. 100 of the population. In urban centres, there are urban renewal programs and projects, blocks of houses are destroyed, and new developments built.

It is always fairly difficult to make a revision of electoral districts the week before the election. As we do not always know when it is going to take place, it is very difficult to have very up-to-date information. At the time of the last general election, most markings had been made about one year before the election. In one year, there were many changes. I can give you a thousand instances of places and fields being discovered, and at enumeration time, we found more than 980 voters at a place where there was not one single building marked a year before.

[English]

The Chairman: Mr. Mazankowski.

Mr. Mazankowski: I would like to ask Mr. Hamel how the advance polls are

established and upon what requirement they are based? Is it geographic location or location according to population? The reason for my asking is that I believe this pertains particularly to rural areas. I know in my own constituency it cost us a lot of money to get one vote. We operated an advance poll for two days and it was taken advantage of by one person. Of course, we have to bear in mind that we cannot deny the rights of anyone to vote. However, I was just wondering upon what basis the advance polls are established. Does that come directly under your jurisdiction or does it come under the jurisdiction of the returning officer?

Mr. Hamel: In urban areas, well, you mentioned rural, though, this is left to the returning officer, except in a centre with a population of one thousand or more, under the law you have to establish an advance poll. For the other areas it is left to the returning officer. The only criterion we can give him is to try to provide reasonable facilities.

• 1145

If a person has to travel more than 25 or 30 miles, particularly in the Eastern part of Canada, it is getting pretty far. So at times we have complained that people had too far to go to cast their vote at the advance poll; other times some people claim that we have too many. We may have a recommendation on this but we have the perennial problem of advance polls where there was one vote cast or two votes cast, or no vote at all. Where there is no vote at all it is a waste of money, but it is not a big problem. However, when you have one or two votes, the vote is no longer secret.

Mr. Mazankowski: Mr. Chairman, are aspects of this taken into consideration when the next election rolls around?

Mr. Hamel: I will have a recommendation on this because it is an administrative problem. I may have a series of recommendations with respect to the advance polls not necessarily to try to avoid this question where we have one advance poll where no vote at all was cast. I agree, as I say, that this is a waste of money, but on the other hand I think the obligation that we have to provide reasonable facilities to the elector is more important than the \$120 or \$125 that we may save.

I am much more concerned about the polls where only a very small number of votes were cast. One of the solutions might be to

count these votes in a different way. Instead of counting each advance poll as a separate poll, we could put them all together, or, if we have five advance polls, we could put three in one and two in the other.

Mr. Richard: I hope Mr. Hamel has considered the situation in the cities where you limit the number of advance polls by the number of voters, if I understand the situation well, and that is unjust because sometimes due to the geographical location, as in my area, you straddle the river with people from the opposite side. You assemble them in such a way that they have to go terrible distances out of their way to vote. So I think you should provide more advance polls in the cities.

Mr. Hamel: We ask each returning officer to group approximately 35 polling stations in one advance poll in urban areas. Now, we believe that the returning officer is much more aware of local conditions than we can be here. So, we leave the actual grouping of the polling divisions pretty well up to him.

Mr. Richard: You do not give him much latitude outside of that 35.

Mr. Hamel: No.

The Chairman: Mr. Peters?

Mr. Peters: I would like to ask a supplementary. Have you made any recommendations as to the accounting of the advance polls. It seems awfully stupid to me that they should have to wait before they can open this advance poll which they have had for a period of two days. It seems to me that there is no legitimate reason—or at least I do not see any legitimate reason—for not counting those at least at the same time as the other ballot boxes are opened.

Mr. Hamel: I asked myself the same question, Mr. Peters. I understand one of the reasons it was put in the Act—that the votes cast at the advance polls could not be counted before nine-o'clock standard time on polling day—was that many deputy returning officers who act at the advance polls also act at the ordinary poll, and the intention was for them to count the votes cast at the regular poll before tackling the counting of the advance poll.

Mr. Peters: Perhaps your recommendation could be that they count these ballots as soon as possible rather than at nine o'clock. And I do agree there is a duplication and there

probably has to be because of the limited number of people, but it seems rather a shame, particularly on that night, for them to have to wait for these advance polls when nothing but the Act is stopping them from being counted. I agree they should not be counted two days before or anything like that, but as long as the other polls are closed, I do not see why the Act does not allow them to be counted. If it said "at the same time", then they could count the other ones first and count the other ones right after. I do not see the reason for the specific delay because it is not always true that the same people are involved.

• 1150

Mr. Hamel: I must admit that I am inclined to agree with you. In fact I received a recommendation from the police force in one city. A returning officer had asked for some surveillance—not exactly protection but that the polls be watched by the police. Because of that request the police had to maintain people there until about 9.30 p.m. or 10.00 p.m.—until the last ballot box had reached the returning officer's office, and, as far as we are concerned, that increased our manpower costs.

Mr. Peters: Do you know what percentage of deputy returning officers clerks and scrutineers who served in the advance poll also served in the regular poll?

Mr. Hamel: We could find out that information for you but it would not be easy because we would have to go through 50,000 names.

Mr. Peters: Is there really any reason that we should not write into the Canada Elections Act a provision that a person should act only in one poll—in other words, if they have served in an advance poll they are not eligible to serve in a regular poll.

Mr. Hamel: It could be done although I do not think it is necessary to achieve what you are trying to achieve. On the other hand, in some cases I understand that a returning officer had some problems in getting competent people to act as DRO's. So this would still limit the choice of people they could tap for this kind of work.

Mr. Peters: Is the machinery more expensive for an advance poll than it is for a regular poll because of the longer period?

Mr. Hamel: Yes, for the advance poll it is \$50.00 for the DRO and \$36.00 for the poll

clerk, because there are two days involved, and for the regular poll it is \$24.00 and \$17.00.

The Chairman: Do you have anything further?

[*Interpretation*]

Mr. Portelance: Just one question: in the report which you will bring to the Committee, do you contemplate limiting the electoral expenses of the candidates?

Mr. Hamel: No, this would be way beyond my authority.

Mr. Portelance: But it could be done in this committee here if the act came here for study.

Mr. Hamel: I already made a report which was submitted in the Fall of 1966. A Committee chaired by Mr. Barbeau—I believe—submitted a report which was tabled in the House in October 1966 which offers a series of recommendations for the payment of electoral expenses.

Mr. Valade: My final question Mr. Hamel. You must surely have studied the feasibility of having permanent electors' lists. I know that this matter has already been suggested. Did you look into the possibility of having permanent lists of voters; do you wish to do a comparative study of...

Mr. Hamel: Well, the work has been done by Mr. Castonguay and the report which you had at the beginning of the election, was the report he made in the light of the experience gained in the United States, France, Australia, and so on.

Mr. Valade: Would such a permanent list help avoid this accumulation of work during election time? Would that be one of the recommendation you envisage? Or, do you not propose to express an opinion on that matter?

Mr. Hamel: The recommendations have already been made by Mr. Castonguay and one of the opinions or the advice he gives, is that permanent lists would probably reduce the electoral period to 30 days because the enumeration and the revision would not be necessary any longer.

• 1155

Mr. Valade: In the cost, would there be a large difference?

Mr. Hamel: Yes, according to Mr. Castonguay, the cost would be considerably higher than the present cost.

Mr. Valade: Another question: Have all the members of Parliament and the candidates complied with the requirement to submit election report in the required time, do you have any comments on this?

Mr. Hamel: Well, as a rule, I do not know about that. If you look at the Act, the tabling of the expenses report is strictly the responsibility of the returning officers, who must keep it for 6 months and at the end of that six-month period he either destroys it or returns it to the candidate. In the present case, there was an order by the House of Commons on the initiative of Mr. Knowles that we table a list of the candidates who have submitted an expense report and candidates who have not done so. I think that most statements from the returning officers have come in, and there are only one or two missing so we should be able to table in the House the information within 2 weeks perhaps.

Mr. Portelance: Does a defeated candidate have to submit a report of his expenses, does the Act provide for a penalty if he fails to do so? It does not. So he makes no report unless he wishes to.

[*English*]

The Chairman: Is it the wish of the Committee to report the estimates of the Chief Electoral Officer back to the House or do you want to have another meeting to put more questions to Mr. Hamel? If not, we will report the estimates back to the House and perhaps have at our next meeting Mr. Castonguay, the Representation Commissioner. Is that agreed?

Some hon. Members: Agreed.

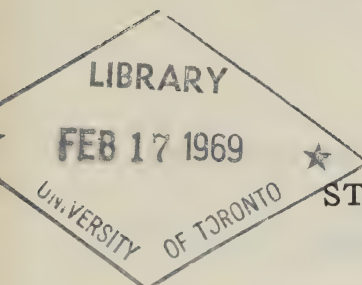
The Chairman: This meeting is adjourned until next Tuesday evening.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

Government
Publications



STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

THURSDAY, JANUARY 23, 1969

Second Report of the Standing Committee on Transport
and Communications

THE QUEEN'S PRINTER, OTTAWA, 1969

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

Forest,	Nesbitt,	Skoberg,
Fortin,	Peddle,	Sullivan,
Hogarth,	Portelance,	Trudel,
Kaplan,	Richard,	Valade,
MacGuigan,	Ritchie,	Woolliams,
McGrath,	Rose,	Weatherhead—(20).

(Quorum 11)

Edward Thomas,
Clerk of the Committee.

Note—The above list is current as at January 22, 1969 and includes substitutions made by Order of Reference or pursuant to Standing Order 65(4)(b).

Pursuant to Standing Order 65(4)(b),

Mr. Kaplan replaced Mr. Hogarth on January 21, 1969.

Mr. Hogarth replaced Mr. Marceau on January 22, 1969.

Mr. Weatherhead replaced Mr. Cafik on January 22, 1969.

ORDERS OF REFERENCE

MONDAY, November 4, 1968.

Ordered,—That the name of Mr. Mather be substituted for that of Mr. Brewin on the Standing Committee on Privileges and Elections.

TUESDAY, November 5, 1968.

Ordered,—That the Standing Committee on Privileges and Elections be authorized to sit while the House is sitting.

THURSDAY, December 12, 1968.

Ordered,—That the name of Mr. Skoberg be substituted for that of Mr. Mather on the Standing Committee on Privileges and Elections.

MONDAY, December 16, 1968.

Ordered,—That the names of Messrs. Nesbitt, Woolliams, McGrath, Hogarth and Forest be substituted for those of Messrs. Aiken, Downey, Mazankowski, Prud'homme and Ryan on the Standing Committee on Privileges and Elections.

TUESDAY, December 10, 1968.

Ordered,—That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 29th, and which reads as follows:

Resolved,—That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

MINUTES OF PROCEEDINGS

THURSDAY, January 23, 1969.

(3)

The Standing Committee on Privileges and Elections met this day at 11.09 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Forest, Fortin, Hogarth, Jerome, Laflamme, McGrath, Nesbitt, Peddle, Portelance, Richard, Ritchie, Skoberg, Sullivan, Trudel, Weatherhead—(15).

Also present: Messrs. Carter, Isabelle, Lessard (*LaSalle*), Mahoney, Thomas (*Moncton*).

In attendance: Mr. Robert Normand, Clerk of the Standing Committee on Transport and Communications.

The Clerk of the Committee, on instruction, read the names of the current members of the Committee as follows:

Messrs. Forest, Fortin, Hogarth, Jerome, Kaplan,
Laflamme, MacGuigan, McGrath, Nesbitt, Peddle,
Portelance Richard, Ritchie, Rose, Skoberg,
Sullivan, Trudel, Valade, Woolliams and Weatherhead.

The Chairman advised the Committee that the meeting was held to discuss its Order of Reference given by the House of Commons on December 10, 1968.

The Committee agreed to table the following exhibits:

Exhibit I—Order of Reference before the Standing Committee on Transport and Communications dated October 16, 1968;

Exhibit II—Votes and Proceedings of the House of Commons No. 56 dated December 3, 1968, containing the Second Report of the Standing Committee on Transport and Communications to the House;

Exhibit III—Issues Nos. 6 to 9 inclusive of the printed Minutes of Proceedings and Evidence of the Standing Committee on Transport and Communications.

Moved by Mr. Skoberg and

Agreed,—That the Sub-Committee on Agenda and Procedure consider those items discussed at this meeting in preparing the list of witnesses to be called.

Moved by Mr. Jerome at 11.41 a.m. and

Agreed,—That the Committee adjourn to the call of the Chair.

Edouard Thomas,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, January 23, 1969.

• 1108

The Chairman: Gentlemen, I see that we have a quorum.

Mr. Hogarth: Mr. Chairman, prior to proceeding with today's business, it is somewhat difficult to determine who is actually on these committees from day to day. Might we have the Clerk of this Committee read out the names of members who are now officially members of this Committee.

The Chairman: This is what I was going to request the Clerk to do right away.

Mr. Hogarth: Thank you, sir.
(Names of members read.)

The Chairman: As you all know, gentlemen, there was an order of reference by the House of Commons to us on December 10. If you have not already received copies of the terms of reference, I would ask the Clerk to have them distributed right away to all the members.

Yes, Mr. Nesbitt.

Mr. Nesbitt: On a point of order, Mr. Chairman. It is just a small thing but I think perhaps it might save problems in the future. I have before me the minutes of the proceedings of the Steering Committee meeting that was held before the Christmas recess and I note that it says in there that the date was set for Tuesday, January 21, and it was my understanding that we would perhaps have another meeting of the Steering Committee after our return. I have no objections to having the meeting this morning but I just thought perhaps for further meetings of the Committee that the Steering Committee might meet in advance because there are so many committee meetings going on now and it might make it more convenient.

• 1110

The Chairman: I understand your point, Mr. Nesbitt because I realize that at the Steering Committee meeting on December 18, it was proposed that we would sit on Tues-

day. But unfortunately, I could not be here personally on Tuesday and this is the reason we felt it appropriate to have a preliminary meeting this week.

Mr. Nesbitt: As I say, I would like to make it clear that I do not have any objection at all to meeting this morning, Mr. Chairman. I just thought it might be better if perhaps the Steering Committee could meet so that we can know when the meetings will be held because there are so many meetings going on now and some of the committees are not even going to be meeting in Ottawa—they will be meeting elsewhere—that it might save us quite a few problems in future.

Mr. Sullivan: Mr. Chairman, I would like to raise a point of order. I notice that the member for St. John's East and the member for Calgary North are now members of the Committee. My objection to this is that I understand we are to rule upon this question of privilege and that the complainant or the mover in the House was Mr. McGrath, the member for St. John's East, and the seconder was Mr. Woolliams. I think it is highly irregular and improper that they now become members of this Committee which is acting as judge and jury, and I am absolutely at a loss to understand why this procedure was allowed to happen when we have now the prosecutor and the complainant a member of the court who is going to decide it and the question of privilege. I think "impropriety" is probably the mildest word I can think of. I just do not understand that this can go on, in all fairness to the people here. It is even a reflection on this Committee. I do not know what this Committee or you can do about it but I have never heard of this in my life. Mr. Woolliams uses the expression "hanky-panky" all the time, and this motion...

Mr. Nesbitt: You have not been around here very long.

Mr. Sullivan:...used the expression "a true-rooted democracy". To have a complainant sit on the same committee that is going to make the decision I think is grossly unfair and also very improper.

Mr. Hogarth: Mr. Chairman, I support my honourable friend's remarks. I have not been around here very long either, as Mr. Nesbitt has pointed out to my honourable friend, but it appears to me that if we are to judge the conduct of any member of a committee or of a committee itself, any person who is on that committee—and I would extend my friend's suggestion to those persons—any person who is on that committee or any person who is a potential witness before this Committee with regard to that person's activities should, surely, in the interests of good ethics, withdraw from this Committee and see that somebody else is appointed in his stead. It would be a most embarrassing situation if we wanted to hear from Mr. McGrath as to the nature of his complaint if we had to call a member of this Committee to give evidence. That would be an absurd situation and it might well develop in these particular proceedings. I would respectfully suggest that these gentlemen consider their positions, just in the light of the common, natural justice of the situation.

Mr. McGrath: I am not concerned with the fairness of the situation. I am certainly concerned with what is technically right or wrong. Certainly it is not my conduct that is under examination here. I think the honourable gentleman who made that remark did not mean to imply that, but that is what he said. It is not my conduct that is under investigation. It is the conduct of those people who are responsible for compiling the Second Report of the Standing Committee on Transport and Communications. Consequently I have every right to sit on this Committee to cross-examine witnesses and to suggest to the Committee what witnesses should be called. I would suggest, since I raised the complaint in the first instance, that it would be most appropriate that I be in this position to do so.

Mr. Hogarth: Mr. Chairman, I would like to correct the suggestion that the honourable member has just made that I referred to his conduct. I said that we are investigating the conduct of a committee. We do not know yet whose conduct we might be investigating, and surely the members of that committee in decency, would not expect to sit in judgment of what happened there, and at the same time would not expect to give evidence before this Committee, sitting on this Committee.

The Chairman: First I would like the honourable members to read the terms of ref-

erence. Some additional copies will be distributed right away.

In answer to the point of order raised by Mr. Sullivan I must refer the honourable members to the terms of reference of the House which simply say:

That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 29th, and which reads as follows:

• 1115

I do not need to read it now, but as far as we are concerned, at the beginning of the deliberations I do not see how, in those circumstances, we could ask some honourable members to readjust or to think about their own position on this Committee and I would like to refer the honourable members to Beauchesne's Parliamentary Rules and Forms in the fourth edition, page 54, section 66, which simply deals with what we may call the interest which qualifies or disqualifies a member from voting, either in the House or in committees.

Article (1) says that :

66. (1) The interest which disqualifies a member from voting in the House must be immediate and personal, separately belonging to the person whose vote is questioned.

I think, Mr. Sullivan, in fairness to Mr. McGrath, that this simply disposes of the point of order you have raised and I believe, as far as I am concerned right now, that I have to rule this point of order not founded on those grounds and I think if there is any other matter that has to be raised, we will deal with the precise purpose of this meeting today.

As Mr. Nesbitt has mentioned, we had a Subcommittee on Agenda and Procedure meeting on December 18 and it was agreed at that time that we would have this meeting this week to have all the exhibits filed and then discuss together what witnesses we would like to hear, relevant to the terms of reference referred to us by the House of Commons, and I do not believe it would be very appropriate to engage in a very wide debate on those matters. I want to read the report of

the Subcommittee on Agenda and Procedure that was prepared by Mr. Thomas, our Clerk.

The Sub-committee agreed that, owing to the illness of the Chairman of the Standing Committee on Transport and Communications, Mr. Gustave Blouin, the next meeting of the Standing Committee on Privileges and Elections should be held after the Christmas recess. The date was tentatively set at Tuesday, January 21, 1969.

The Chairman stated that the first item of business would be to have the Clerk of the Standing Committee on Transport and Communications, Mr. Robert Normand,...

who is here to my right,

...appear and table as exhibits certified copies of

(1) The Order of Reference before the Standing Committee on Transport and Communications;

(2) The printed Minutes of Proceedings and Evidence of the Standing Committee on Transport and Communications.

I was informed that those Minutes have been circulated among all the members of this Committee and if there is anyone here who has not already received the Minutes of the Proceedings and Evidence of the Transport and Communications Committee, we will have them distributed right away.

(3) The second report of the Standing Committee on Transport and Communications to the House.

which is precisely the report on which there has been the motion by the House referred to us for study. Is it agreeable to the members that we have Mr. Normand file those exhibits and that the exhibits except, of course, the printed Minutes of Proceedings, appear in the minutes of today's proceedings? The Order of Reference has already been circulated and would be considered Exhibit No. 1.

The printed Minutes of Proceedings and Evidence of the Standing Committee would be considered as Exhibit No. 2.

Mr. Sullivan: I so move.

Motion agreed to.

The Chairman: Then we would like to have Mr. Normand, who acted as the Clerk of the Transport and Communications Committee. Mr. Normand, do you have the true copy of...

Mr. Robert Normand (Clerk of the Standing Committee on Transport and Communications): Yes, Mr. Chairman, these are official copies.

The Chairman: Is it the second report of the Standing Committee that you are filing now?

Mr. Normand: The second report is right under the printed issues, Mr. Chairman, in French and English as was printed in the *Votes and Proceedings*.

The Chairman: Is it understood, then, that when we refer to the second report of the Standing Committee on Transport and Communications, which was discussed in the House of Commons, we refer to the *Votes and Proceedings* of the House of Commons, No. 56, where this second report has been printed? Is it agreed?

• 1120

Some hon. Members: Agreed.

The Chairman: Then while we have the meeting of this Committee right now, I would request your advice on the way we should proceed, how we should deal with this matter. I will hear suggestions of every hon. member who wishes to speak. Mr. Nesbitt?

Mr. Nesbitt: It is just a suggestion, Mr. Chairman, but since we have just had the Minutes tabled by Mr. Normand it might be an opportunity for members to look over the exhibits. Also, I understand that Mr. Blouin is still ill, and perhaps having gone this far—after hearing other suggestions, of course—it might be well, perhaps, to adjourn after the evidence and the exhibits are tabled until we have had a chance to look at them.

The Chairman: I think this suggestion is very well taken, referring to Mr. Blouin. I have received a letter from him. He left the hospital a few days ago and he will be available here by February 10, but not before that time. Mr. Blouin got in touch with me and requested the opportunity of being heard before the members of this Committee.

Since he was the Chairman of the Transport and Communications Committee, I think we owe him the opportunity of appearing here and being in a position to answer any questions that could be asked him. Mr. McGrath?

Mr. McGrath: Mr. Chairman, since you mention Mr. Blouin as certainly one of the principal witnesses, I think consideration by

the Committee should also be given to calling the government House Leader to ask him to explain his references on page 3587 of *Hansard* for December 6. He was replying to my question which reads as follows:

Would the house leader advise the house what is the position of the resolution that was passed by the committee dealing with the decision of the Canadian Transport Commission allowing the Canadian National to abandon rail passenger service in Newfoundland, which was not incorporated in the first report of the committee to which I referred in my original question?

Mr. Macdonald (Rosedale): I have not studied this; I am advised the resolution was passed but that it was out of order.

I would like to know where Mr. Macdonald got this advice and in order to determine that I think the Committee should call Mr. Macdonald as a witness.

Mr. Sullivan: Mr. Chairman, this is a purely political football. That is far outside the terms of reference as I see it.

Some hon. Members: No, no.

Mr. Richard: Mr. Chairman, I suppose every member should have the privilege of stating how we should proceed in this matter. I do not care how you proceed, but there is an awful lot of time between now and February 10, and since you have a steering committee I am sure the steering committee should meet and decide on the procedure. If we are going to do it here and now before the steering committee meets that is not very good.

Mr. McGrath: Mr. Chairman, with great respect, I make these suggestions because I am not a member of the steering committee. Certainly it is my understanding that the steering committee will consider what witnesses they will call and what procedure we will follow. I merely make this suggestion for the consideration of the steering committee when it does meet.

• 1125

The Chairman: The idea of asking you gentlemen for suggestions is so that we can take those suggestions into consideration and study every one of them in the subcommittee when we meet after this meeting.

Mr. McGrath: There are a number of other suggestions I would like to make as well, Mr. Chairman. In calling witnesses, I suggest that

the Clerk of the Transport and Communications Committee be called as a witness. I suggest also that the Chief of the Committee and Private Legislation Branch be called as a witness to explain what seems to be the unusual delay in printing the Minutes of Proceedings and Evidence, No. 6. There was a considerable delay in that evidence being printed and I would like to have an explanation of this unusual delay.

The Chairman: Mr. McGrath, I do not want to interfere with your remarks but...

Mr. McGrath: It is a suggestion, Mr. Chairman; that is all.

The Chairman: I know that it is a suggestion, but I would not like you to say that it is an "unusual delay" since we did not hear the evidence.

Mr. McGrath: That is merely my opinion and that is why I want to call the witness.

The Chairman: I would accept your phrasing, in saying "the delay for", but "the unusual"—it might be usual after you hear the evidence of those people.

Mr. McGrath: Well, you can delete the word "unusual".

Mr. Jerome: Mr. Chairman, of course we are just making suggestions of how we would proceed, but I was under the impression that we were inquiring into the reason for the omission of a certain resolution in the Committee. I cannot understand how it would seem relevant to that question to look into the impressions of the government House Leader, or of the impressions of anybody else for that matter, nor do I see how it would be relevant to that question to look into the length of time that was involved in printing the reports of the Proceedings of that particular Committee.

Neither of those questions appear to me to be relevant. I assume that we would proceed to examine the Chairman of the Committee who, one would expect, would be in a position either to assume responsibility for what goes in the reports or at least to indicate to us whose responsibility it is to control the contents of the reports. Once we are able to isolate the area of responsibility in that regard, we should then be able to find out the reason for the omission of the resolution.

Having found that out, it would appear to me that the work of this Committee in respect of this particular matter is complete.

The length of time that it takes to report the Proceedings, or the impressions of any other members of this House or other people as to what took place or what did not take place have, in my opinion, absolutely no relevancy whatsoever to the question that is before us, which is absolutely and clearly defined by the terms of reference that have been circulated here this morning.

If we are talking about suggestions for the steering committee, it would seem to me that the first suggestion would be to arrange a meeting where we examine the Chairman of the Transport and Communications Committee, and if at the end of that meeting there appears to be any loose ends that have to be covered through any other proceedings, we might then proceed, but I would certainly not consider it relevant to have any other witnesses at the first meeting until after we have heard from the Chairman.

The Chairman: Yes, Mr. Skoberg?

Mr. Skoberg: Mr. Chairman, I think it is very clear and I can not understand the position taken by some of the members that we should not ask for, say, the House Leader to be present. It says:

...to determine the reason for the omission.

• 1130

and if you read what Mr. McGrath said on page 3587 of *Hansard* of December 6th, there is an indication there that this may be the real reason why it never appeared in so far as the second report is concerned. I am of the opinion that the Chairman's position is very clear as recorded in the Transport and Communication's Minutes, and I have no hesitation in saying that his position is absolutely clear and there is nothing wrong with his position in this regard. We examine the evidence that we see before us.

As far as suggesting that we have the Chairman of the Transport and Communications Committee as a first witness only is concerned, I believe this really has nothing to do with it because very clearly before us in print is the position he has taken and the action that was taken in that Committee. However, what is not clear—nor is it in print—is the action that was taken by the House Leader. I believe this is a more important witness to have before this Committee than the Chairman of the Transport Committee in this particular situation.

I do appreciate the position you have taken, Mr. Chairman, in asking for suggestions from the Committee about who should be called. I think it is a remarkable position for you to take, and to criticize the suggestions that are being made really is a disservice to this Committee at this particular time.

Mr. McGrath: Mr. Chairman, I would just like to comment briefly on the question of relevancy regarding the suggestions I made. I think it is very relevant that the House Leader be called to give evidence before the Committee. For example, I think you will agree, Mr. Chairman—certainly Dr. Ollivier will agree—that the procedure was most unusual for a Committee Report to be tabled in the House and for concurrence; there was no concurrence moved in the Report which is the normal procedure. I would like to know why concurrence was not moved in the Report, and surely the House Leader would have something to do with this.

Regarding my suggestion on the printing of the evidence that certainly is relevant because how could I examine the resolution which I moved and which was passed by the Committee until I had a chance to examine a transcript of the evidence? My suggestion is that there was a delay in the printing of the evidence, what seemed to me to be an unusual delay. I want to find out the reason for this delay in the printing of the Evidence, especially when the evidence contained certain contentious issues.

The Chairman: I will let Mr. McGrath know right away the answer to this, but I think it would be relevant for us to have the evidence of the delay it takes for those people to print all the Minutes of Proceedings of all the committees of the House, but I do not see any... Yes, Mr. Southam?

Mr. Southam: I think we should try to keep within the terms of this reference or we are going to be here on this one thing until June if we are going to let all these little side issues come into the thing. We have the complainant here so he should have worded his motion a little bit differently if he wanted to go into all these things.

The Chairman: We are still on suggestions from the hon. members and those will be scrutinized by the steering committee. Yes, Mr. Richard?

Mr. Richard: There is only one thing, Mr. Chairman, and that is to remind Mr. McGrath that it is not correct to say that when the

Chairman of a Committee presents a report to the House he asks for concurrence. That does not happen in half of the cases. But that is just...

Mr. McGrath: Do you mean it is not usual to ask for concurrence in the Committee Report?

Mr. Richard: Not a report that is going to raise... You know very well if you have been chairman that chairmen have the privilege of moving concurrence. They ask their Committees for direction usually; I did anyway. When it was felt that moving concurrence would give rise to a debate and the Committee was of the opinion that this was not the time because they had further reports to put in later, they moved concurrence at the appropriate time when it was felt that it was going to be discussed and it should be.

Mr. McGrath: But when the Report contains a recommendation for the Committee to do certain things, surely then the committee chairman must ask for concurrence of the House because, in effect, he must ask for permission of the House for the committee to do what is incorporated in the Report.

Mr. Richard: Well, you have many instances, Mr. McGrath. The Chairman for example, wanted to sit in the afternoon and they did not move concurrence because they knew that would give rise to a debate and they waited for an opportune time to do it.

• 1135

The Chairman: This is a very interesting point that could be discussed later on, but I believe it is not quite relevant to the kind of suggestions I would like to hear from hon. member as to...

Mr. Hogarth: Mr. Chairman, I think Mr. Jerome's suggestion is extremely sound. If we hear from the Chairman of the Committee in question first, it might well be that the whole matter and the terms of reference will be cleared up without the necessity for calling any further witnesses.

There are some things that concern me, naturally, about this matter, but it would appear to me that if there is a simple explanation for it the Chairman can come forward and give it, and then the Committee can file its report. If, after hearing his evidence, we decide that the matter should be broadened or pursued further, surely it is open to the Committee to make suggestions to the Chair that this be done.

For instance, it may be that if we call the government House Leader to explain his remarks in *Hansard*, we might also want to call Mr. McGrath who evidently pressed the Committee Chairman to put a motion before the Committee that was not seconded, according to my reading of the exhibit, and it would appear to me that we should hear from the Committee Chairman first.

Mr. McGrath: A motion in Committee does not have to be seconded, Mr. Chairman.

Mr. Hogarth: All these things can come out during the discourse in this Committee; whether it does or does not I do not think we should argue today. It can all come out during the discourse with respect to the activities in question.

The Chairman: Mr. Skoberg?

Mr. Skoberg: Mr. Chairman, I would like to move at this time that the suggestions made by the members of this Committee be referred to the steering committee for their recommendation for a future meeting.

Motion agreed to.

The Chairman: Are there any other suggestions?

Mr. McGrath: I have one suggestion, Mr. Chairman. The outcome of this examination may have a bearing on the work of the Committee on Transport and Communications. This Committee met this morning and decided that it was going to begin its tour of the Atlantic Provinces on February 16 and I would suggest to you, Mr. Chairman, that the steering committee bear this in mind in laying down its schedule of meetings for this Committee.

The Chairman: We will discuss the matter with the steering committee. I think you have raised a very appropriate question. If we are to hear some witnesses other than Mr. Blouin then I believe we do not need to have Mr. Blouin here while we hear the other witnesses. He can give evidence and later on have a look at the Minutes of Proceedings. If, as was requested, the steering committee decides to hear Mr. Normand who was the Clerk of this Committee, then we may have a meeting next week. Then the steering committee will decide whether the Leader of the House should appear before us and if so this could be next week.

When Mr. Blouin is back here about February 10 we may dispose of the whole matter between February 10 and February 15. In my view it is not a very complicated one because the only thing we have as terms of reference, I just remind hon. members, is the reason for the omission of the resolution adopted on November 28. It is simply this. We must know all the relevant facts, but I would

remind hon. members that when we start our deliberations we will have to refer to these terms of reference and stick to them.

Mr. Sullivan: I move we adjourn then, Mr. Chairman, if it is in order.

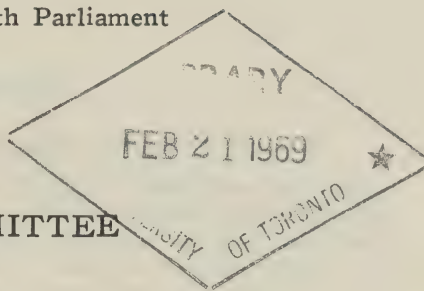
The Chairman: Committee adjourned?

Some hon. Members: Agreed.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69



STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

THURSDAY, JANUARY 30, 1969

Respecting

Second Report of the Standing Committee on Transport
and Communications

WITNESSES:

(See Minutes of Proceedings)

THE QUEEN'S PRINTER, OTTAWA, 1969

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

Forest,
Fortin,
¹ Goode,
Hogarth,
² Lundrigan,
MacGuigan,

McGrath,
³ Murphy,
Nesbitt,
Richard,
Ritchie,
Rose,

Skoberg,
Sullivan,
Trudel,
Valade,
Woolliams,
Weatherhead—(20).

(Quorum 11)

Edouard Thomas,
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),

¹ Mr. Goode replaced Mr. Portelance on January 30, 1969.

² Mr. Lundrigan replaced Mr. Peddle on January 30, 1969.

³ Mr. Murphy replaced Mr. Kaplan on January 30, 1969.

ORDER OF REFERENCE

TUESDAY, December 10, 1968.

Ordered,—That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 29th, and which reads as follows:

Resolved,—That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

ATTEST:

ALISTAIR FRASER

The Clerk of the House of Commons.

MINUTES OF PROCEEDINGS

THURSDAY, January 30, 1969.

(4)

The Standing Committee on Privileges and Elections met this day at 11.09 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Forest, Fortin, Goode, Hogarth, Jerome, Laflamme, Lundrigan, MacGuigan, McGrath, Murphy, Nesbitt, Richard, Sullivan, Trudel, Weatherhead, Woolliams—(16).

Also present: Messrs. Bell, Carter, Marceau, Pilon, Prud'homme.

Witnesses: Mr. Antonio Plouffe, Chief of Committees and Private Legislation Branch; Mr. Robert Normand, Clerk of the Standing Committee on Transport and Communications.

The Chairman read a memorandum addressed to him by the Chief of the Committees and Private Legislation Branch on the delays in the printing of Minutes of Proceedings and Evidence, in particular, Issues Nos. 6, 7, 8 and 9 of the Standing Committee on Transport and Communications.

On a motion by Mr. Richard, the Committee agreed to table as Exhibit IV the memorandum dated January 29, 1969 from the Chief of Committees and Private Legislation Branch "Delay—Printing of Minutes of Proceedings and Evidence".

The questioning of the Chief of Committees and Private Legislation Branch being completed, the Committee then questioned Mr. Normand on the Minutes of Proceedings and the Second Report to the House of the Standing Committee on Transport and Communications.

Moved by Mr. Jerome at 12.27 p.m. and

Agreed,—That the Committee adjourn to the call of the Chair.

Edouard Thomas,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, January 30, 1969.

The information relating to the French edition is as follows:

• 1109

The Chairman: Gentlemen, I see that we have a quorum.

Among the suggestions that were made at the last meeting—we had a steering committee meeting last Tuesday—I think first among the questions raised there is one that could be disposed of regarding the matter raised by Mr. McGrath concerning what he called the unusual delay in the printing of the Minutes of the Transportation and Communications Committee.

We have here Mr. Plouffe who is Chief Clerk of Committees for the printing of the Minutes. I would first like to read the memorandum that was prepared by his staff and signed by Mr. Plouffe which simply reads as follows:

• 1110

I refer to the proceedings of your Committee at the meeting of Thursday, January 23rd, in the course of which Mr. McGrath mentioned that the delay in the printing of minutes of proceedings and evidence of the Standing Committee on Transport and Communications was "unusual".

I have had a check made from my printing register for all committees at this session and on the list hereunder you will see the number of days which elapse between the date of the meeting and the printing of each issue for five (5) committees:

	English
Public Accounts	12.3
Indian Affairs and Northern Development	11
National Resources and Public Works	7
Transport and Communications ..	8
Health, Welfare and Social Affairs	6

French

Public Accounts	34
Indian Affairs and Northern Development	24.5
National Resources and Public Works	19
Transport and Communications ..	13
Health, Welfare and Social Affairs	22

Mr. McGrath, after having looked at this report, if you have or anyone has any relevant questions to ask of Mr. Plouffe who is in charge of this Committee...

Mr. McGrath: I would just like to ask one question.

The Chairman: Yes, Mr. McGrath.

Mr. McGrath: I would like to ask him how long it took to print each set of evidence of the Transport and Communications Committee? Can you find that out for us?

Mr. Antonio Plouffe (Chief, Committee and Private Legislation Branch): Mr. Chairman, I have this information. Concerning Issue No. 6 of Transport, the date of the meeting was November 28, 1968. It was sent to the Printing Bureau on December 9, 1968, and it was received on December 13, 1968.

Mr. McGrath: May I interrupt you here? Does that not seem to be a bit of a delay in getting the evidence to the printer, from November 28 to December 9? Did you say that it did not go to the printer until December 9?

Mr. Plouffe: That is correct, sir.

Mr. McGrath: All right. Will you just proceed with the others and then we can make comparisons.

Mr. Plouffe: The reasons for all delays cannot be all attributed to the Committee Reporting services. This service is a related service to our branch and I am informed that it varies from one committee to another because they run into some difficulties. As

you know, all evidence is taped and sometimes they have difficulty in listening to the questions and answers; it is not always very clear. Another reason would be the interpretation. It has to be revised and integrated.

Mr. McGrath: Well, could we perhaps get on with this and could you tell us how long it took to have Issues No. 7 and No. 8 printed?

Mr. Plouffe: For Issue No. 7. The meeting of December 3, 1968 was sent on December 11, 1968 and received on December 13, 1968. For Issue No. 8, the meeting of December 6, 1968 was sent on December 11, and received on December 13, 1968. For Issue No. 9, the meeting of December 9, 1968 was sent on December 13, 1968 and received on December 13, 1968.

• 1115

The Chairman: Yes, Mr. Nesbitt?

Mr. Nesbitt: Could Mr. Plouffe give us any indication—I know perhaps it is not his direct responsibility—why on some occasions the tapes were sent to him the day that they were produced, as in the last case mentioned, and other days there was a delay of 12 days in receiving the printing?

Mr. Plouffe: As I stated before, from one meeting to another the Reporting services who transcribe the tapes do not have the same problems. Apparently at the last three meetings everything went fine. There might have been less French spoken and, therefore, less translation and revision. The copy went to the Printing Bureau earlier and it came back earlier.

Mr. Nesbitt: I think there is one thing perhaps some of the members are a little hazy on. When you at the Printing Bureau receive things for printing, are they in typewritten form or do you receive the tapes and then take the material off the tapes?

Mr. Plouffe: Sir, all proceedings are taped downstairs at the Reporting services. The tapes are transcribed and the evidence is in typewritten form; then it is revised and sent to the Bureau in typewritten form by my staff.

Mr. Nesbitt: Who does the revising?

Mr. Plouffe: The Reporting Services have a staff of editors and they do the editing.

[Interpretation]

The Chairman: Mr. Fortin.

Mr. Fortin: When our witness spoke of translation, he inferred that when there are few French-speaking members who speak during Committee meetings, the transcription goes faster. Does he mean that this is so because there are too few translators from French into English and from English into French?

Mr. Plouffe: Mr. Chairman, under the circumstances, there is no doubt that since we have interpretation there have been personnel problems. I am told that there have been more translators and interpreters hired and that more will be hired, in order to speed up the preparation and the printing of the text.

All these personnel, these equipment, printing workload and accommodation problems for personnel are now under review by the officials of the House including, I suppose, the Speaker. I am under the impression that everything possible is being done to obtain satisfactory results.

Mr. Fortin: Mr. Chairman, I do not wish to inflict any injury on our witness and throw blame on his work, but I am highly interested in this subject and this may be why this impression is mistaken, if such is the case. Since when has the study been undertaken concerning the revision of the translation and reporting services staff and personnel?

Mr. Plouffe: I cannot give you a precise date but these matters that I have outlined for you have been under study since quite some time and are under thorough consideration since the adoption on December 20, of the new Standing Orders.

Mr. Fortin: Thank you.

Mr. Trudel: Mr. Chairman, will Mr. Plouffe's memorandum, that you read to us a while ago, be included among the minutes of today's proceedings?

[English]

The Chairman: Do you think it appropriate that we have this memorandum printed as an Appendix to today's Proceedings?

• 1120

Mr. Hogarth: We have Exhibits 1, 2 and 3. Could this not be Exhibit 4?

[Interpretation]

The Chairman: The members of the Committee must put forward a motion.

Mr. Forest: Mr. Chairman, I have a question. The figures you have given indicate that it takes less time for the transcription of the proceedings of the Committee on Transport and Communications. I think you said eight and a half or nine and a half days. Is this an average calculated on the basis of past experience?

Mr. Plouffe: It is a fairly accurate average that might vary by a day, more or less, but it is rather accurate.

[English]

The Chairman: I believe Mr. Plouffe has prepared the time taken to print minutes of many committees so that we can have a notion of the time it takes to have the printings. I believe that after having had this memorandum we can excuse Mr. Plouffe.

I do not think we are out of our jurisdiction if we want to inquire into the kind of work that has to be done at the printing office since we have the answer to the question raised by Mr. McGrath, but if there are no other relevant questions...

Mr. Woolliams: I would like to ask a question. With reference to the Transport and Communications Committee, were all the proceedings taken by tape or was there a shorthand reporter there?

Mr. Plouffe: As you know, on November 28, the House did not sit. I am subject to correction, but at the meeting of November 28 I believe there were shorthand reporters, that is, those shorthand reporters who work on the floor of the House. They were assigned to committees. All the other meetings were taped.

Mr. Woolliams: Do I take it that on November 28, the evidence was not only taped but recorded by shorthand reporters?

Mr. Plouffe: I believe, it was not taped.

Mr. Woolliams: Well then, really the proceedings did not come from a tape. It came from a shorthand reporter.

Mr. Plouffe: As I say, subject to a check, but that is my impression.

Mr. Woolliams: I wonder if you could check on that. It seems like a very simple thing. I think we are spending a little time. I do not know just why we are dealing with that unless there is something in the proceedings that has been left out. That is the only thing

I am concerned about and once it is covered, that ends it. But if it was taken by shorthand then surely all we have to do is ask the shorthand reporter if that is a proper statement of the evidence taken at the Committee on November 28, and if it was not taken by shorthand, then we should be able, if anybody has any question about anything being left out, to have the tape played.

The Chairman: Mr. Woolliams, that could be a very interesting matter, but I do think at this time that we should consider just the simple question of asking if it was incorrectly reported or not. If there is anyone who thinks or believes that something was said that is not in the report, then we can perhaps inquire. But we could say this of any report that could be made.

Mr. Plouffe: I must say I am now informed that all four meetings were taped.

Mr. Woolliams: Is the tape still in existence?

The Chairman: This will be checked.

Mr. Woolliams: Have you any objections if anybody on this Committee wanted to have the tape played to have that tape played, if they wanted to go in privately and hear it to make certain whether it is correctly recorded or not. Anybody can make an error. Sometimes even the most able people in the *Hansard* reporters can make an error. And if somebody has any suggestions that something was left out, Mr. Chairman, would they have the privilege and the right to go in and hear the tape played? And then they could check the report of November 28 which is No. 6, so there would not be any problem in that regard.

• 1125

The Chairman: Yes, I believe such, but if there is any member who believes that as a member of this Committee he was incorrectly reported in the proceedings, then he could raise the matter. But on general grounds like this, I believe that we are quite far from our jurisdiction and the terms of reference in which we have to operate right now.

Mr. Woolliams: Well, of course, the terms of reference, with the greatest respect, Mr. Chairman, are these. The terms of reference are clear, and the fact is if anybody has any suggestion, and I have not, because I was not on the Committee so I do not know what took place, but there must be some reason for this

line of questioning. And with the greatest respect, if someone does feel that way, all I am asking is could they go in and hear the tape?

The Chairman: Yes.

Mr. Hogarth: Mr. Chairman, Mr. McGrath was present at the meeting on November 28, as appears in Exhibit 2, and I was just wondering if he has any observations as to whether or not, so far as he is concerned, to his memory there was anything left out that we should perhaps have included if there were mistakes made.

Mr. McGrath: No. That is not the evidence as far as I can see.

The Chairman: Mr. Hogarth, are you through?

Mr. Hogarth: Yes, I am through. I am just asking Mr. McGrath...

Mr. McGrath: Yes, Mr. Chairman, I have no comments to make. The evidence was accurate as far as I am concerned. My questioning was merely to see if there was any reason for the delay in printing the evidence. I have heard from Mr. Plouffe, and that is all.

[Interpretation]

The Chairman: Thank you very much, Mr. Plouffe. Mr. Fortin?

Mr. Fortin: Mr. Chairman, I would like to know what has been decided, with regard with Mr. Woolliams' suggestion, because the interpretation is a little slow?

The Chairman: Mr. Woolliams made a suggestion that if any Member sitting on the Committee on Transport and Communications considers that he has been incorrectly reported, he would be able to listen to the tape. But no member has complained of having been incorrectly quoted in the report of the Committee on Transport and Communications. If someone brings up the matter or considers that he was incorrectly quoted, he will then be able to listen to the taped proceedings. But, no one has raised the question.

[English]

We have here Mr. Robert Normand, who is the Clerk of the Transport and Communications Committee. I would invite Mr. Normand who is here, to receive the relevant questions that you would ask of him.

Mr. Nesbitt: Perhaps, to save a bit of time, Mr. Normand could tell us first of all, did he

prepare a draft report, a draft of the second report of the Committee for eventual submission?

Mr. Robert Normand (Clerk, Transport and Communications Committee): Yes, Mr. Chairman, I prepared a draft.

Mr. Nesbitt: At whose request did you prepare the draft?

Mr. Normand: I prepared the draft according to the instructions received from the Committee at the meeting held on November 28.

Mr. Nesbitt: How were these instructions given to you, Mr. Normand?

Mr. Normand: The Subcommittee on Agenda and Procedure recommended—may I read this Mr. Chairman?

Mr. Nesbitt: That would be better.

Mr. Normand:

The Subcommittee on Agenda and Procedure of the Standing Committee on Transport and Communications met at 11 o'clock this morning. The Chairman, Mr. Blouin, presided.

I will dispense with the members.

Your Committee agreed unanimously to the following decisions and recommendations.

The first four points dealt with agenda.

5. That the Committee report to the House asking that the scope of the Order of Reference dated October 16, 1968, be enlarged authorizing the Committee to study:

(a) Transportation problems of the Atlantic Provinces.

(b) Claims of the Great Slave Railway Company against the Canadian National Railway Company.

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This report of the steering committee was approved, and I prepared the second report according to this.

Mr. Nesbitt: Did you prepare the report automatically, or were there any specific instructions from the Chairman or the members of the Committee to draft it?

Mr. Normand: There were no special instructions, Mr. Nesbitt. I prepared this

according to the instructions from the Committee.

Mr. Nesbitt: After you prepared this draft report, to whom did you submit the report?

Mr. Normand: I put this in a file, and I deposited this on Mr. Blouin's desk.

Mr. Nesbitt: To the best of your memory, what took place after that as far as the report is concerned? Was it brought before any group of members, as far as you can recall? What happened to it then?

Mr. Normand: I would like to be nailed down a little tighter, Mr. Nesbitt. This question implicates a few things. If you mean this report was studied by the steering committee, it was.

Mr. Nesbitt: It was, with those two recommendations in it.

Mr. Normand: That is right.

Mr. Nesbitt: Can you recall the date when this took place?

Mr. Normand: Yes, sir. On November 26. That is correct, November 26. The steering committee held its meeting on November 26, and the report was concurred in on November 28.

Mr. Nesbitt: I just want to take one step at a time. Who was present at the Steering Committee on that occasion?

The Chairman: On the Steering Committee on the 26.

Mr. Normand: Mr. Blouin, Mr. Mahoney, Mr. Schreyer, Mr. Serré and Mr. Thomas from Moncton.

Mr. Nesbitt: I see.

Mr. Normand: A total of five.

Mr. Nesbitt: And then you say after that the report was submitted to the Standing Committee on Transport. When was this submitted to that Committee?

Mr. Normand: November 28 sir.

Mr. Nesbitt: November 28. Was the report prepared originally by yourself, and then, having been, as you say, approved by the Steering Committee, was it discussed by the Standing Committee on Transport?

Mr. Normand: I prepared the second report to the House following the meeting which was

held on November 28 and then I submitted the whole thing to Mr. Blouin. It was deposited on his desk for his signature and tabled in the House on December 3.

Mr. Nesbitt: There is some confusion as far as I am concerned; perhaps it is my misunderstanding of it. Originally you prepared a draft second report of the Committee which you automatically would do as secretary of the Committee. That was submitted first of all to Mr. Blouin, the Chairman. Then on November 26, as I recall you saying, this was examined by the Steering Committee of which certain members were present, as you have told us.

Mr. Normand: No, that is not right sir. May I please go through this again. On November 26 the Steering Committee held a meeting and recommended to the Standing Committee on Transport and Communications the following decisions and recommendations. In its report the four first items were naturally just agenda for forthcoming meetings. Item No. 5 was read as follows:

That the Committee report to the House asking that the scope of the order of reference dated October 16, 1968 be enlarged authorizing the Committee to study...

And here we have the two points.

(a) Transportation problems of the Atlantic Provinces.

and (b) the Great Slave affair.

Now, this report of the Subcommittee on Agenda and Procedure was typed and then I submitted it to the Committee on Transport and Communications which was held on November 28 two days later.

Mr. Nesbitt: Yes.

Mr. Normand: And it was approved. Following this I prepared the second report to the House exactly as the report of the Subcommittee on Agenda and Procedure read.

Mr. Nesbitt: And that report was approved at the commencement of the meeting on November 28?

Mr. Normand: Well, the report of the Subcommittee on Agenda and Procedure was approved, yes that is right.

Mr. Nesbitt: At the commencement of the meeting of the Committee on the 28?

Mr. Normand: That is right.

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Mr. Nesbitt: Then at the conclusion of the Committee meeting on that day you then drafted a report for the Chairman, Mr. Blouin?

Mr. Normand: That is right.

Mr. Nesbitt: Did you discuss the contents of the report with Mr. Blouin?

Mr. Normand: No, sir. I prepared the report according to instructions that I received at the Committee and I put this on his desk for his signature.

The Chairman: Would you refer—I am sorry, Mr. Nesbitt.

Mr. Nesbitt: It is all right, certainly, Mr. Chairman.

The Chairman: I would just like you to refer to the kind of instructions that you received from the Standing Committee. You said that you received instructions from the Committee to prepare this report. Could you read it?

Mr. Normand: Mr. Chairman, if I may go through this on page...

The Chairman: Simply refer to the page.

Mr. Normand: Yes. On page 72, Issue No. 6, right hand column. Maybe I should start with the statement that was made—by Mr. Douglas.

Mr. Douglas: That is what I was going to ask. I understood you were going to ask for an order of the House to permit us to deal with these claims.

We were talking about claims at this time.

The Chairman: Yes, we are. Next Tuesday a report will be presented to the House.

Following this Mr. Nesbitt:

Mr. Nesbitt: I presume, then, that between now and Tuesday, Mr. Chairman; the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

Now the Chairman:

The Chairman: That is correct. That report will be presented to the House on Tuesday. Is that agreed?

Some hon. Members: Agreed.

Mr. Hogarth: Mr. Chairman.

The Chairman: Yes, Mr. Hogarth.

Mr. Hogarth: I notice on page 108 of the same volume of the proceedings of the Committee on November 28 that the resolution with which we are concerned in these proceedings was moved by Mr. McGrath. On page 109 it was voted on by the Committee. Just for the record that resolution was:

That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

Was there ever a resolution of the Committee that that be reported to the House?

Mr. Normand: I never had any precise instruction from the Committee; that is to say, I did not receive any precise resolution for the Committee to report this resolution to the House.

Mr. Hogarth: When resolutions are passed in Committee, is it the normal procedure when they have further resolutions that such resolutions be reported to the House if they want them included in any report?

The Chairman: I am just asking myself, Mr. Hogarth, if this question could be asked of the witness.

Mr. Hogarth: I will withdraw the question, because I appreciate that might have legal implications.

The Chairman: Yes, Mr. Woolliams.

Mr. Woolliams: I just want to bring this to your attention, and I think I can come to grips with this problem very quickly so we can expedite this matter. I do not see any reason to play around the edges. On Votes and Proceedings of the House of Commons of Canada No. 56 on December 3, 1968 at 2.30 o'clock p.m. it says:

Mr. Blouin, from the Standing Committee on Transport and Communications, presented the Second Report of the said Committee, which was read as follows:

Your Committee recommends that its Order of Reference be enlarged allowing it to consider the following:

I am not going to worry about anything but the thing we are here concerned with.

1. The problems of transportation in the Atlantic Provinces.

I suggest to you, Mr. Witness, that the problems in reference to transportation in the Atlantic Provinces certainly are connected with this resolution which my friend Mr. Hogarth has already read in, which in brief says:

That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation...

Was this resolution and its recommendations left out, in your opinion, in the Second Report which was filed and became part of the record of the House of Commons?

Mr. Normand: No.

Mr. Woolliams: All right. Would you now read from the Second Report where the resolution is in that report.

Mr. Hogarth: Mr. Chairman, I think the witness is not responding to the question, because you see the report was obviously left out. The resolution was obviously left out of the Report and I think my friend wants to know why. Is that correct?

Mr. Woolliams: Yes. First of all I want to know if it was left out. I think it is correct the answer would be "yes"; and secondly, if it was left out, which is very good and I appreciate Mr. Hogarth who has come to very serious grips with the problem, why it was left out?

The Chairman: This is the matter, but you can draw your own conclusion, Mr. Woolliams. First, I would say—

• 1140

Mr. Woolliams: I am asking if he knows. We can draw inferences as long as we like, but if this witness said it was left out because the Steering Committee wanted it left out, or because the Steering Committee did not meet and they wanted it in but the Chairman left it out, or somebody in the Committee said it should be left out, I want to find out that

evidence. If the answer is that it was suggested by the Steering Committee and the Steering Committee was composed of members of all parties, I think then we have come to grips with the matter. But here is what the member said, and this is why the Speaker ruled. Mr. James McGrath said this:

My question of privilege is based on the fact that the resolution adopted by the committee on November 28 was, in my view, deliberately omitted from its report to the house on November 29; that it constitutes an important part of the committee's recommendation to visit the Atlantic provinces, and thereby infringes upon the rights and privileges of myself and the other members of that committee who by majority vote moved its adoption.

That is the reason I have asked the question. Now I would like to re-state that question. Was it left out in the second report?

Mr. Normand: I did not receive any instructions from the Committee to report the resolution to the House.

Mr. Woolliams: And is that the reason it was left out?

Mr. Normand: It was not left out; I simply did not receive any instructions to report it in.

Mr. Woolliams: Who gave you those instructions?

Mr. Normand: Nobody—I did not receive any instructions from the Committee to report this resolution to the House.

Mr. Woolliams: Is it not a fact, with our knowledge of committee workings, that gentlemen in your capacity who hold such jobs—and you do an excellent job—generally prepare the report and then the report is examined by the steering committee? Actually, the hard work of drafting is done by yourself.

Mr. Normand: It has been studied by the steering committee, Mr. Woolliams.

Mr. Woolliams: All right but before you drafted the report did the steering committee make suggestions to you, or did you just draft a report without any instructions whatsoever?

Mr. Normand: I drafted the report according to the instructions received from the Committee on November 28.

Mr. Woolliams: And what were those instructions?

An hon. Member: He has already referred to them.

Mr. Woolliams: Now I want to hear this.

The Chairman: This is the precise point. I do not mind if the witness repeats what he has already said.

Mr. Jerome: This is the third time we have been over it.

Mr. Woolliams: All right. Where are those instructions found, and what were they?

Mr. Normand: Page 72, right-hand column, starting with the Chairman:

Yes, we are. Next Tuesday a report will be presented to the House.

Then Mr. Nesbitt says:

I presume, then, that between now and Tuesday, Mr. Chairman; the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

The Chairman: That is correct. That report will be presented to the House on Tuesday. Is that agreed?

Some hon. Members: Agreed.

Mr. Woolliams: All right. Now you have established that and I thank you very much.

This motion that we are talking about that was omitted does deal with transportation of the Atlantic Provinces, does it not?

Mr. Normand: Yes, sir.

Mr. Woolliams: And that resolution was moved subsequent to those proceedings that you have read from on page 72, was it not?

Mr. Normand: Three hours later, yes.

Mr. Woolliams: That is right. And you would agree with me, I am sure, that the resolution in question does concern the problems of transportation in the Atlantic Provinces—because Newfoundland is a part of the Atlantic Provinces and there is no doubt about it that when we are dealing with transportation the railways are an important part of transportation for Newfoundland.

The Chairman: Mr. Woolliams, I have no objection to your asking any relevant ques-

tions of the witness but I do not think you should argue the subject itself with him.

● 1145

Mr. Woolliams: I am not being argumentative; I am asking. This is my question: Do you consider the resolution requesting that the Committee visit Newfoundland before there is any change in transportation in so far as the railways are concerned a part of the problems of transportation of the Atlantic Provinces.

Mr. Normand: The resolution is worded in such a way, yes, sir.

Mr. Woolliams: Right. So that the instructions you read from on page 72 really instructed this Committee to deal with the Atlantic Provinces' problem as to transportation, and as this resolution is dealing directly with transportation then I would say that your instructions were such that it should have been included in that report. Is that not correct?

The Chairman: I am not going to allow such questions to be asked of the witness. It is part of our duty to make this decision, Mr. Woolliams, not the Clerk.

Mr. Woolliams: Well I am asking his opinion. He drafted the report.

The Chairman: I will not allow these questions. We are not here to ask of this witness any questions of opinion.

Mr. Woolliams: Well, let me put it this way. He is an expert witness but let me put it this way—and if you rule me out of order...

Mr. Hogarth: Wait a minute.

The Chairman: No, Mr. Woolliams. You can rephrase your questions but I will not allow you to ask of the witness any questions regarding his own opinion. He is not here for that reason.

Mr. Woolliams: Well having drafted the report to assist the Committee did you consider in drafting it that that resolution dealt with the problem of transportation in the Atlantic Provinces?

Mr. Normand: I realized that this resolution deals with problems of the Atlantic Provinces but, furthermore, I also realized that I did not receive any instructions to report it to the House from the Committee.

Mr. Woolliams: But your instructions did say that the Committee's second report should include the problems of transportation in the Atlantic Provinces, and the stopping of railroads or a decision in that regard would be a matter dealing with the Atlantic Provinces. In drafting the report did you take that into consideration?

Mr. Normand: I only acted upon instructions received from the Committee, Mr. Chairman, which is clearly defined in what I read a while ago.

Mr. Woolliams: I take it then that the resolution, as far as you are concerned was not reported because you did not feel it was part of your instructions.

The Chairman: I am not going to allow these questions.

Mr. Woolliams: Well, good gracious, that is the whole point.

The Chairman: Mr. Woolliams, the witness is not here to express his own feelings about what should be done or not. On many occasions Mr. Normand has answered very precisely to precise questions you asked, but I would think that you personally believe too that he is not here to give his own opinion.

Mr. Woolliams: Well, may I speak on a point of order?

It seems to me, Mr. Chairman, that we have a resolution which instructed the Committee—found on page 72, and we have another resolution, on the same date of November 28—and of course it is very broad in its sense: the problems of transportation in the Atlantic Provinces. Now the problem meeting the Committee at that moment, from reading the reports very carefully, was not the question of ships and harbours—not even the question of busses; the whole problem was that the Canadian Transport Commission be requested to postpone the implementation of a decision to abandon railway service. There was a suggestion, and it may have gone as far as an order, that the railway service in Newfoundland be abandoned. Now what surely the Committee passed, and it was approved by the majority of the Committee at that time, was that before that decision be made, affecting the transportation in the Atlantic Provinces, that the Committee visit Newfoundland. Now if that is not important and if that is not in the terms of reference in reference to Votes and Proceedings, then I do not know why we are sitting here—we are

wasting our time. I am merely asking the witness, with the greatest respect—and I mean this, sir. He drafted the Committee report. It is my experience over the years that those gentlemen who do that do an excellent job. Sometimes we may not agree with it—we may want to delete something or add something. I am merely asking him if, in his instructions he received on page 72, he considered that resolution a problem of the transportation in the Atlantic Provinces; if he did, that was part of his instructions, therefore why was the resolution left out? That is all I am asking him. Surely that is a relevant question, surely that is necessary so that we here can come to a proper decision on reasonable evidence as reasonable men.

Mr. Hogarth: Mr. Chairman, is my understanding correct, that this is a point of order?

The Chairman: No, no.

Mr. Hogarth: He made it a point of order.

The Chairman: I am going to allow the question as rephrased.

• 1150

Mr. Woolliams: I appreciate that, Mr. Chairman, and before he answers I want to say that you are being most fair and courteous.

Witness, you have heard the question. Can you tell us in Committee then why the resolution was omitted from the report when I have suggested it is part of the problems of transportation of the Atlantic Provinces? Can you give us the answer to that?

Mr. Normand: Mr. Chairman, I can only state that I did not receive any instruction from the Committee to report it in the House?

Mr. Woolliams: Did you consider it part of the Atlantic transportation problem in preparing the draft of the report?

Mr. Normand: Well, I had to because it was in the minutes, although I also considered that I did not receive any instructions to report it in.

Mr. Woolliams: Now this may not be a proper question for you to answer, but in preparing your report—there are motions adopted and passed by every committee and, of course, they are important parts of the proceedings—do you consider an instruction or a motion carrying instructions important

enough to include in a report when you are drafting it? Is that your general practice?

The Chairman: Mr. Woolliams, this might be a matter of law but I think, as in a council of war or committee, they speak by resolution. However, as Clerk of this Committee you must realize, I believe, that he has to follow the instructions he receives from this very Committee—and the only instructions that can be given to a Clerk is by a resolution.

Mr. Woolliams: With the greatest respect, Mr. Chairman, the instructions were given before the Committee heard the evidence. Then, after the evidence—may I finish, Mr. Hogarth, and then I am prepared to listen to you.

Mr. Hogarth: I do hope you do.

Mr. Woolliams: I am not finished. I have never been sarcastic with you, and I do not intend to start this morning.

Mr. Hogarth: That is fine.

Mr. Woolliams: I would appreciate your giving me the kind of hearing that I intend to give you.

Mr. Hogarth: I was merely going to...

Mr. Woolliams: I am now going to speak on a point of order. Here we have instructions, and again I say they are very clear—"Request that the Committee, at some date agreed by the House, visit the Atlantic Provinces". Subsequent to page 72, some hour or half an hour later, a resolution was passed dealing with the very instructions and yet it was not included in the report. It was not included, with the greatest respect to the witness, in the draft report. He said he followed instructions. If the abandonment of the railways in Newfoundland is not a problem of the Atlantic Provinces then nothing is a problem.

I submit that it is certainly a part of the instructions. If it is not, then I am at loss to understand.

The Chairman: Order, please.

Mr. Woolliams, you are indicating to the witness that he should have considered the importance of the problem. The testimony he has already given before us has given no indication whatsoever relative to the importance of the relevant facts that could have been put in some further resolutions passed.

The Clerk has simply stated that he received instructions to prepare a draft report that was submitted to the Chairman for tabling in the House. This is what he says.

I do not think it is appropriate to ask of him any questions relative to judging the importance or the non-importance of such other matters as could have been discussed later on.

Mr. Woolliams: Perhaps I could add it in my next question. I take it it was left out of the report because you did not feel you were instructed either by the instructions given at page 72 or later, or at any time, that it should be included in the report? Is that your evidence?

Mr. Normand: The resolution in question was not put in the report for the reason I have stated previously and which I will repeat now, that I did not receive any precise definite instructions from the Committee to report this resolution to the House, or to include it, for that matter, in the second report.

Mr. Woolliams: Were you present when your draft report was considered by the Chairman or when the steering committee considered it?

Mr. Normand: Yes.

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Mr. Woolliams: Did anyone on the steering committee suggest that the resolution we are dealing with be omitted or be included in your report?

Mr. Normand: The sub-committee had its meeting prior to November 28.

Mr. Woolliams: In other words then, the instructions relative to the report were given before the full evidence was heard on November 28? Yet the report really covered all the evidence of November 28, did it not?

Mr. Hogarth: How could it?

The Chairman: This is a matter for judgment; it is not a matter of fact.

Mr. Woolliams: Was there any other report? Your instructions are given at page 72, and considerable evidence was given after that. Was there any other report that dealt with this resolution, that you know of?

The Chairman: Which one?

Mr. Woolliams: The resolution in reference to the Transportation Committee's visiting the Atlantic Provinces before they abandoned the railways in that Province?

Mr. Normand: I am sorry, sir; I fail to understand your question.

Mr. Woolliams: All right; I will put it very clearly. Your instructions in reference to your report were given to you, or can be found, at page 72. The resolution dealing with the abandonment of the railways in Newfoundland is to be found on page 108, which is subsequent to the instructions we are talking about.

Mr. Normand: That is right, yes, sir.

Mr. Woolliams: Was this motion in question on page 108 included in a third report, or in any other report, subsequent to the second report?

Mr. Normand: No, sir.

Mr. Hogarth: Has there been any other report?

Mr. Woolliams: Was all the evidence that was given after page 72, and any instructions, ignored by you when you drafted the report on the date of November 28?

The Chairman: I do not believe it is fair Mr. Woolliams, to use the word "ignored".

Mr. Woolliams: Well, omitted; not looked at, or not used?

The Chairman: He is not there to judge.

Mr. Woolliams: I am merely asking this: Did you use any of the evidence before the Committee given on November 28 after the instructions were laid down at page 72 of No. 6 of the Transport and Communications Committee? There are 108 pages of evidence. That means that 36 pages of evidence and motions and proceedings were recorded after the instructions found on page 72. Was any of the evidence contained in those 36 pages, including the motion, used in drafting a report?

Mr. Normand: Mr. Chairman, I wish to submit, very humbly, that for the Clerk of the Committee to act he needs a motion. And in preparing my second report to the House I acted upon a motion of the Standing Committee on Transport and Communications which is found in the Minutes of Proceedings and backed up on page 72; but I did not receive

any instructions to report anything else to the House.

Mr. Woolliams: I read again from 72, also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces.

When one looks at the motion that we passed, or adopted, by the Committee at page 108, it deals with the very thing that the instructions dealt with, but it merely says that we do not abandon railways until the Committee visits Newfoundland.

When there is a request that the Committee at some date agree to visit the Provinces and one reads that together with the further instruction in the motion on page 108, that the Committee should visit before the railways are abandoned, that, to me, should surely be part of the instructions.

I come now to my next question: Did any one on the steering committee, or any member of this Committee, before the report was filed in the House of Commons, ever suggest that that motion on page 108 of the proceedings on November 28 be made part of that report?

Mr. Normand: No, Mr. Chairman.

Mr. Woolliams: Did anyone suggest to you that it be left out of the report?

Mr. Normand: Again, no, Mr. Chairman.

Mr. Woolliams: How many people considered your report before it became part of the proceedings of the House of Commons?

● 1200

Mr. Normand: The report...

An hon. Member: How does he know?

Mr. Woolliams: Because he was at the steering committee.

How many are members of this Committee?

Mr. Hogarth: In his presence?

The Chairman: He cannot answer these questions. He said that he prepared the draft report and put it on Mr. Blouin's desk.

Mr. Lundrigan: Mr. Chairman, on a point of order?

The Chairman: Yes.

Mr. Lundrigan: Should not the witness indicate that he cannot answer the question. This, to me, would be the proper...

The Chairman: Well, I must . . .

Mr. Lundrigan: Mr. Chairman, may I finish my point of order?

The Chairman: Yes.

Mr. Lundrigan: I think there has been ample evidence here this morning of a bit of coaching on the part of a number of hon. members—and I would even say the Chair—as to the evidence being submitted by the witness. I think it is quite obvious that if the witness cannot answer the question, if he does not have the evidence to support his position, that he should then be allowed to make that statement.

The Chairman: The witness is here but he is not here to answer any questions that are not judged to be relevant questions by the Chairman. This is my duty and I intend to continue on this ground.

Mr. Lundrigan: Mr. Chairman, I appreciate your responsibility in that regard and I think it is quite proper to rule a question out of order, but to indicate to the witness that perhaps he does not have the evidence to answer the question—which was indicated a moment ago—I do not think is ruling the question as the Chair should. Nobody is disputing your ruling as to whether the question is in order. I think that is the responsibility of the Chair.

The Chairman: If the questions which are ruled out of order could be rephrased in such a way that the witness could answer them, I will allow them.

Mr. Lundrigan: Mr. Chairman, I think it should be ruled that question is not in order and that it should be rephrased, rather than ruling that the witness does not have the evidence to answer the question. That is my point of order.

Mr. Woolliams: Did Mr. Macdonald, President of the Queen's Privy Council for Canada, every suggest . . .

Mr. MacGuigan: On this same point of order, I think it is quite clear when you rule the witness does not have the evidence on which to answer the question that in effect you are ruling the question is out of order. I think that is the answer to the hon. member's question. You are making such a ruling. You may not be using that exact formula, but that is the effect of it.

Mr. Lundrigan: My point of order was directed to the Chairman and I accept the

Chairman's decision. If we have a second chairman with us, then I think this should be indicated to the group.

Mr. Richard: Anybody is allowed to speak here.

Mr. MacGuigan: Mr. Chairman, I think we are all entitled to make submissions to the Chair, not just members of the opposition party.

An hon. Member: Go ahead and make your submission.

Mr. Woolliams: I am sorry that we have had this interruption. I will preface my question this way. On page 3587 of *Hansard* Mr. Macdonald (Rosedale) said:

I have not studied this; I am advised the resolution was passed but that it was out of order.

Did Mr. Macdonald or any member of this Committee or of the House of Commons ever suggest in your presence at any time when this report was under consideration by the Steering Committee or the Chairman that the resolution be left out because it was out of order?

Mr. Normand: No, sir.

Mr. Sullivan: I am sure that is the answer. We do not have to go on for another half an hour.

Mr. Woolliams: Mr. Chairman, if my good friends came here to block the evidence, to cover up everything and sweep it under the carpet, it is obvious by the interruptions that they have made this morning that they are not really interested in finding out what is going on.

The Chairman: I rely on the goodwill of all the members of this Committee to confine their remarks to the facts and the evidence which has already been given. I do not think it would be worthwhile for any one of us to enter into an argument. Mr. Woolliams has asked questions of the witness and the witness has answered. If there are other relevant facts, let us go on.

Mr. Woolliams: Yes, but with the greatest of respect, Mr. Chairman—and you have not done it—when I am asking questions the hon. members across the way who belong to the Liberal Party in the government are saying, "We have had that answer, we know the answer". That was the first time I put the

question in reference to Mr. Macdonald and the first time I put the question in reference to the Steering Committee, and then we have these remarks to the effect that the questions were asked previously and they were not relevant to the issue. In my opinion they are relevant. I am going to abide by your ruling. I may not agree with your ruling; that is my privilege. I have my rights in this Committee. I came here with a certain degree of responsibility. They may have come here with a certain degree of responsibility and instructions, but I am merely asking this witness sir, with the greatest respect, certain questions to find out why a motion did not become part of a report in the House of Commons.

• 1205

Mr. Hogarth: I have listened to this—

Mr. Woolliams: Well, of course—

The Chairman: Order, please.

Mr. Woolliams: Mr. Hogarth is not interested in the evidence.

Mr. Hogarth: I am fascinated by the evidence.

Mr. Woolliams: He is interested in keeping the facts under the table.

The Chairman: Order, please.

Mr. Hogarth: I am fascinated by the evidence. However, I might say that this witness has explained with abundant clarity why that resolution was not included in the report. I do not see why we have to go on.

Mr. Woolliams: Mr. Hogarth has said it is abundantly clear. With the greatest respect, I think it is abundantly not clear, and I have a right to my opinion. He has a right to his opinion.

The Chairman: If you have any other questions, Mr. Woolliams—

Mr. Woolliams: I have other questions but when I am putting them I do not need these kinds of interruptions or these kinds of suggestions from the hon. member, Mr. Hogarth.

Mr. Sullivan: Mr. Chairman, I would just like to add that as this question has been answered once we should not go over it four or five times. I am suggesting, with respect, that the last member has gone over everything that Mr. Nesbitt went over, and then he has done so two or three more times. I do not think this should be a platform. We are here

to make a finding, not to listen to a witness being abused.

Mr. Woolliams: With the greatest respect, on the point of order, I have not abused this witness. I respect this witness. I respect his word. I suggest with the greatest respect, that Mr. Nesbitt did not ask any of the questions I have asked.

The Chairman: I do not see any point of order in this. We will not go any further. Mr. Woolliams, do you have any other questions to ask the witness?

Mr. Woolliams: I want to proceed. When the report went to the Steering Committee, after you drafted it, was there any discussion by anybody at the Steering Committee level in reference to the motion that was passed by this Committee and which is found on page 108?

Mr. Normand: Mr. Chairman, this report was not referred to the Steering Committee.

Mr. Woolliams: That ends it. Was it referred to the Chairman of this Committee?

Mr. Normand: It was put on his desk.

Mr. Woolliams: Right. Did you have any discussion with him in reference to the report after you put it on his desk?

Mr. Normand: Let us just say that he did not call me.

Mr. Woolliams: Right. Thank you very much. I do not want any more answers.

Mr. Jerome: Witness, may I just ask you one or two questions. You have already told us in your evidence this morning that you drafted this report on the basis of instructions that have been made public. Was the report that was ultimately tabled in the House of Commons in the form in which you prepared the draft, or to your knowledge were any substantial changes made in it in the interval?

Mr. Normand: It was made exactly as I prepared it, Mr. Chairman.

Mr. Jerome: Thank you. That is the only question I have.

The Chairman: Mr. Fortin.

[Interpretation]

Mr. Fortin: Thank you, Mr. Chairman. I have only a few questions to ask. Can the witness tell us if, normally, the instructions

given to him by the Committee are in writing or oral?

Mr. Normand: The instructions given to the Clerk of the Committee are given through resolutions. And the Clerk is bound by the resolutions that are adopted during the meeting.

Mr. Fortin: Is it the same case as far as the Subcommittee is concerned?

Mr. Normand: It is exactly the same thing, Mr. Chairman. The report of the Subcommittee is drafted according to the instructions of the Subcommittee and then submitted to the Committee.

Mr. Fortin: When a Committee holds a meeting, is everything that is said published in the public report?

Mr. Normand: That depends. Are you talking about the subcommittee or the Committee meeting?

Mr. Fortin: My question deals with both the subcommittee and for the whole Committee.

Mr. Normand: Mr. Chairman, for the subcommittee, nothing is taped. But on the other hand, the meeting of the Committee itself is taped.

Mr. Fortin: When you have to have a report adopted, and when the Subcommittee does not sit, who adopts it?

Mr. Normand: Would you please rephrase the question?

Mr. Fortin: Suppose that as Clerk, you have to prepare the report of the Committee you have to submit it afterwards to the Subcommittee to have it adopted, and the Subcommittee does not sit, who adopts the report?

Mr. Normand: If you are speaking of the Subcommittee, on Agenda and Procedure, the report it makes, if it makes one, has to be adopted by the Committee. If it is not submitted to the meeting,...

• 1210

Mr. Fortin: Had the report tabled on Mr. Blouin's desk been adopted beforehand?

Mr. Normand: At the Committee meeting, I prepared the report according to the instructions given to me during the meeting of the Committee held on the 28th of November.

The Chairman: The meeting of the Committee.

Mr. Normand: Yes, during the Committee meeting of November 28.

Mr. Fortin: Would you tell me, Mr. witness, if I take a practical example what happens? In the record of the 6th of December proceedings No. 8, it says:

Resolved—That nomination be closed.

It states:

The vote on a show of hands resulted in a tie.

It seems that a vote had been taken. Then you explained who voted for and who voted against. The result is 9 to 9. Then, you concluded:

After discussion, no decision having been reached on the main motion and nine members having walked out...

You took notes of the Committee's proceedings, you are the Committee clerk and you report the facts as they occur. Tell me what becomes of these notes you have just taken?

Mr. Normand: As far as the 6th of November session is concerned, which is in the No. 8 issue of the Proceedings, when we selected the Chairman of the Committee of Transport and Communications, the report was drawn up and when the nine members withdrew the meeting was adjourned.

Mr. Fortin: In your experience then does the resolution carry when there is a tied vote? I know it is not that important.

Mr. Normand: It does not carry, Mr. Fortin.

Mr. Fortin: So the motion is dropped and the committee goes on with its proceedings?

Mr. Normand: No, it adjourns.

Mr. Fortin: It adjourns?

Mr. Normand: Yes.

Mr. Fortin: So you send the whole thing for adoption and printing.

Mr. Normand: Exactly, Mr. Chairman.

Mr. Fortin: In other words, it is not you who sends this report for printing of translation?

Mr. Normand: I only report what happens at the meeting.

Mr. Fortin: Do you send the work to Mr. Plouffe's department?

Mr. Normand: Do you mean to the printers'?

Mr. Fortin: Yes.

Mr. Normand: I do all the preliminary work. I prepare the envelopes and preliminary pages and then wait for the evidence to be sent along. When I get the record of the evidence I send everything to the printers'.

Mr. Fortin: In other words, does the Chairman of the Committee before presenting his report to the House, does he say that the report is correct and accurate, or does he comment on it, or does he take the report and table it in the House without consulting you?

The Chairman: Could you be more precise, Mr. Fortin. You may ask whether after having prepared the report, the Chairman made comments on that particular report rather than going...

Mr. Fortin: I think we are dealing with an exception. And I want to establish what happens normally, so that I can decide whether this in an exception to the rule or not?

The Chairman: Fine.

Mr. Fortin: After you have prepared your report and submitted it to the Chairman of the Committee, before he tables it in the House or presents it to the House for adoption, does he normally make any comment on it to you?

Mr. Normand: Let us say that if everything is all right, I hear no more about it. If there is an error then the Chairman will get in touch with me and tell me: "Such and such a thing does not appear to be right."

• 1215

Mr. Fortin: And in this particular case, you feel everything was right?

Mr. Normand: Let us say that I got no telephone call from the Chairman.

Mr. Trudel: Mr. Chairman, I want to clarify one point only. I think three members questioned the processing of the report prepared by the witness. One said that the report was prepared and then submitted to the Chairman, but there were no further meetings. It was presented in its original form with no corrections. Can the witness confirm this?

Mr. Normand: Right. I prepared the report, put it on Mr. Blouin's desk in the presence of his secretary. And that was the last I heard of it.

Mr. Trudel: There was no meeting to discuss the contents of the report. You submitted it for signature only?

Mr. Normand: Right.

Mr. Trudel: Thank you.

[English]

The Chairman: Are there any other questions to Mr. Normand?

[Interpretation]

Mr. Fortin: One question, Mr. Chairman. After Mr. Blouin presented his report to the House for adoption certain events took place in the House concerning that report. Certain members then made statements and raised a question of privilege. Did Mr. Blouin get in touch with you after that?

Mr. Normand: No, Mr. Chairman.

[English]

Mr. Lundrigan: Mr. Chairman, I have a supplementary question. The witness has said "Let us just say that I received no telephone call from the Chairman" and again, a little later, identically the same statement, "Let us just say that I received no telephone call from the Chairman". Let me just ask, did the witness receive any communications at all from the Chairman, or was he in any way involved in any discussions with the Chairman regarding his draft report which formulated the second report which was accepted by the House?

Mr. Normand: Mr. Chairman, I am sorry. I must have misled the members while answering this question. I should have answered, "no", shortly—no phone calls, no communications whatsoever, nothing.

[Interpretation]

Mr. Fortin: Mr. Chairman, I personally am ready to hear Mr. Blouin.

[English]

The Chairman: Are there any other questions that could be asked?

Mr. Lundrigan: Mr. Chairman, I have another similar question. Did the witness in any way contact the Chairman of the Com-

mittee subsequent to the placing of the report on the desk of the Chairman?

Mr. Normand: No, Mr. Chairman, I did not try to reach Mr. Blouin.

Mr. Lundrigan: Mr. Chairman, I am not sure who I could ask this question of but in the event of an error in judgment which may be made by a Clerk, is there any recourse to members of the Committee or members of the House of Commons concerning corrective procedures which could be adopted?

The Chairman: Well, there is an obvious recourse. After this very resolution was passed at the end of the meeting on November 28, at the following meeting the Committee could have requested the Chairman to table another report in the House.

Mr. Lundrigan: At the following meeting.

The Chairman: Yes.

Mr. Hogarth: Mr. Chairman, I would like to raise a question with this witness that I do not think is on the record. Was the state of the proceedings of this Committee such that further reports were anticipated? I am referring to November 28; this was not a final report, was it? Was the state of proceedings such on November 28 that further reports were going to be made from this Committee to the House? Did you anticipate that? This was not a final report, that is what I am getting at.

Mr. Normand: Oh, no.

Mr. Hogarth: So further reports would be anticipated after November 28?

Mr. Normand: Well, if the Committee has an Order of Reference in front of it, it can submit further reports...

Mr. Hogarth: Yes.

Mr. Normand: ...but the state of affairs after was that when the estimates were recalled to the House, no Order of Reference was before the Committee.

Mr. Hogarth: I appreciate that, but the point I am making is that after November 28, after the resolution of Mr. McGrath was passed by the Committee, there were still further reports contemplated from this Committee on the terms of reference it originally had. Is that not so, or do you know?

Mr. Normand: I cannot say at this stage, Mr. Chairman. I do not know.

Mr. Jerome: Mr. Chairman, I suppose we should determine whether we are finished with this witness. It appears that we are.

• 1220

The Chairman: I was going to ask the members if they had any other questions to ask Mr. Normand.

Mr. Woolliams: I just have one more question. To follow up from what Mr. Hogarth said, which is in line with what the witness has said in reference to my question, as the report was not referred to the standing committee and was not referred to the steering committee, to the best of your knowledge, having read the report that was finally filed in the House of Commons, were there any omissions from or additions to your original draft?

Mr. Jerome: I asked him that and he said, "no".

Mr. Normand: No omissions, sir.

Mr. Woolliams: Were there any additions?

Mr. Normand: No.

Mr. Lundrigan: Mr. Chairman, may I ask the witness just one last question? Does he, in fact, say that there was an error in judgment as to the interpretation of instructions on the final report?

The Chairman: This is a matter for us to decide. I would allow you to ask the question of Mr. Normand of whether he followed the usual practice as Clerk of this Committee. This question, I think, would be more precise and more appropriate than asking him if he made an error in judgment.

Mr. Lundrigan: I am asking, simply, Mr. Chairman, if he would say that the instructions did indicate that he should have reported the resolution.

Mr. Normand: I did not receive any instructions from the Committee to report this resolution to the House, Mr. Chairman—I repeat again.

Mr. Lundrigan: Mr. Chairman, he does answer my question by saying that there was no error in judgment; he interprets this as meaning that the instructions were not given. That is what he is actually saying.

[Interpretation]

Mr. Fortin: After the Clerk has his report adopted and has it sent to the printer, does he receive a copy from the printer for adoption and to check whether it is consistent?

Mr. Normand: You mean if the printed copy is adopted as such?

Mr. Fortin: Yes.

Mr. Normand: No, Mr. Chairman.

The Chairman: Mr. Forest.

Mr. Forest: A brief preliminary question. How long have you been Committee Clerk?

Mr. Normand: Nine to ten years.

Mr. Forest: The Chairman said the question would be in order. Did you follow the normal procedure, as you do as a rule, in making the report of the Committee proceedings?

Mr. Normand: I followed the usual procedure, Mr. Chairman.

[English]

The Chairman: Mr. Nesbitt?

Mr. Nesbitt: One very brief final question. Could the witness tell us or give us any explanation as to why, after he drafted the report under the instructions that he felt he had, the draft report was not submitted? It was only submitted to the Chairman and not to the steering committee and not to the standing committee.

The Chairman: In all fairness to the witness, Mr. Nesbitt, if you refer again to page 72 you will see that this draft report was, in the end, in the hands of the Chairman at the time and there were precise instructions, precisely related in the report—

Mr. Nesbitt: Perhaps you misunderstand my question, Mr. Chairman.

The Chairman: I might, yes.

Mr. Nesbitt: On page 72 it is quite clear there are certain specific instructions given by the Committee to the Secretary to draw up a report and then certain events took place afterwards at the place of the meeting. After the meeting, presumably, the Secretary of the Committee drafted a report which, as he has told us, he submitted to the Chairman, Mr. Blouin. I am merely asking if, after he submitted his draft report to the Chairman, he could give us any reason—maybe he cannot, I

do not know—why that draft report was not submitted to a meeting of the steering committee and then subsequently to a meeting of the standing committee.

Mr. Normand: Mr. Chairman, I can only say that the Chairman of the Committee should be the one to answer this.

Mr. Woolliams: I think that is a good idea.

The Chairman: Mr. MacGuigan?

Mr. MacGuigan: Mr. Chairman, is it the normal procedure for a report which has already been approved by a steering committee and then by the committee to be further submitted, beyond the Chairman, to the steering committee?

Mr. Normand: Not that I know of, sir, unless it is a crucial report—a very lengthy report, for example on the crisis in Nigeria; but aside from this, for routine reports, not that I know of, sir. I am sorry—not that I know of.

Mr. McGrath: Did you consider this particular report routine?

The Chairman: We all understood that it was not routine.

• 1225

Thank you, Mr. Normand.

Mr. Jerome: Mr. Chairman, if we have finished with this witness, there has been some indication that there is a desire to hear the Chairman, Mr. Blouin, which seems natural. I understand that Mr. Blouin is expected back in Ottawa about February 10. I wonder if members of this Committee might agree at this time the Committee adjourn until such time as Mr. Blouin arrives in Ottawa so that he can be heard. Is that not a sensible way to proceed?

[Interpretation]

Mr. Fortin: Mr. Chairman, I agree with the Member's remarks. I think we have enough facts on hand to question Mr. Blouin to the best advantage.

[English]

The Chairman: Before I put this motion for adjournment, Mr. Jerome, we have here Mr. Ollivier. I realize that it is 12.30 p.m. There were some suggestions made in the steering committee on Tuesday that we call on Mr. Ollivier, who is the legal adviser of the House of Commons, if some members had any questions to ask of him about the usual rules and

so on. Because of the time, it might be more appropriate to adjourn and if, later on, we decide to ask questions of Mr. Ollivier, then we could advise the steering committee that we would like to have him with us. I want to thank him for having been here this morning.

Is this meeting adjourned? Yes, Mr. MacGuigan.

Mr. MacGuigan: I just want to say that while I am quite agreeable to adjournment, I

do not want to be taken to agree to calling Mr. Blouin. It seems to me that we now have the evidence we need. We have found the reason. The Clerk has testified that he prepared the report; that the final report in the House is the report he prepared; that he received no instructions from anybody and I believe we have the reason.

The Chairman: As there has been a motion made, this meeting is adjourned.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-69

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

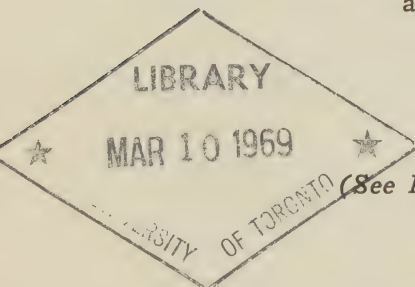
Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

TUESDAY, FEBRUARY 11, 1969
THURSDAY, FEBRUARY 13, 1969

Second Report of the Standing Committee on Transport
and Communications



WITNESSES:

(See Minutes of Proceedings)

INCLUDING THIRD REPORT TO THE HOUSE

THE QUEEN'S PRINTER, OTTAWA, 1969

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

¹ Cafik,	MacGuigan,	Skoberg,
² Deakon,	McGrath,	⁵ Sullivan,
Forest,	Murphy,	Trudel,
Fortin,	³ Peddle,	Valade,
Goode,	Richard,	Woolliams—(20).
Hogarth,	Ritchie,	
Lundrigan,	⁴ Schreyer,	

(Quorum 11)

Edouard Thomas,
Clerk of the Committee.

Pursuant to Standing Order 65(4) (b),

¹ Mr. Cafik replaced Mr. Weatherhead on February 11, 1969.

² Mr. Deakon replaced Mr. Sullivan on February 11, 1969.

³ Mr. Peddle replaced Mr. Nesbitt on February 10, 1969.

⁴ Mr. Schreyer replaced Mr. Rose on February 11, 1969.

⁵ Mr. Sullivan replaced Mr. Deakon on February 13, 1969.

ORDER OF REFERENCE

TUESDAY, December 10, 1968.

Ordered,—That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 29th, and which reads as follows:

Resolved,—That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

THURSDAY, February 13, 1969

The Standing Committee on Privileges and Elections has the honour to present its

THIRD REPORT

Pursuant to its Order of Reference of Tuesday, December 10, 1968, your Committee had the Second Report of the Standing Committee on Transport and Communications under consideration, to determine the reason for the omission from the Report of a certain resolution adopted by that Committee, which Report was presented to the House on December 3, 1968.

This matter having been raised in the House as a question of privilege and the Speaker having ruled that there was a prima facie case of privilege, it remained for your Committee to decide:

1. If there was a question of privilege involved, and
2. The reason for the omission of the resolution referred to above.

Your Committee held four meetings and heard the following witnesses:

Mr. Antonio Plouffe, Chief of the Committees and Private Legislation Branch;

Mr. Robert Normand, Clerk of the Standing Committee on Transport and Communications;

Mr. Gustave Blouin, M.P., former Chairman of the Standing Committee on Transport and Communications;

Dr. Maurice Ollivier, Law Clerk and Parliamentary Counsel.

Your Committee reports that the reason for the omission is that it was never moved and concurred in that the said resolution adopted by the Standing Committee on Transport and Communications be part of its Second Report.

An act which constitutes a breach of privilege being, inter alia, disrespect to the House, disobedience to its orders, or interference with its procedure, your Committee, in consequence of what has been said, is of the opinion that there has been no breach of privilege.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 3 to 5 inclusive*) is tabled.

Respectfully submitted,

OVIDE LAFLAMME,
Chairman.

MINUTES OF PROCEEDINGS

TUESDAY, February 11, 1969.

(5)

The Standing Committee on Privileges and Elections met this day at 4.05 p.m., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Cafik, Deakon, Forest, Fortin, Hogarth, Jerome, Laflamme, MacGuigan, McGrath, Murphy, Ritchie, Schreyer, Skoberg, Trudel, Woolliams (15).

Also present: Messrs. Allmand, Deachman, Portelance.

Witnesses: Mr. Gustave Blouin, M.P.; Dr. P. M. Ollivier, Law Clerk and Parliamentary Counsel.

The Committee questioned Mr. Blouin concerning the proceedings and the Second Report to the House of the Standing Committee on Transport and Communications.

The Committee questioned the Law Clerk and Parliamentary Counsel concerning legal aspects of its Order of Reference dated December 10, 1968.

Moved by Mr. Jerome and

Agreed—That this Committee report to the House of Common pursuant to the terms of reference of the Order of the House dated, Tuesday, December 10, 1968, on the basis of evidence received to this date.

The amendment of Mr. McGrath to this motion—

That the resolution dealing with rail passenger in Newfoundland adopted by the Standing Committee on Transport and Communications be included in the Committee's Second Report now before the House—
was ruled out of order by the Chair.

At 5.50 p.m., the meeting adjourned to the call of the Chair.

THURSDAY, February 13, 1969.

(6)

The Standing Committee on Privileges and Elections met this day at 11.10 a.m., *in camera*, the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Cafik, Forest, Fortin, Goode, Hogarth, Jerome, Laflamme, MacGuigan, Murphy, McGrath, Peddle, Skoberg, Sullivan, Trudel (14).

The Committee considered a draft Third Report to the House and instructed the Chairman to present it at this day's sitting.

At 11.30 a.m., the Committee adjourned to the call of the Chair.

Edouard Thomas,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, February 11, 1969

• 1604

The Chairman: Gentlemen, we now have a quorum, and I think it would be appropriate to start right away. Last week we heard the Clerk of the Transport and Communications Committee, Mr. Normand. At the last steering committee meeting, as you know, it was decided to hear Mr. Blouin who was at the time the Chairman of the Transport and Communications Committee. He was away for the reasons you know, and we are really glad to have him with us here this afternoon.

I must repeat what I have already said, that Mr. Blouin requested earlier that he appear before the Committee to answer any questions you may wish to ask him. This meeting is open and Mr. Blouin is here. We are really glad to have you with us, Mr. Blouin, and I hope you can answer any questions you be asked within the terms of reference of this Committee.

• 1605

[Interpretation]

Mr. Blouin (Former chairman of Committee on Transport and Communications): First of all, I thank you Mr. Chairman, and I take this opportunity to address my thanks to some members of the Committee who sent me best wishes during my two stays in hospital.

[English]

Mr. McGrath: Mr. Chairman, could we just hold off until we get our translation ear pieces in order.

The Chairman: Yes.

[Interpretation]

Mr. Blouin: Are they operating now?

I am sorry about this delay in coming to give evidence before this Committee. As the Chairman stated a few minutes ago, and as you are all aware, this delay was caused by my recent illness and I can do nothing about it. I am here in flesh and bone and I am quite ready to answer the questions that the mem-

bers of the Committee want to put. That is all, sir.

[English]

The Chairman: Thank you very much, Mr. Blouin. I should inform the members that Mr. Blouin has had an opportunity of reading the transcript of our earlier deliberations so he is aware of what has been said prior to this. I will allow any member who wants to do so to ask a question. Mr. McGrath?

Mr. McGrath: Mr. Chairman, first of all I want to welcome Mr. Blouin back. I am glad to see that his health has been restored; he looks considerably better than he did the last time we saw him.

Mr. Blouin: Thank you.

Mr. McGrath: I say that sincerely. I am glad to note that he has read the transcript of the evidence, especially the evidence of our last meeting, because it is certainly our wish that this matter be brought to a conclusion as quickly as possible. I know everybody is getting a little impatient with it, and perhaps this is due in no small way to the fact that Mr. Blouin unfortunately was detained due to illness, and obviously he is the chief witness.

My first question, Mr. Chairman—and I would welcome any supplementaries to it—has to do with Mr. Normand's evidence. When Mr. Normand, the Clerk of the Committee, laid the draft of the second report of the Committee on Transport and Communications on your desk, did you read it?

[Interpretation]

Mr. Blouin: Yes, Mr. Chairman, I did read it carefully.

[English]

Mr. McGrath: Did you read it before it was presented to the House?

[Interpretation]

Mr. Blouin: Yes, I read it.

[English]

Mr. McGrath: Did you note the omission of the resolution in question, more particularly

the resolution dealing with the Newfoundland rail transportation?

[Interpretation]

Mr. Blouin: In so far as I know, there was no omission not any change.

[English]

Mr. McGrath: I am sorry, Mr. Chairman; I must raise a point of order. We are having trouble with the simultaneous translation.

The Chairman: This one I have is working very well; perhaps you could use some other set.

Mr. McGrath: I seem to have it now.

Mr. Woolliams: It was off for a little while.

Mr. McGrath: Could I repeat the question, and could Mr. Blouin repeat his answer, Mr. Chairman? When he read the report did he note the omission of my resolution passed by the Committee on November 28 dealing with rail passenger service in Newfoundland?

• 1610

[Interpretation]

Mr. Blouin: In so far as I know, Mr. Chairman, there was absolutely no omission if you are referring to the second report. There was no omission of any resolution in the second report which was to be submitted in the House, absolutely not.

[English]

Mr. McGrath: Mr. Chairman, Mr. Blouin said there was no omission, in his opinion, of the second report. May I ask him what became of the resolution passed in the Committee on November 28, presumably on which the second report was based?

[Interpretation]

Mr. Blouin: You mean to say the resolution?

[English]

Mr. McGrath: The resolution that was adopted by the Committee on November 28.

[Interpretation]

Mr. Blouin: So, this resolution, if I remember, did not appear in the second report that was to be submitted to the House.

[English]

Mr. McGrath: Mr. Blouin, the second report did contain a recommendation to study prob-

lems of transportation in the Atlantic Provinces. Is that right?

Mr. Blouin: Yes.

Mr. McGrath: In your opinion, was not the resolution I referred to related to the recommendation of the Committee to study transportation in the Atlantic Provinces? I will repeat the resolution:

Resolved,—that the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

[Interpretation]

Mr. Blouin: This resolution, if I remember correctly, was submitted at the very last minute at the session of November 28th. In so far as I know, none of the members of the Committee on Transport and Communications requested that this resolution be included in the second report. We must remember that, previously, two other resolutions were included in the second report and were reported to the House in the normal way.

[English]

Mr. McGrath: Why omit this resolution if you included the other two resolutions?

[Interpretation]

Mr. Blouin: They were never omitted, there was no change made whatsoever.

[English]

Mr. McGrath: If it was not included, surely it must have been omitted.

[Interpretation]

Mr. Blouin: Normally, this resolution would have been discussed at subsequent sittings and would have been presented in the normal way to the House through the third report. It's as simple as that.

[English]

Mr. McGrath: Mr. Blouin, this resolution...

Mr. Hogarth: Mr. Chairman, may I speak on a point of order. Surely the question as to whether or not this resolution should or should not have been contained in the second report, is a question of parliamentary law, is it not? Can we not get the advice of Dr. Ollivier as to whether by parliamentary law that should or should not have been included?

Mr. McGrath: Mr. Hogarth, let me continue with my line of questioning.

The Chairman: Order, please. A point of order has been raised. This very point might be part of our discussions later on, but I see no objection to Mr. McGrath asking questions of Mr. Blouin. Mr. Blouin can give the explanations as he sees fit to give them. But I do not see that there is any point of order right now.

It is part of the evidence. He has been the Chairman of this Committee. Mr. McGrath has, I think, a right to question, and I think Mr. Blouin should answer the questions.

Mr. McGrath: May I proceed then, Mr. Chairman?

The Chairman: Yes, Mr. McGrath.

Mr. McGrath: Mr. Blouin, the resolution dealt with a decision of the Canadian Transport Commission, the implementation of which was due to start, if my memory serves me correctly, on December 6. Consequently the resolution was of some urgency. In your opinion, did you not feel that because of the urgency of the resolution it should have been reported to the House?

• 1615

[*Interpretation*]

Mr. Blouin: Yes, I understood the importance of the resolution. Certainly, I did. If there is anyone who is aware of transportation problems in the Atlantic Provinces, it is certainly I, because I am a neighbour of the Atlantic Provinces, and we have about the same problems in transport and communications. But the Chairman doesn't decide, on his own, on putting a resolution into a report to be tabled in the House. It must be submitted to the Committee. And show me a case where a member of the Committee requested that a resolution of that nature be submitted to the House in the second report.

[*English*]

Mr. McGrath: Yes, Mr. Chairman, I will do that. The Committee passed the resolution by a vote of six to five. In other words, they adopted the resolution, which meant they wanted it to be adopted by the Committee and be recommended to the House. Surely this must have been clearly implied in the adoption of the resolution.

The Chairman: Mr. McGrath, I do not want the...

Mr. McGrath: Mr. Blouin raised the question.

The Chairman: I agree. I have realized this; I did not interrupt you until you were through, but I want to inform you that I do not want you and the witness to go into an argument about what will be the purpose of our deliberations after we have heard the full evidence.

Mr. McGrath: Mr. Chairman, I can come precisely to my point. I want to know why Mr. Blouin did not report my resolution to the House.

The Chairman: This is a valid question.

[*Interpretation*]

Mr. Blouin: There was never any omission in presenting this resolution in the second report. As you know, Mr. Chairman, in order to present a resolution, the Committee must request that the resolution be submitted to the House. And I might quote here what was mentioned during this particular meeting of November 28:

Mr. SCHREYER: Mr. Chairman, did you assign a date for that last item?

THE CHAIRMAN: Assign a date?

Mr. SCHREYER: Did you assign a date? Have you fixed a date for these claims to be brought before the Committee?

THE CHAIRMAN: No, we did not fix any date. Everything depends on whether we will be finished with the estimates.

Mr. Woolliams: Which page?

Mr. Blouin: Page 72, November 28 in the report number 6.

THE CHAIRMAN: The Clerk points out that we also have to wait the order of the House.

Mr. Douglas, who was a member of the Committee:

Mr. DOUGLAS: That is what I was going to ask. I understood you were going to ask for an order of the House to permit us to deal with these claims.

THE CHAIRMAN: Yes, we are. Next Tuesday a report will be presented to the House.

Mr. NESBITT: I presume, then, that between now and Tuesday, Mr. Chairman, the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against

the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

THE CHAIRMAN: That is correct. That report will be presented to the House on Tuesday. Is that agreed?

And all the members of the Committee were in agreement. So there was never any question of putting the resolution in the second report.

[English]

Mr. McGrath: All right. Did you call a meeting of the steering committee to consider my resolution?

[Interpretation]

Mr. Blouin: No, that report was tabled in the House the 3rd of December, and the next day I was ill.

[English]

Mr. McGrath: We are talking about the 28th now; we are talking about the 28th, the day the resolution was adopted. From the time the resolution was adopted until the report was tabled in the House, did you call a meeting of the steering committee? If not, why not?

[Interpretation]

Mr. Blouin: You mean to say between the 28th of November up to the 3rd of December? Yes, I think there was a meeting of the steering committee.

• 1620

[English]

Mr. McGrath: I want to know what was the date of the steering committee between the time my resolution was passed on the 28th, and the time the report was presented to the House on the 3rd of December. I want to know the time and place of the steering committee meeting and who was in attendance.

[Interpretation]

Mr. Blouin: I haven't got the date with me. Was it the same day? I know there were two meetings of the steering committee but I don't have the exact date.

Mr. Fortin: One or two?

Mr. Blouin: I don't know whether the Clerk of the Committee has the date. All I know is that there were two meetings of the Steering Committee between those two meetings.

[English]

Mr. McGrath: Is the Clerk of the Committee here? Could you check with him?

The Chairman: I will have that checked right away, Mr. McGrath.

Mr. Woolliams: May I ask a supplementary?

The Chairman: Yes, Mr. Woolliams.

Mr. Woolliams: Before I do that, may I just digress for a moment. I particularly welcome him back, and I am glad to see him in good health. I think you and I suffered the same ailment at some time and so I have complete sympathy with you. I think one of the main things is to avoid stress because that could undo any progress you have made.

Mr. Blouin: Thank you very much.

Mr. Woolliams: Now I want to ask you just a few questions which will be supplementary to Mr. McGrath's question. I am sorry I was late. I was at the Conference.

While they are checking the date of the steering committee—you say there were two meetings—could you tell the Committee, and I think this is important, whether there was any member of the Progressive Conservative Party at that steering committee, if there was a notice of that meeting, and where the meeting was held in reference to this particular resolution passed by the Committee dealing with railway transportation or transportation in Newfoundland?

[Interpretation]

Mr. Blouin: Yes, Mr. Chairman, I remember very well that at those two meetings of the subcommittee there were 5 members, among whom there were Conservative Party members. I do not remember the exact dates, but those meetings took place in my office, after notices had been distributed by the Clerk of the Committee, as is normally done.

[English]

Mr. Woolliams: Were there any of our party there at those meetings?

[Interpretation]

Mr. Blouin: Yes, yes.

[English]

Mr. Woolliams: Who were those members?

[Interpretation]

Mr. Blouin: I remember Mr. Thomas (Moncton). Mr. Nesbitt had been summoned

but had himself replaced. I summoned him myself twice. He apologized for not being able to attend the Steering Committee meeting. He had delegated Mr. Thomas (Moncton).

[English]

Mr. Woolliams: An I take it then that Mr. Thomas and Mr. Blouin attended both those meetings.

[Interpretation]

Mr. Blouin: Yes, so far as I know.

[English]

Mr. Woolliams: And was the report read to that steering or subcommittee? Was the whole report given to them and read to them?

Mr. McGrath: The draft of the second report.

Mr. Woolliams: Yes, the draft before presenting it to the House of Commons—at those meetings.

[Interpretation]

Mr. Blouin: So far as I know, yes. The reports were read and approved. But, I do not know if those meetings took place before the 28th of November, or after. I am not quite sure.

[English]

Mr. McGrath: Before December 3 of course.

Mr. Woolliams: You go ahead and ask him if you want. I do not mind. The thing is I just wanted to follow that through.

I think I can clarify it very quickly. Mr. McGrath's statement is very simple. Was the meeting before the 28th or after? If it was before, well, of course you could not discuss the resolution, and if it was after, was it before the report was filed in the House of Commons. That is important too.

[Interpretation]

Mr. Blouin: I think it was before the 28th of November.

[English]

Mr. Woolliams: Then really after the resolution was passed in reference to the Newfoundland railway—and that is in Volume 6 of November 28—there was no meeting of the steering committee where they considered the draft report or the final report that was filed in the House of Commons?

[Interpretation]

Mr. Blouin: No, I do not think so.

[English]

Mr. Cafik: A supplementary here, if I may?

Mr. Woolliams: If I could just follow this one through, then I am through.

Mr. Cafik: All right.

Mr. Woolliams: Now we might as well follow it through. Was the report ever submitted to the whole Committee as a whole before it was filed in the House of Commons—the second report?

• 1625

Mr. Blouin: The second report? The second report was presented to the steering committee, as far as I know.

Mr. Woolliams: But was it ever submitted to the whole Committee as a whole, here, like we are sitting today, for approval?

Mr. Blouin: For approval?—

[Interpretation]

Yes, I think so. On reading, you will see here—This was submitted to the Committee as a whole since Mr. Nesbitt replies, here. Therefore, I presume—

[English]

Mr. Woolliams: What day was that, sir?

[Interpretation]

Mr. Blouin: The 28th of November.

[English]

Mr. Woolliams: November 28.

Mr. McGrath: Before the evidence was taken on November 28?

Mr. Blouin: Yes.

Mr. Woolliams: So that that report then was submitted to the whole Committee as a whole before the evidence of November 28 was taken.

Mr. Blouin: What are you saying?

Mr. Woolliams: The draft report was submitted to the Committee as a whole prior to the evidence of November 28, was it not?

Mr. Blouin: Yes.

Mr. Woolliams: Right. So that the report then, although submitted to the Committee, which did not contain the resolution we are talking about was really submitted to this Committee before it was even passed or adopted by the Committee. Is that correct, or

am I in error about that? You correct me if I am wrong, Mr. Chairman.

The Chairman: No, Mr. Woolliams. What I want to point out to you is that in the Minutes of Proceedings there is a full report of the steering committee meetings that were held before the meeting of November 28.

Mr. Woolliams: I know but I am not dealing with this now. I probably did not make my point. Do you mind if I just speak to you, Mr. Chairman, for a moment?

The Chairman: Yes, go ahead.

Mr. Woolliams: My point is this, that the witness has said—and if he was in error he could correct it certainly by his evidence—but as I take it, they had a meeting of the steering committee prior to the meeting of November 28. Then I asked him if the report as a whole that was finally filed—that is the report we are dealing with in the House of Commons and that is now before the House of Commons—was ever submitted to the Committee as a whole for consideration, and he said yes, but it was submitted before taking the evidence of November 28. So the resolution could not get into that report if the report was—

The Chairman: Order.

Mr. McGrath: Mr. Chairman, I am going to raise a point of order—

Mr. Woolliams: Well, let me just finish speaking—just let me finish. I am not concerned about that. Mr. Chairman, I just want to say to my good friends here—I did not come here, particularly when Mr. Blouin is a good friend of mine, because my next question is going to be quite serious—I did not come here to prosecute him or persecute him. He is a gentleman, he is a good Member of Parliament and, as far as I know—I was not on his Committee—I have always found him a fair-minded chairman. So that there is no reason for them to get exuberant about it. I want to be polite and I am going to be a gentleman. Now the thing that I would like to ask him, in view of his answers to Mr. McGrath, is this. We are not here to chastise you, particularly after being a sick man, but have you any objection, as the former Chairman of the Committee when this resolution was passed and because of the difficulties that seem to arise from the evidence, of it now being included in the report in question? I might bring to your attention why I make

that suggestion—and I was not on the Committee, like my friends, and they no doubt have this knowledge and I have not got it. I came in later. At page 72, I am going to read this part which you read, sir.

I presume, then, that between now and Tuesday, Mr. Chairman; the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

Because the resolution that was omitted, rightly or wrongly—and I am not dealing with that point—dealt with the visitation to the Atlantic Provinces so that no decision would be made until the visit was over, have you any objection to it now being included in that report?

Mr. Hogarth: Mr. Chairman, on a point of order, this witness cannot be expected to answer something that would be entirely up to that other Committee.

The Chairman: If, Mr. Hogarth, you could allow me to answer Mr. Woolliams, because I precisely see the point.

The only objection, Mr. Woolliams, I have to your question in this regard is the fact that I do not think that it could be appropriate that we could ask Mr. Blouin to speak on behalf of the Transport and Communications Committee as a whole because I realize that the Committee itself should speak for this, but not Mr. Blouin.

I am not going to rule your question out of order but I remind you that whatever Mr. Blouin could say on this is irrelevant to what we have to do here.

• 1630

Mr. McGrath: But, with respect Mr. Chairman, it is within the terms of reference of this Committee to recommend that this resolution be incorporated in the second report which is still before the House. Is that not correct?

Some hon. Members: No. no.

The Chairman: Just a minute. I would like to see where it has been recommended, Mr. McGrath.

Mr. McGrath: I am asking the question. I am not making the point...

The Chairman: If this Committee could recommend—but I must say that we...

Mr. McGrath: Yes. How do we dispose of it otherwise?

The Chairman: Well, the only thing we have to report back to the House is simply the terms of reference for which we are here.

Mr. Woolliams: I wonder, Mr. Chairman, if I might answer what you say? There might be something to it. What I am trying to come to is this. There is a complaint that this motion was left out. There were instructions given to the Committee on a report that apparently was prepared before the resolution took place.

The Chairman: Yes.

Mr. Woolliams: I have been here too long in the House of Commons to be unfair to Mr. Blouin or anybody else in the House of Commons or anywhere else. I just want the facts. I have talked to Mr. Blouin and I am quite pleased with what he said in the evidence. I am very happy with it. All I am saying is this. There was a resolution that is very important to Newfoundland. Surely nobody in this Committee is going to be so partisan—I am not—as to suggest, when it was so important to the Province of Newfoundland, that here was a resolution omitted because Mr. Blouin said the report was considered before the resolution was passed; that we could not include it in some report before the House of Commons. I cannot believe any of the members of the House of Commons would object to such a thing if it was done because the report was considered before all the evidence was considered. That seems to be—I am not saying this in the wrong sense—very irregular and that seems to be the grievance of the people where this resolution was left out. All I understand the people of Newfoundland to want is to get the resolution before the House. What have they got to fear? If there is nothing wrong with it why can we not correct it?

The Chairman: Mr. Woolliams, the matter of importance is not at issue. It is a matter of sticking with the terms of reference. Mr. Olivier may correct me, but I would suggest as an answer to your question that if the members of the Transport and Communications Committee want this resolution to be reported

to the House in a report, the only thing they have to do is to meet and pass a resolution to this effect and instruct the Chairman accordingly.

Mr. Woolliams: Mr. Chairman, we are a different committee but I am asking this question. You heard what the Chairman said and he is being most helpful. If this Committee is suggesting to the Committee on Transport and Communications that either it be included in the report that is now before the House—and it could be amended—or included in a third report, would you have any objection to this resolution's being included in a report? Would you have any objection, as the former Chairman of the Transport and Communications Committee?

[Interpretation]

Mr. Blouin: Mr. Chairman...

Mr. Fortin: Mr. Chairman, on a point of order.

Mr. Chairman: Yes, Mr. Fortin.

Mr. Fortin: Personally, I think it is beyond our scope. Our terms of reference are clearly indicated here and were set forth to us by the Clerk of the House. I do not think that we, as members of the Committee on Privileges and Elections, can tell our colleagues of the Committee of Transport and Communications to do this and do that, to have breakfast in the morning and to dine either in the evening or at noon in order to live properly.

If we are going to conduct our discussions on that level, Mr. Chairman, we might as well go back to the constitutional conference or to the House to discuss the Omnibus Bill because we shall be wasting our time here.

[English]

Mr. Woolliams: I do not want to go back to the constitutional conference. The Chairman ruled that...

[Interpretation]

The Chairman: No, Mr. Woolliams, a point of order has just been raised.

Insofar as I am concerned, the question put by Mr. Woolliams is hypothetical, but instead of discussing points of order of this nature indefinitely, I would rather allow the question and allow Mr. Blouin to answer. I know it is a hypothetical question because that is not what we are here to discuss, but if it can throw

some light on the situation, then I can allow the answer.

• 1635

[English]

Mr. Deakon: Mr. Chairman, I respectfully submit that this question is completely irrelevant to this issue. The terms of reference specifically state that this Committee is to determine the reason for the omission of this resolution from the report. There was an accusation made in the House, which is on page 3735 of *Hansard* dated December 10, 1968, in a statement made by Mr. James A. McGrath, St. John's East.

My question of privilege is based on the fact that the resolution adopted by the Committee on November 28 was, in my view, deliberately omitted from its report to the house...

The Chairman: I am sorry, Mr. Deakon, but I must ask the members to proceed in an orderly way. There were questions of Mr. Woolliams to Mr. Blouin which I consider hypothetical but I suggested if Mr. Blouin wanted to answer to clarify some points that may be indirectly relevant it would be preferable to allow the questions.

Mr. Woolliams: I wonder if you would answer the question.

[Interpretation]

Mr. Blouin: Mr. Chairman, upon my soul and conscience, there has never been any omission or change in the resolution which Mr. Woolliams mentioned.

What happened was that this resolution which he talks about was supposed to be discussed at subsequent meetings and was to be the object of a specific request from the Committee of Transport and Communications for submission to the House. If, as in the normal course of events a member of the Committee had made such a request this resolution would have been submitted to the House along with the third report, in accordance with normal procedure. This is more or less the reply to the question.

The Chairman: And those are the reasons, Mr. Blouin.

[English]

Mr. McGrath: Mr. Chairman, may I supplement, please? During the course of the evidence it was made abundantly clear that the matter was of some urgency because the

implementation of the decision referred to in the resolution was to take place in fact on December 6, 1968. There would be a gradual phasing in of buses and phasing out of the passenger trains to conclude in April of this year. This made the matter of some urgency. Also, at the conclusion of our meeting on November 28, 1968—and the evidence will indicate this—there was no suggestion that this resolution would be considered at any subsequent meeting. It was inferred quite clearly that this resolution formed a part of the second report which was considered at the beginning of the evidence because it dealt with the recommendation of the Committee to study problems of transportation in the Atlantic Provinces.

The Chairman: I realize, Mr. McGrath, that you wanted to make your point. If you have any questions to ask of Mr. Blouin I will allow them but actually you are arguing.

Mr. McGrath: I am not arguing, Mr. Chairman, I am just stating facts as I see them.

The Chairman: They are valid points perhaps but no one, including Mr. Blouin, has ever questioned the importance of the matters contained in the resolution that was passed at the end of the meeting on November 28, but again we are not here for that. We are here to listen to the reasons why this resolution was not submitted in the report tabled in the House on December 3, 1968, and I really believe, if I may say so to you members of this Committee, that Mr. Blouin has already answered the questions as to why he did not include it.

Mr. Woolliams: Mr. Chairman, I wonder if I might continue. I could be very short if I did not have so many interruptions.

Mr. Cafik: Mr. Chairman, on a point of order, it seems that these questions are all in the form of supplementaries and we have had supplementaries now for well over half an hour.

The Chairman: I am going to allow Mr. Woolliams a few more questions and then I will recognize you, Mr. Cafik.

Mr. Woolliams: Did you ever consider, Mr. Blouin, that this resolution at any time was out of order?

Mr. Blouin: No.

Mr. Woolliams: Then when Mr. Macdonald, the President of the Privy Council, on page 3587 said:

...I am advised the resolution was passed but that it was out of order.

You never told the President of the Privy Council it was out of order.

[Interpretation]

Mr. Blouin: I never even saw the leader of the House, so I could not have. . .

[English]

Mr. Woolliams: I see. Then he said:

Under the circumstances I take it that it is null and has no effect, but I have not examined the question.

Do you take the position that the President of the Privy Council takes?

• 1640

The Chairman: I am sorry, Mr. Woolliams, I missed your question. Would you like to repeat it?

Mr. Woolliams: My question is very simple: that the President of the Privy Council takes the position that the resolution was out of order and, in fact, he says it was null and void. Somebody has just heckled me, as I am asking the question, and said, "It is out of order", meaning my question. I would say this to you: we are trying to find out why it was left out of the report. You have given us one answer. I am not dissatisfied, but I am prepared to probe just a little further as to why it might have been left out, apart from yourself. The fact is, the President of the Privy Council says this resolution is out of order and you said that you do not agree with him. Did you ever tell him it was out of order or give him any instructions in that regard?

[Interpretation]

Mr. Blouin: I did not say I was not in agreement with him. I said I had never even seen the leader of the House, so he could certainly not have given me any instructions, since I never saw him. He never attempted in any way to influence me or to give me instructions. I never even saw him.

[English]

Mr. Woolliams: Do you suggest today, as former chairman of that Committee, that that resolution was out of order?

[Interpretation]

Mr. Blouin: No, because I had accepted this motion as Chairman of the Committee, at the very last minute of the meeting of November 28.

[English]

Mr. Woolliams: I am finished now.

The Chairman: Mr. Cafik?

Mr. Woolliams: I am sorry for taking so much time but we had quite a few interruptions.

The Chairman: Yes.

Mr. Cafik: Mr. Chairman and Mr. Blouin, I have a number of questions here. First of all, in order to get a couple of facts straight in connection with the motion made by Mr. McGrath, at the time Mr. McGrath made his motion toward the end of this meeting on transport did he ever make a motion to have this motion included in the second report to the House of Commons?

[Interpretation]

Mr. Blouin: No, not as I know of.

[English]

Mr. Cafik: Did he ever make a motion to have it referred to the Steering Committee for consideration to be included into the second report to the House of Commons?

[Interpretation]

Mr. Blouin: No, not that I know of.

[English]

Mr. Cafik: In other words, there was nothing unusual about his motion to indicate that he wanted it in the second report to the House of Commons?

[Interpretation]

Mr. Blouin: Absolutely not, that I know of.

[English]

Mr. Cafik: Now, may I ask a second question? As chairman of that Committee, and bearing in mind that the original terms of reference given to the Committee by the House of Commons were to study the revised estimates of the Canadian Transport Commission, would you consider that the motion put forward by Mr. McGrath—which was not directly related to the estimates, in my personal view—was in order and dealing with the matter before the Committee, or was it deal-

ing with a matter that was not before the Committee?

Mr. McGrath: It was dealing with the recommendations incorporated in the second report which opened the proceedings of that meeting.

Mr. Cafik: Excuse me.

The Chairman: Order, please.

Mr. Woolliams: On a point of order.

The Chairman: Yes, Mr. Woolliams.

Mr. Woolliams: He has already answered that he was of the opinion that the motion was in order, so I am really at a loss to see why you discredit your own friends.

Mr. Cafik: I am not discrediting. I am asking, in view of this, whether it is within the terms of reference.

[Interpretation]

Mr. Blouin: Mr. Chairman, if I may reply, I repeat what I stated to Mr. Woolliams. At the end of the meeting of the Committee on Transport and Communications on the 28th of November, 1968, I accepted the resolution submitted by Mr. McGrath. It was put to the vote and was approved. That resolution was thus properly in order. Only what happened is that no one in the Committee requested that it be put in the second report to the House because there were already two other resolutions which preceded that one. So that is why it was never submitted to the House. And normally, after a subsequent meeting, that resolution would have been submitted to the House in the third report. It is as simple as that.

• 1645

[English]

The Chairman: Just before you continue, Mr. Cafik, I want to clarify a point that was raised earlier by Mr. McGrath and Mr. Woolliams concerning the precise dates of the Subcommittee meetings that were held. Mr. McGrath, if you look at issue No. 7 of the *Minutes of Proceedings and Evidence* you will see that there was, in fact, a meeting of the Transport and Communications Steering

Committee at 1.30 p.m. on November 28; that is a few minutes after your motion was passed by the committee and the report says—I think you have the minutes and can look at them—that the members present were

Messrs. Allmand, Blouin, Nesbitt, Serré and Skoberg. I do not want to read what was decided in the report; this refers, at the bottom of the page, to the meeting of the Steering Committee held on December 3 where the members present were Messrs. Allmand, Benjamin, Blouin, Carter, Corbin—no, I am sorry, this was the full Committee. This is the answer to the questions you have asked. I do not know precisely the time of the Subcommittee meeting that was held after this meeting. I am sorry, Mr. Cafik, but I wanted to clarify that point.

Mr. Cafik: Yes. The reason that prompted me to ask the last question about the legality of the motion put forward by Mr. McGrath is that it strikes me—and I am not a member of that Committee—that the actual resolution in the second report to the House of Commons was a resolution asking that the scope of the Committee be expanded to allow it to look into the problems and to study the problems of the Atlantic Provinces and so on. It seems to me that your resolution was to act as though the Committee had already expanded its sphere of activity.

Mr. McGrath: On a point of order, Mr. Chairman. The member of the Committee is giving an opinion and I submit that that is out of order. He is supposed to direct his questions to the Chair or to the witness and not give opinions to the Committee.

Mr. Cafik: Yes.

The Chairman: I am sorry, Mr. Cafik. Gentlemen, as Chairman, I would like to have you in my confidence for a few minutes. I do not think we should spend time on points like that. I would remind hon. members that the opinions you have, personally, after you have read the evidence, will be part of the report we will be making. I think we should ask Mr. Blouin, precisely, for relevant facts related to the terms of reference, that is to say, the reason for the omission. This was asked a few minutes ago and I would ask Mr. Cafik and all hon. members to please try to avoid asking the witness his opinion on any subject. We have our own opinions; we can make all the suggestions we wish to make.

Mr. Cafik: No, but the point I was trying to bring out, and I am not trying to express my own personal view, is whether the Committee felt it was necessary then to expand its terms of reference in order to look into these other

larger areas that are contained in your second report?

The Chairman: This, again, is up to the members of the Transport and Communications Committee to decide.

Mr. McGrath: With great respect, Mr. Chairman, the hon. member has not even read the second report; otherwise he would not put that question. The second report recommends that the Committee study the problems of transportation in the Atlantic Provinces. My resolution was related to it.

Mr. Cafik: Excuse me. On a point of order.

The Chairman: Yes.

Mr. Cafik: That resolution asks that the terms of reference be enlarged.

An hon. Member: Read it for him; he cannot read.

Mr. Cafik: All right, I will read it.

That the Committee report to the House asking that the scope of the Order of Reference dated October 16, 1968, be enlarged authorizing the Committee to study:

(a) Transportation problems of the Atlantic Provinces.

(b) Claims of the Great Slave Railway Company against the Canadian National Railway Company.

Now, if you already had terms of reference to do that, why would the second report have asked for those terms of reference?

[Interpretation]

Mr. Blouin: Mr. Chairman, may I reply?

• 1650

The Chairman: Certainly.

Mr. Blouin: I think that what Mr. Cafik says is true. There was a request to extend the terms of reference of the Committee so that it could go and study the problems in the Atlantic Provinces. Very well. But Mr. McGrath's resolution has nothing to do directly with the other resolution submitted previously. It was another resolution which was entirely separate. It was a third resolution.

[English]

The Chairman: Are you through, Mr. Cafik? Do you have some other questions?

Mr. Cafik: Just a moment, Mr. Chairman.

Mr. McGrath: Mr. Chairman, may I just say one thing to resolve this matter? Would the Committee give consideration to reporting to the House recommending that this resolution be incorporated in the second report? That would resolve it very simply.

Mr. Woolliams: Yes, what is wrong with that?

Mr. McGrath: Why do you want to keep this resolution out of the House?

The Chairman: Order, please.

Mr. Hogarth: I can see the Transport Committee considering that such a resolution be made but we are not on the Transport Committee, and I honestly do not quite know what the resolution, in substance, is all about. It might be perfectly valid that it go before the House—I do not know—but if I were on the Transport Committee I would certainly consider it.

Mr. Woolliams: Mr. Chairman, I just want to say this: It does seem to me—and I am going to speak on behalf of the Whip—that here he is being examined; this was left out of the report; we are sent here to find out, but there is a very practical suggestion. I do not like playing funny games. I did not come here to play funny games and the only reason we are here really is to find out why it was left out; really why we are here is to get it in a report and get it before the House of Commons.

Why can we not be like gentlemen and Canadians and work for the Crown the same as the rest of the nine provinces? We can rise right now and forget about it and say to the other Committee, why not be big about it and say, "we have left it out, maybe it was an accident, the way things worked out, or an omission. Put it in before the House of Commons so Newfoundland's transportation system is protected." That is all I am interested in.

Mr. Blouin and I are good friends and he knows that, and his wife is a good friend of mine and I am not going to sit on this Committee, by any means, and see him chastised by either the friends over here or friends there. The mistake that was made was not his fault. All we want is action and that is what the row is about. These gentlemen here, including Mr. Hogarth—he is talking about the rules of Parliament as if he has been here since Confederation. I would say to him,

everybody gains experience; some take longer than others and he is no exception.

An hon. Member: Some never learn.

Mr. McGrath: The second report is still before the House, Mr. Chairman, so my resolution is...

The Chairman: I really... Yes, Mr. Deachman?

Mr. Deachman: In lieu of what has just been said by Mr. Woolliams, will Mr. McGrath retract his statement of December 10 regarding this being a deliberate omission?

The Chairman: I am really sorry, gentlemen, but I must inform you again that we have to continue our deliberations according to the rules, and I suggest to you that we are bound by the terms of reference that were referred to us by the House of Commons.

Mr. McGrath: Why do you not put the suggestion I made?

The Chairman: I beg your pardon?

Mr. McGrath: Why do you not put the suggestion I made to the Committee and resolve it once and for all?

Mr. Jerome: Because you fellows were instructed to keep the resolution out of the House.

An hon. Member: No, I am sorry...

An hon. Member: Mr. Chairman, I...

The Chairman: Order, please!

Mr. Jerome: Mr. Chairman, I wonder if members might be able to agree at this stage that we have finished with the witness. I think that that would be a positive step.

An hon. Member: No, I would...

The Chairman: I am sorry, Mr. Jerome, but I have a list of hon. members who indicated to me that they wanted to ask questions of Mr. Blouin.

Mr. Jerome: I simply wanted to suggest at this time, Mr. Chairman, that it seemed even those who were most actively engaged in questioning the witness—and I believe their questions were not only active but quite proper—covered the field very thoroughly in their questions of the Clerk, initially, and of Mr. Blouin today.

As a result of those questions it is clear to me, at least, that we have arrived at the answer to the question we were instructed to determine and at this stage I suggest to hon. members of the Committee that we have now got the answer and I do not know what more questioning will accomplish. I realize that you, the Chairman, want to ensure that everybody has a chance to speak, but in the interests of expediting this enquiry it seems to me that the reason has been clearly given. Everybody understands it and repeating the same questions over and over again is really not going to benefit any of us.

● 1655

I would also remind the members of this Committee, as I did earlier in the proceedings, that there is now a Standing Committee on Procedure and Organization and if members of this Committee, as I think some of them do, feel aggrieved by virtue of the fact that something was left out—they feel aggrieved; whether or not they place any blame on an individual member of the House they feel aggrieved—surely the proper thing to do would be for this Committee to report its reason, which is now plainly evident, to the House which would complete the matter before this Committee.

Then if it were necessary to take this matter further it could be put before the Standing Committee on Procedure and Organization with the request that the procedure of committee work which is going to become increasingly important be reviewed by that committee in the light of determining some rules as to what should and what should not be included in reports to the House from standing committees and the manner in which this should be done.

Mr. McGrath: Mr. Chairman, the honourable gentleman's point is very well taken, but he left out a very important part. He still has not suggested how we are going to dispose of this resolution. Is it to be left in limbo? I will bring it to a head. I move a motion. I am going to make a motion, Mr. Chairman.

The Chairman: I am sorry, but before you make a motion I want to recognize other hon. members who want to ask questions. They have the same privileges that I have already allotted to others, and at this time I recognize Mr. Skoberg.

Mr. Skoberg: Mr. Chairman, at the last meeting of the Committee of Privileges and Elections I attended it was suggested that possibly the House Leader could be asked to attend as a witness. I am just wondering whether or not this was followed up by the steering committee, particularly when you read the statement that he made in the House, and under the circumstances I take it that it is null and has no effect. Mr. Macdonald said:

MR. MACDONALD (*Rosedale*): I have not studied this; I am advised the resolution was passed but that it was out of order.

Mr. Chairman, I would ask whether or not the steering committee did take into consideration this statement?

The Chairman: If I may answer this, I would like first to tell hon. members that it might have been logical for this Committee to hear Mr. Macdonald if any of the witnesses we have heard had either suggested or intimated that Mr. Macdonald had anything to do with the presentation of the report that has been referred to us, but since both Mr. Normand and Mr. Blouin say that at no time did they have any communication with Mr. Macdonald before this report was tabled in the House, I really believe that at this time it is quite useless for us to have Mr. Macdonald because we cannot speak for what happened after December 3. We can speak only on the terms of reference and the reasons why this motion was not included in the report tabled in the House on December 3.

If you want a legal opinion, Mr. Ollivier is here. I do not mind, if it is the wish of the members of the Committee, our having Mr. Macdonald here to give his own legal opinion, but we have here the Parliamentary Counsel of the House of Commons.

Mr. Skoberg: If I may add something, Mr. Chairman, and then I will finish, there is no question at all that Mr. Blouin believes that the motion we have before us is quite in order. That was the end, as far as I am concerned, of Mr. Blouin. He has fulfilled his obligation to this Committee here as far as a witness is concerned but the statements of Mr. Macdonald, as recorded on page 3587 in *Hansard* on December 6. . .

The Chairman: What date?

Mr. Skoberg: December 6, 1968, page 3587, is exactly the question that we have before us

at this particular time. He said that this was not in order. Now, who told him it was not in order and why did he say it in the House of Commons? I believe he is the man who should have the answer. . .

The Chairman: Yes, Mr. Skoberg, but I still repeat again, what does it have to do with the reason why the motion presented by Mr. McGrath was not included?

Mr. Skoberg: This is exactly the question Mr. Macdonald should answer to this Committee and not Mr. Blouin.

The Chairman: I do not think it is in the terms of reference that we have to deal with.

Mr. Skoberg: Did the steering committee decide against having any witnesses other than Mr. Blouin?

The Chairman: We did not decide against having any witnesses but personally this is the opinion I have and I really believe in good faith that we must remain within the terms of reference under which we have to act; otherwise there is no use in having any meeting. Mr. Normand and Mr. Blouin have both given their evidence before us and since neither Mr. Normand nor Mr. Blouin had ever been in touch with Mr. Macdonald before this report was tabled, I think it is useless and outside our terms of reference to have Mr. Macdonald give his legal opinion on what he thinks about it. We are here for this.

• 1710

Mr. Woolliams: May I speak to this, Mr. Chairman, before you make such a categorical ruling. Mr. Macdonald says this:

MR. MACDONALD (*Rosedale*): I have not studied this; I am advised. . .

Now we have the statement of Mr. Blouin. In any kind of committee or any kind of board or hearing if someone says "I am advised" which would appear. . . Mr. Blouin said he did not advise him.

An hon. Member: No.

Mr. Woolliams: I am not saying he did but somebody has advised him and I want to know who advised him, when he was advised and what is this kind of advice that caused the problems we have today.

MR. MACDONALD (*Rosedale*): I have not studied this; I am advised. . .

The Chairman: Mr. Woolliams, I will allow you to ask these questions of Mr. Ollivier, if he wants to answer.

Mr. Woolliams: I want Mr. Macdonald here and if you are ruling against me, then do you know what we have done? We have just wasted my time and the Committee's time and everybody's time because there must be something somebody is hiding. Why are you, as Chairman, making a categorical ruling before we have even made a submission?

The Chairman: I am sorry, Mr. Woolliams. I am not making any ruling. I would just like to repeat what I have already said; that I strongly believe that within the terms of reference we have to study and as Chairman of this Committee, that with the reference made by Mr. Skoberg to hear Mr. Macdonald we will lose our time completely, because it is completely out of order in a sense that what Mr. Macdonald could have said on December 6, since neither Mr. Normand nor Mr. Blouin had ever talked to him before the tabling of this report, is completely irrelevant of the terms of reference we have.

Mr. Woolliams: With the greatest respect, I disagree with you.

Mr. Jerome: Mr. Chairman, I am prepared to test this by putting a formal motion before the Committee at this time that subject to any further questions of Mr. Blouin, this Committee receive no further evidence because it has already answered the question it set out to answer and that it rise and report to the House of Commons. I am prepared to put that motion and have it tested.

Mr. McGrath: Report what?

Mr. Jerome: Report the answer that it has received to the question, which is the reason the motion was left out is because—the answer given by the Chairman and the Clerk—the Clerk in preparing the draft report did not include the motion and the Chairman was not of the opinion that it would be included.

Mr. McGrath: Is that a motion?

Mr. Jerome: Yes it is.

The Chairman: If there is a motion it has to be put in writing, but while you make it I would...

Mr. McGrath: If that is a motion I will move an amendment, Mr. Chairman.

Mr. Woolliams: We have no seconder yet.

An hon. Member: We do not need a seconder.

Mr. Hogarth: For those of us who have not been here since Confederation, we learned that at one of these meetings.

Mr. Allmand: Mr. Chairman, I have a supplementary question.

The Chairman: Yes, Mr. Allmand?

Mr. Allmand: Just to clarify some things with the Committee, I would like to...

The Chairman: I am sorry, Mr. Allmand; you are not a member of this Committee.

Mr. Allmand: No, and I...

The Chairman: Before I can hear you I think it would be appropriate to hear some other members that have requested...

Mr. Allmand: It is very brief and it would clarify a lot of things.

The Chairman: I am sorry, but...

Mr. Allmand: I am the one who told Mr. Macdonald it was out of order.

The Chairman: However, I ask Mr. Fortin.

[Interpretation]

The Chairman: Mr. Fortin?

Mr. Fortin: Thank you, Mr. Chairman. I have some questions to put to Mr. Blouin and also to Mr. Ollivier, who, I think, will not only enlight me, but also certain members of this Committee.

Mr. Blouin, was the contentious resolution presented or not?

Mr. Blouin: What do you mean by "presented"?

• 1705

Mr. Fortin: The one Mr. McGrath has spoken of.

Mr. Blouin: He submitted his motion to the Committee and as Chairman of the Committee, I accepted it. It was put to the vote and the motion was passed. The proceedings were in order.

Mr. Fortin: Thus, you are saying two things: the resolution was presented, and it was adopted by the majority.

Mr. Blouin: Yes.

Mr. Fortin: And the resolution was in due form.

Mr. Blouin: Yes.

Mr. Fortin: Mr. Ollivier, in the proceedings number 7, Tuesday, December 3, we read on page 7—4:

REPORT TO THE HOUSE

Tuesday, December 3, 1968.

The Standing Committee on Transport and Communications has the honour to present its

SECOND REPORT

And then it says:

Your Committee recommends that its Order of Reference be enlarged, etc.

Mr. Ollivier, from your experience, without prejudicing the present debate, could you explain to me how it is, first of all, that this recommendation be there? Without necessarily naming the author, where does it come from? And, when it is presented, how does one decide whether or not it is in accordance with regulations, and how does one decide whether it can be submitted to the House or not? Is my question clear?

Dr. Ollivier (Law Clerk and Parliamentary Counsel): Yes, your question is clear. I will begin from the end. You asked me whether the question was in order or not. I was convinced that it was not in order, but I did not go to the Committee to state that. As Mr. Allmand, later on stated verbally to Mr. Macdonald, that I did not believe that this motion was in accordance with regulations. On the other hand, even if the motion were not in order, it does not contravene the regulations because of the fact that it was adopted by the Committee and no one has objected to it. That does not mean, however, that I am convinced that it should have been in the second report.

At the meeting of the 28th of November, we considered the resolutions that had been adopted on the 26th of November, I believe, by the Steering Committee, and then they were adopted. And after these resolutions were adopted and sent back again to the Steering Committee for drafting of the report, another motion was adopted. But this other motion did not go any further because no one proposed that this resolution be sent to the Steering Committee, that it be drafted in due form and then submitted to the House.

Mr. Fortin: Let us keep to that, Mr. Ollivier. If I refer to page 7-6 in the same proceedings report, I read as follows:

December 3, 1968—Mr. Warren Allmand, —That the resolution passed at the meeting of the Standing Committee on Transport and Communications—

The said resolution read as follows: "be now rescinded." And I put the same question to you as I did a minute ago, concerning this resolution. What makes it acceptable and such that the Chairman is obliged to submit it to the House or not? Do you understand my question?

Dr. Ollivier: Yes. The Chairman would be obliged to submit to the House those reports that were adopted. When a Committee has ceased its sittings, a subcommittee is set up, a Steering Committee which is to write down in due form all the resolutions that had been adopted and which the Committee intends to have reported to the House. On November, 28th, there was a study of what the Steering Committee had previously adopted, and these two resolutions were reported to the House in: *The first report of the Subcommittee on Agenda*. It was those two paragraphs that the Committee had to consider and report to the House and everyone was in agreement. Subsequently, at the very end of the sitting, a new resolution was adopted that of Mr. McGrath. I do not think it is important to know whether that resolution was in order or not. I am convinced it was not in order and I said so to Mr. Macdonald and perhaps also to Mr. McGrath.

As that resolution was adopted at the last minute, it was not sent to the Steering Committee to be written up and to be reported. No one proposed this. This does not mean that it could not have been part of a subsequent report. But there was no need for it to be included in the report of that particular day.

• 1710

[English]

Mr. McGrath: According to that the whole report is out of order.

The Chairman: Mr. McGrath, I still recognize Mr. Fortin. He has some other questions.

[Interpretation]

Mr. Fortin: Thank you, Sir.

Mr. Ollivier, I am asking you a very clear and specific question: In a Committee, do you need to have a definite request for a resolu-

tion to be submitted to the House through the Chairman?

Dr. Ollivier: No, unless the Committee decides that it must be part of the report. Actually, there must be two motions: a motion to adopt a recommendation of a regulation, and another motion to propose that it is included in the report to the House.

Mr. Fortin: Now let us deal with the contentious point, Mr. Chairman. When I ask for a vote, in Committee, is this a specific request to have the subject of that vote submitted to the House? In this specific case, the vote was six against five. That is excellent, it comes to the assistance of the transport industry in Newfoundland. But this is not the problem. According to parliamentary procedure, does that vote not necessarily mean that it's outcome must be submitted to the House?

Dr. Ollivier: No, there are good many votes taken in Committee that are not reported to the House. You can adopt any number of recommendations in a Committee and then decide to form a Steering Committee entrusted with preparing the report that will then be approved. Thus, on November 28, resolutions were adopted that had been adopted in previous sittings. Then it was said that these resolutions must be part of the report, then this was put to the vote and decided accordingly. Thus, these resolutions were voted on twice. The first time, when they were drafted, and the second time, when it was decided that they would appear in the report. Now, the final resolution was adopted at the very last minute, and I understand that the Steering Committee met about half an hour later.

Mr. Fortin: My last question, Mr. Chairman, and it is for Mr. Blouin. At the very outset, Mr. Blouin told you that two other resolutions had been submitted at the same meeting, which was proof of your good faith. Would you please tell me exactly when you were asked by the Committee to refer these resolutions to the House?

The Chairman: Page 72.

Mr. Blouin: On page 72. Thank you for your assistance, Mr. Chairman. If you refer to page 72, Mr. Fortin, in volume 6, there is a very explicit statement. Mr. Douglas, first of all, states:

That is what I was going to ask. I understood you were going to ask for an order of the House to permit us to deal with these claims.

He dealt with the previous resolutions.

[English]

The Chairman: Yes, Mr. Schreyer?

Mr. Schreyer: On a point of order, I would like to have read to the Committee the exact motion that was moved by Mr. McGrath and which was voted on and passed.

The Chairman: It is at the end of the...

Mr. Schreyer: It is on page 100.

Dr. Ollivier: I have it here.

Mr. Schreyer: I would like to have it read from the minutes.

Dr. Ollivier: Yes. It reads:

Resolved,—That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

Mr. Schreyer: Mr. Chairman, has it occurred to you that there is no reference at all in that motion to the Committee making a reference to the House of Commons. I know what Mr. McGrath's intentions are, but where in this motion that was voted on is there any reference to the Committee asking the House for any kind of expansion of authority?

The Chairman: Mr. Schreyer, this is precisely the point that Mr. Fortin wanted to ask Mr. Blouin about.

Mr. Schreyer: The reason I ask that, sir—and I am still on this point of order—is that if you look at the motion that Mr. McGrath was going to move, which appears at page 107 of the Minutes of November 28, you will see that the motion he intended to move, and which he read to the Committee was never put to a vote. It was quite a different motion that was put to a vote.

Mr. Allmand: What column does that appear in?

Mr. Schreyer: It appears in the right-hand column on page 108. There you will see the actual motion that was voted on and passed.

• 1715

This motion, of course, makes no reference to the House of Commons. There is no require-

ment by the Committee to include it in its report to the House of Commons. There is nothing there, and therefore I do not see what the question of privilege is.

The Chairman: I agree.

Mr. Schreyer: On the other hand, if Mr. McGrath had moved his first motion and it had passed and had not been included in the Committee report, I would say there was a question of privilege. I therefore think it is important that we note very clearly that it is quite a different motion that was finally put to a vote. There is nothing in the motion that requires the Committee...

Mr. McGrath: If you read the report you will see that it refers to transportation in the Atlantic provinces.

The Chairman: Order, please. Are you finished, Mr. Schreyer?

Mr. Schreyer: I have read the minutes.

Mr. McGrath: Obviously you have not.

Mr. Schreyer: On a question of privilege, Mr. Chairman, the hon. member says I have not read the minutes. I was in the Committee until November 28.

The Chairman: You raised this point, Mr. Schreyer, and I think it might be wise, before we make our report to the House, if we were to first study this matter and decide if there has been any breach of privilege and to explain the reasons this resolution which was presented by Mr. McGrath was not included in the report. This is the very point we have to decide. It might be part of our deliberations within the next few minutes if we can finish with the witnesses, and both Mr. Fortin and Mr. Blouin have some questions to ask of Dr. Ollivier.

[Interpretation]

Mr. Fortin: I had a question, and when I was interrupted, the witness wanted to reply. Can he now reply?

Mr. Blouin: I was going to say to Mr. Fortin, Mr. Chairman, that it is clearly mentioned here, it was I who replied to the Chairman of the Committee on Transport and Communications as follows:

Yes, we are. Next Tuesday a report will be presented to the House.

Then, Mr. Nesbitt, who was also on the Committee, said:

I presume, then, that between now and Tuesday, Mr. Chairman, the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

I replied:

That is correct. That report will be presented to the House on Tuesday. Is that agreed?

The Committee was in agreement. Everyone agreed, and I did as follows: I presented those two resolutions in the second report to the House of Commons.

Mr. Fortin: So, the resolution that does not appear in the second report—and in my opinion, it should not—is not there because such a procedure was not followed in the case of this resolution. Is that so?

Mr. Blouin: That is correct.

Mr. Fortin: Thank you, Mr. Blouin.

[English]

The Chairman: Gentlemen, does anyone have any further questions to ask? Mr. Hogarth.

Mr. Hogarth: I have a question, Mr. Blouin, I will be very brief. As you probably do not know except by reference to the evidence, the Committee met again on Friday, December 6, which was apparently the day before that you had been removed from the Committee by reason of your illness. Is that correct?

Mr. Blouin: That is correct, yes.

Mr. Hogarth: Has any other reason been given to you why you were taken off that Committee?

[Interpretation]

Mr. Blouin: No, never. I left hurriedly because I had a haemorrhage. I was very concerned and I went to see my physician who put me in the hospital. And I advised the whip's office that I would be absent. There was absolutely no other reason beside the illness itself.

[English]

Mr. Hogarth: It was substantially at your request then that you be removed because of your illness. Is that correct?

Mr. Blouin: That is correct.

Mr. Hogarth: I am referring to page 151 of the Minutes of December 6 of the Transport and Communications Committee, and this is what was said by one of the hon. members there:

—Now how can we proceed when your government fired the Chairman by last night by removing him from the Committee.

I take it that you were not fired.

[Interpretation]

Mr. Blouin: As far as I know, I was not dismissed from the Committee.

[English]

The Chairman: I am sorry, Mr. Hogarth, but this is part of the Minutes of the Transport and Communications Committee and I do not think it would be appropriate for us to enter into all of the discussions that took place in that Committee.

• 1720

Mr. Hogarth: Except, Mr. Chairman, there is an allegation here that this man was removed for what was evidently subsequently referred to as hanky-panky, and I just want to clear the man's reputation. I do not know, perhaps there is some evidence that we can get to show that there was hanky-panky, or something. I want to know from the Chairman if he was fired or not.

The Chairman: I agree with your point, but it might be taken some other place. For the time being, please. . .

Mr. Hogarth: Mr. Chairman, we have gone over this thing from stem to gudgeon, so to speak, and with the greatest respect, this man's reputation was very much in issue that day and it is my respectful opinion that we should get that cleared up, because I do not think it is proper that such allegations be made unless they can be substantiated in fact. I want to find out from the witness if there are any facts to substantiate the suggestion that he was fired.

The Chairman: I would recognize this question if this matter had been referred to us by the House of Commons. However, I realize that we must link ourselves with our terms of reference, and after we have got through the reason this resolution was not put in the second report which was tabled in the House

on December 3 we have finished what we have to do. If we go into this it will generate into a large debate. If you feel that Mr. Blouin was wrongly accused of anything, I think he can defend himself at any time in the House of Commons. . .

Mr. Hogarth: I would not want to have to put him in that position.

The Chairman: I am sorry, Mr. Hogarth, but. . .

Mr. Hogarth: All right.

The Chairman: . . . in all fairness I will have to hold this question for the moment.

Are there any further questions?

[Interpretation]

The Chairman: Thank you, Mr. Blouin. I hope we haven't unduly hurt your feelings?

Mr. Blouin: Think nothing of it, Mr. Chairman.

[English]

The Chairman: Gentlemen, I have a motion I wish to read. If it is moved by Mr. Jerome: That this Committee report to the House of Commons pursuant to the terms of reference of the Order of the House dated Tuesday, December 10, 1968, on the basis of evidence received at this date.

Do you have a seconder, Mr. Jerome?

An hon. Member: Sir, you do not need a seconder.

The Chairman: I also have an amendment by Mr. McGrath to Mr. Jerome's motion, which reads: That the resolution dealing with rail passenger in Newfoundland adopted by the Standing Committee on Transport and Communications be included in the Committee's second report now before the House.

Mr. McGrath?

Mr. McGrath: I would point out, Mr. Chairman, that the Committee's second report is on today's Order Paper.

The Chairman: Yes, I agree with you on that. Had I the right to do it I would perhaps act otherwise than to rule this amendment to the motion out of order.

Mr. McGrath: Mr. Chairman, may I speak to my amendment?

The Chairman: Yes.

Mr. McGrath: My question of privilege, in the first instance, and my resolution before the Committee on Transport and Communica-

tions on November 28 were not, as some people might suggest, with a view to creating mischief. It was a resolution that was passed after a long and exhaustive examination of the estimates of the Canadian Transport Commission and of the President of the Canadian Transport Commission, in relation to a decision that the Commission had made allowing Canadian National Railways to phase out the passenger service of the entire Province of Newfoundland, which happens to be the province from which I come.

I, my colleagues and those on the Committee who supported that resolution would like to have it come before the House so that it can be dealt with by the House.

The matter is of some urgency. The Committee on Transport and Communications is going to Newfoundland, in its tour of the Atlantic Provinces, on Sunday, February 16. The resolution calls for withholding the implementation of that decision until the Committee goes to the Atlantic Provinces. Consequently, it has some urgency.

I hope the members of the Committee will look at it in that light, and that you, sir, will allow that amendment to stand. To my mind, this would be the only reasonable way to dispose of my question of privilege.

The Chairman: Mr. Schreyer, have you a comment on the amendment?

• 1725

Mr. Schreyer: Yes, Mr. Chairman, I want to say very briefly that I support Mr. McGrath's amendment even though we have had some harsh words here.

Mr. Cafik: Mr. Chairman, on a point of order...

The Chairman: Just a moment; Mr. Schreyer has the floor.

Mr. Schreyer: I support the amendment because I think it is logical that the Transport Committee should recommend to the House and to the Canadian Transport Commission that there be no change in transportation services in Newfoundland until after the Transport Committee has had an opportunity to visit Newfoundland and to look at the transportation services there.

For that reason it is, in my opinion, logical to support the amendment.

The Chairman: Yes, Mr. Murphy?

Mr. Murphy: How is it possible for us to speak to an amendment that is out of order.

The Chairman: No; I want to hear from honourable members speaking on the amendment, and then I will make my ruling.

Mr. Murphy: I thought you had made the ruling?

The Chairman: Yes, I made the ruling, but I allowed Mr. McGrath to make some remarks in explanation of the amendment. Mr. Schreyer?

Mr. Schreyer: I support the amendment, because it is logical to do so, in my opinion, but that does not mean that I consider there is to be any legitimate question of privilege before this Committee. I really do not.

The Chairman: Yes, Mr. Murphy?

Mr. Murphy: Mr. Chairman, no matter what my views on Mr. McGrath's amendment I feel that had he sought to have the matter he raises in his amendment determined by this Committee he should have made it a part of his motion in the House. He did not.

I may be wrong—I am a newcomer here, as earlier described by Mr. Woolliams—but from what little I do know I am sure that had he made that point a part of his motion before the House the Speaker would not have ruled on it as a question of privilege to be determined by this Committee.

Consequently, I do not think that this Committee should attempt to expand its own terms of reference to permit a discussion of this amendment by this back door method when we would not have been given that right by the Speaker in the House.

The Chairman: Order, please. I have heard the remarks made and the arguments put but I must repeat that it is not within the scope of our terms of reference to do here what perhaps some other committee could do.

You, Mr. McGrath, are a member of the Transport and Communications Committee. This amendment could be valid there. But if you read again the terms of reference under which I—

Mr. McGrath: Of course, we had to move a motion in Committee to get it passed; we have already moved it once, and it has been passed once.

The Chairman: Order, order. I think I have listened with great indulgence to members' comments.

Mr. McGrath: So have I.

The Chairman: Gentlemen, I have to state again, as Chairman of the Committee, that I must rule your amendment out of order, for the reason I was going to give—and I will repeat it—that this motion could be valid some other place but we have to act within the terms of reference that were referred to us by the House of Commons, and with your motion, Mr. McGrath.

If you want some action taken by the Transport and Communications Committee you can go and ask them, but the only thing we have to deal with here is the reason for your motion, passed by the Committee at the end of its deliberations on November 28, not being included in the report tabled in the House on December 3. You have heard the evidence.

I have the motion, and I will read it again: That this Committee report to the House of Commons pursuant to the terms of reference of the Order of the House dated Tuesday, December 10, 1968, on the basis of evidence received at this date.

Mr. Jerome: Mr. Chairman, if I may speak to that motion, the purpose of it is to take us back to the terms of reference of the Order of the House of Tuesday, December 10, 1968, which as we have heard repeated *ad nauseam* up to this point, was to inquire into the reason for the omission of the resolution from the second report of the Committee on Transport and Communications.

The reason to my putting that motion before you now is because it is my respectful opinion that we have found that reason. We have found it in clear and unequivocal language in the answers of the Clerk and in the answers of the Chairman of the Committee. Having found that, I think it is the duty of this Committee to stop now, because we have completed that inquiry. We have our answer, and I think we should make our report.

• 1730

I would hasten to add, Mr. Chairman, that I do not wish, nor do I intend in any way, to abrogate any of the privileges of any of the members of this Committee or of any of the members in the House. We were given a job to do, which was to find a reason. We have

found the reason. Now I believe we should report it to the House. It seems to me that there are certain grievances that have been expressed here which do not die with the report of this Committee. This Committee simply finds a fact and makes its report. Upon the tabling of our report in the House of Commons there may very well be certain members of the house who feel that they have a point of privilege to express to the House, based on the answer contained in our report. If that is the case, then they are certainly free to do so. Furthermore, there are certain actions or recommendations that members can make respecting future proceedings of committees, because Mr. McGrath has raised the very legitimate question, in my personal opinion of how many times he has to move a motion before it gets contained in the report. I do not know. I do not know that and I am sure we should know it, because we are going to do an increasing volume of extremely important work in committees and when we do, I am sure all of us will want to know whether, when a motion is moved, we have to do something other than simply move and carry the motion in order to get it in a report. If we do, what is it?

I really do believe that we have completed the inquiry that we were instructed to conduct. We have found the reason and the proper thing for us to do is to conclude our work and report to the House; and then and there any members who are aggrieved I hope will be encouraged to take the matter through proper channels to find the answers that they want to find which I am sure will enlighten all of us. That is the reason I feel my motion is proper at this time. I really do believe that we have finished our work and that we should report to the House and let those who wish to carry it further from there.

Mr. Woolliams: I appreciate the argument that my good friend has made. It is the most logical one this afternoon. There is only one thing that bothers me and I come back to it. We are all members and we should belong to the greatest gentlemen's club there is in Canada, the House of Commons. I am not here to cross-examine or say there may be some question of anyone's credibility, particularly when he is a member of the House of Commons, and particularly when he is a friend of mine. But it does bother me—and I am serious about this—that here is the House Leader, a Privy Councillor, President of the

Privy Council, who says:—I have not studied this; I am advised the resolution was out of order." When the President of the Privy Council made that statement in the House of Commons I got the feeling and I still draw the inference from those words—whatever they mean I do not know—that someone had advised him the resolution was out of order, and naturally I thought that was why it was dragged out of the report and not put in. Now Mr. Blouin has said that in his opinion may be that is not the case—from what he knows about it. But this I would like to know from Mr. Macdonald: who advised him, when he was advised and why he made that statement at page 3587 of December 6. He is a Privy Councillor. It would not take long and I thought the Steering Committee was going to call the President of the Privy Council. It agreed to do so and now he is not here today and I will support that motion providing Mr. Macdonald is called and I think everyone will. We want to get this thing over with. I do not like playing games, but I want to know. I want to know who advised him and what part he had to play in this. He may say: "Well, look. I spoke in a hurry. We all do that; we all make mistakes. I did not mean that it was out of order in that shape. I was talking to some lawyer or someone and I did not know all the terms and conditions of what went on in the Committee." If he says that I will accept Mr. Macdonald's word. But in the meantime he says: "Here I was advised the resolution was out of order," leaving the impression that was why it never got in the report.

My hon. friend over there said he is satisfied. I will be satisfied if Mr. Macdonald tells me. Whatever his answer is I am prepared to accept it as a Privy Councillor.

● 1735

Some of my friends across there have opposed this. If there is nothing wrong and you have nothing to hide—and I do not think we have anything to hide and I do not think you have—you are leaving the impression, in my opinion—and I hope I am wrong—that there is something, that you people are running these Committees because you have a

majority—and I am going to speak my mind today—and sweeping these things under the table. There may be nothing wrong with what has happened in this Committee at all, Mr. Chairman. There may be nothing wrong in the fact that the resolution got left out, but I

do not think we can come to that conclusion until the President of the Privy Council has passed that and I ask you, Mr. Chairman, to ask your Steering Committee before you put that motion, because the motion is going to pass. I know exactly how these boys line up. That is why I object to the change in the rules; that is the only reason. It would not be any different if a government other than the Liberal Government were in. I would say to your Conservative members, "You would likely be doing the same thing", or NDP members, or Social Credit members. And I am coming to grips...

Mr. Fortin: Not Social Credit members.

Mr. Woolliams: Well, you would behave as human behaviour.

Mr. Chairman, surely when I was given to understand that the President of the Privy Council would be called, I want to know why he is not called; and if my hon. friends object to it, would they mind telling me why they object, because there is an inference here that he was advised and he dragged it out of the report.

The Chairman: Order, order. Mr. Woolliams, just one moment, please. A few minutes ago I made some comments about the desirability of having Mr. Macdonald. With the evidence we already have it is, in my view, completely useless to have Mr. Macdonald here, but I personally, as Chairman of this Committee, have no objection whatsoever to having Mr. Macdonald called if he had anything to do with the tabling of this report.

I want to express to you in all fairness, in all frankness, that I personally have no objection to calling Mr. Macdonald and asking him some relevant questions about whether he had anything to do with the tabling of this report or with the drafting of this report. But I felt and I still feel that since we have heard both Mr. Normand and Mr. Blouin state that they had nothing to do with Mr. Macdonald, that they did not get in touch with him, that he did not speak to them, there is no use in having Mr. Macdonald appear before the Committee.

[Interpretation]

Mr. Fortin: Mr. Chairman, on a point of order. Mr. Ollivier spoke a while ago to Mr. MacDonald and he replied to my question by saying that he had advised Mr. MacDonald. So, I wish to go back to that point. I do not necessarily agree with what the previous

speaker said, but I wish to remind you what...

[English]

Dr. Ollivier: I imagine that practically every case that happens has happened before. I was looking for something the other day in *Hansard* but I found something else. On May 2, 1966, Mr. Frank Howard raised the point—he did not raise it under a question of privilege, but he raised it at the late show, that he had made a motion before a Committee, the motion had been agreed to unanimously but had not been reported to the House. And the question of advising came in. I will not read the whole thing because it takes a few minutes, but I will read about three paragraphs of it. Mr. Howard said:

Some two months ago I moved that the committee report to the house, and that the Canada Elections Act be referred to it for study. That motion of mine was carried unanimously in the committee. There was not a whisper of objection to the idea that we should complete the examination begun in 1963.

We waited in vain for the committee to report. The chairman, the hon. member for Northumberland-Miramichi (Mr. McWilliam) who is not here this evening, said in answer to one question of mine that someone had objected to the proceedings of the committee. But this was a unanimous decision. So we must ask ourselves: Who objected, and for what reason?

I will try to make that a little shorter. Then he says:

I submit that it is for that reason the government has refused to carry out the unanimous recommendation of the Privileges and Elections Committee of 1963, that the government has interfered with the privileges of the committee, and did it by having the committee stymied through the chairman. I submit that this has been an unwarranted intrusion into the affairs of the committee.

Now Mr. Bechard, who was then Parliamentary Secretary to Miss LaMarsh, answered:

Mr. Speaker, on Tuesday, March 1, 1966, at the organization meeting of the Committee on Privileges and Elections a motion was made, as stated by the hon. member for Skeena (Mr. Howard), in substantially these words, "that the Cana-

da Elections Act be referred to the committee for study, examination and report."

Then these last words, Mr. Béchard said:

Well, I am told by the chairman of the committee that it was raised, due to the fact that the act was not referred to the committee by the house. The chairman of the committee then requested opinions on the matter, not from the Prime Minister (Mr. Pearson) or the Secretary of State (Miss LaMarsh), but from the Clerk of the House, the parliamentary counsel and the chief of the committees branch. These three officials stated in writing to the chairman that the committee acted beyond its terms of reference.

Since then the chairman of the committee has requested space for the accommodation of another meeting, at which time the opinion of the officers of the house will be brought before members of the committee for consideration and action. I must state that there was no interference by the Prime Minister, the government, or any member of the government.

In this case I myself gave an opinion to Mr. Macdonald. I did not give a written opinion, but I just met him in the hall—and I met some other members too—and said to him that I thought that motion was out of order. I am still willing to debate that, but I do not think it is before the House. Another point is that even if this motion is reported to the House, and is carried in the House, it will not allow you to travel to Newfoundland. You would have to have a new order of reference to the Committee. Even if you accept the report, if it is accepted unanimously in the House, it will not allow you to travel. You will have to have a new reference to the Committee allowing you to travel from place to place.

Mr. McGrath: We have that, Dr. Ollivier.

Dr. Ollivier: Yes, I know you have had it since, but you did not get it by accepting the report.

[Interpretation]

Mr. Fortin: As I was saying a minute ago, on the point of order...

The Chairman: Mr. Fortin, would you please wait the time it will take to deal with one question only.

[English]

Mr. Hogarth: In the light of Dr. Ollivier's explanation, are you insisting that Mr. MacDonald be called?

Mr. Woolliams: No, I will accept Dr. Ollivier's statement. It would have been, in my opinion...

The Chairman: Would you speak up close to the microphone, please, Mr. Woolliams.

Mr. Woolliams: Excuse me. I will accept Dr. Ollivier's statement if he advised Mr. MacDonald, and if he advised him after the report was filed. That is an answer to this situation. As far as I am concerned I am quite happy about that. But it does seem to me—I want every member to think about this because I am going to be short and I hope you agree with me—as far as I am concerned I do not know of anything I have ever done when I get on these standing committees that I do not think we are trying to build rules to fence ourselves in. We say “this term of reference”, “that term of reference”, “you cannot do that”. We are out here to actually try and govern the country and help the government. These committees—and I back up my honourable friend—have never functioned in the 12 years I have been here. That is my opinion.

I know when we were the government, I know what went on then, and I am not being critical of the government. But it is human nature to stand together like you fellows have this afternoon. If we were the government we would likely be doing it. And as long as you have got committees like that, that is why—and I am maybe using a very rude term—I call this the most “Kangaroo Court”—and that includes myself because I am here—that I have ever taken part in. And that is what is wrong with the committees.

I wish that we could get a different kind of fellowship, that we could get down to the facts and do the job. I am not from Newfoundland as you know, but here they did pass a resolution. They want to have the Committee look into something that is going to happen and happen very soon, so that those people in Newfoundland have railways, have transportation. Or if they do not have railways, have substitutes that will be set up when the railways are taken off. And yet we are wasting time fighting each other on something we want for the good of all Canada,

and there is not one of you who do not agree with me right now.

[Interpretation]

The Chairman: Mr. Fortin.

Mr. Fortin: Mister Chairman, you said a while ago that Mr. MacDonald had not been advised.

The Chairman: I didn't say that. I am sorry if I did not express myself clearly, but I never stated that. I simply repeated what Mr. Normand and Mr. Blouin had said. Both said that in no circumstances did they get in touch with Mr. MacDonald before the report was tabled in the House, and that it was only time lost to ask Mr. MacDonald about the legality of the report. That is what I stated and nothing else.

Mr. Fortin: All right.

[English]

The Chairman: I want to read the motion first.

Mr. McGrath: Mr. Chairman, we are not all trained seals. I did not mean to say that, but you guys do not care about the people who will suffer.

The Chairman: Order, please. Before I put the motion I think it would be advisable for us to have some opinion from Dr. Ollivier as to what we have to decide, because this matter has been referred to us as a question of privilege. And with all respect to the motion, we have to decide, I think, if there is a question of privilege. I think it would be appropriate for us to hear from what we should consider our expert.

Mr. Jerome: Mr. Chairman, the purpose of my motion was not in any way to restrict what we may do with this report, and I think that that might be a subject for continuing and very meaningful discussion. I simply wanted to establish that we set out to find an answer; we had found it; and it was time to report. Now we might have discussion for quite some time over quite a number of meetings as to what should be contained in the report.

• 1745

Dr. Ollivier: I will be very short. I think this was raised in the House as a question of privilege and the Speaker decided that there was a *prima facie* case of privilege. Therefore, I do not think we should drop that. I

think the first thing that this Committee should decide is whether there is a question of privilege or not, because that has not been decided; that has not been resolved. And after that you could answer the second question that was put directly by the order of reference, namely, why the resolution was not reported to the House. That is as simple and as short as I can put it.

Mr. MacGuigan: Mr. Chairman, may I ask what the effect of this motion would be. Is the effect of it that we hear no more evidence and that we proceed to discuss what would be in the report, as Dr. Ollivier has suggested?

The Chairman: If you want to put your suggestions before the members of the Committee as to what should be contained in the report, we might have to adjourn and have the steering committee make a draft report and submit it to another meeting, maybe tomorrow afternoon or Thursday morning, to have this report approved by the whole Committee.

Mr. Hogarth: May we have the question on this motion? There is no need for that motion to be . . .

Mr. McGrath: I do not think we need to put the motion. I think we generally agreed not to call any more witnesses. So why put the motion?

Mr. Cafik: Let us put the question, Mr. Chairman, and at least we can establish whether we are making some progress.

The Chairman: Would you then, if everyone agrees, pass the motion and decide to

refer it to the steering committee for drafting in the report?

Mr. Hogarth: I might add to that motion. What does it say?

The Chairman: It states:

That this Committee report to the House of Commons pursuant to the terms of reference of the order of the House dated Tuesday, December 10, 1968, on the basis of evidence received at this date.

Mr. Hogarth: "... and that the steering committee prepare a draft thereof."

Mr. Skoberg: I conclude from that that it will come back here, though, to be authorized by the full committee?

The Chairman: Yes, to approve the report.

Mr. Skoberg: And this still is not satisfying, though, what Dr. Ollivier has suggested here, as yet.

Mr. Hogarth: We will have that in the nature of the report.

The Chairman: I am advised, Mr. Hogarth, that we do not have to put in the motion the fact that it has to be referred to the steering committee. I think it should be agreed then that we report to the steering committee by tomorrow, and then we will have another meeting on Thursday morning. So I will put the motion, gentlemen. All those in favour of the motion? All those opposed.

Motion agreed to.

The Chairman: The meeting is adjourned until Thursday.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

STANDING COMMITTEE
ON



PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

THURSDAY, APRIL 17, 1969

Concerning

Vote 45 relating to the Chief Electoral Officer.

WITNESS:

(See Minutes of Proceedings)

THE QUEEN'S PRINTER, OTTAWA, 1969

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

² Benjamin,
Cafik,
Cantin,
Forest,
Fortin,
Gervais,
¹ Howard (*Skeena*),

Jerome,
Laflamme,
Lundrigan,
Marceau,
MacGuigan,
Murphy,
Nielsen,

Peddle,
Richard,
Ritchie,
Trudel,
Valade,
Woolliams.

(Quorum 11)

Michael A. Measures,
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),

¹ Mr. Howard (*Skeena*) replaced Mr. Skoberg, on February 13, 1969.

² Mr. Benjamin replaced Mr. Schreyer, on February 13, 1969.

MINUTES OF PROCEEDINGS

THURSDAY, April 17, 1969.

The Standing Committee on Privileges and Elections met this day at 11.18 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Cafik, Forest, Fortin, Hogarth, Laflamme, Murphy, Richard, Ritchie, Sullivan (9).

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee questioned the Chief Electoral Officer concerning Vote 45.

At 12.04 p.m., the Committee adjourned to the call of the Chair.

Edouard Thomas,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, April 17, 1969

OFFICE OF THE CHIEF
ELECTORAL OFFICER

• 1112

The Chairman: Gentlemen, is it agreeable that while we are waiting for a quorum we start with Mr. Hamel, who is the Chief Electoral Officer? Then, as soon as we have a quorum, we can have a motion to have those minutes—Is this agreeable?

Some hon. Members: Agreed.

The Chairman: First, I would like to inform you that yesterday we had a meeting of the Steering Committee whereby we decided to proceed today with the estimates of the Chief Electoral Officer, first and which, I think, we can finish by the end of this meeting. Next week we could start with the case referred to us by the House of Commons and raised by Mr. John Roberts. After we have dealt with the Roberts case, then we could proceed on Thursday next with the matters referred to us by the Leader of the House, Mr. Macdonald. We first have to study the advisability of having a permanent electoral list and second, the Election Act and the four matters in the way it was agreed by the House we should proceed.

I think it is appropriate for those who do not know him, for me to introduce Mr. Jean-Marc Hamel, the Chief Electoral Officer. At our last meeting in the fall, when we studied the estimate for the earlier year Mr. Hamel was asked if he could get the figures for the total cost of the last general election on June 25. Mr. Hamel has prepared complete and detailed figures of those costs by constituency in both English and French and I would ask if they could be distributed.

• 1115

Before we deal with these figures, if you have any questions to be asked of Mr. Hamel, we will, first, proceed with the estimates of the Chief Electoral Officer which you can find on page 357 of the Blue Book, Vote 45.

Expenses of elections including the salary of the Chief Electoral Officer	\$372,680
45 Salaries and Expenses of Office	\$171,000
Total ..	\$543,680

I will ask Mr. Hamel if he has any comments he would care to make.

Mr. Jean-Marc Hamel (Chief Electoral Officer): Merci, Monsieur le Président. Good morning, gentlemen. It is not exactly a statement that I wish to make. I believe, though, I should provide you with some additional background information regarding the estimates of my Office as they appear on pages 357 and 358 of the Blue Book, or for those of you who have this White Book, they are on pages 58, 60 and 61.

You will notice that our budget is divided between two main headings or, as we call them now, activities, namely Administration, which includes the salary of the Chief Electoral Officer—this constitutes one activity—and Expenses of Elections, which is our second activity.

I cannot see that there is some rationale in this presentation since there is considerable overlapping between the two activities or between the two main subjects. However, it has to be presented in this way because the Canada Elections Act as it presently reads provides only that in addition to any sums payable to the Chief Electoral Officer, only the fees and expenses of election officers as well as the expenses incurred for the purchase or printing of election material can be paid out of the unappropriated Consolidated Revenue Fund. Other amounts, that is, amounts required for the payment of the salaries of the staff of the Chief Electoral Officer including the additional staff required at periods of peak activities as well as expenses of administration, have to be appropriated. I

said that there is over-lapping between the two activities, so if you wish, I could later on give you some examples if you are interested.

• 1120

For 1969-70, in the budget that is now for your approval—that is on page 58 of the White Book and 358 of the Blue Book—there is an amount of \$171,000 to be voted while it is indicated that we might—I insist on the word “might”—spend \$350,000 on expenses of elections, that is on statutory items, that latter figure cannot be forecast with any degree of accuracy because there are too many unknown factors over which we have absolutely no control, such as for instance, the number of by-elections that may have to be conducted or the quantity of election material or supplies that will be purchased during the year. I may say that I do not intend to purchase any supplies this year because of the possible changes that might be recommended by the Committee following the study of Mr. Castonguay's report.

For last year, 1968-69, and this is something, I believe, that I must point out, if you look at the book there is an amount of \$165,000 mentioned there as the expenses of administration, but that amount had to be supplemented by an amount of \$170,000 which was granted by the Treasury Board out of the Department of Finance contingencies vote when the general election was called. As I mentioned earlier, the staff has to be paid out of appropriation and since we could not foresee last year that there was going to be a general election, we just budgeted for a regular year. Therefore, we had to go to the Board to obtain additional funds at the time the general election was called, so this \$170,000 will not be found in the book because it was in the estimates of the Department of Finance.

[Interpretation]

As the Chairman told you earlier, you asked me last year to prepare a detailed report on the cost of the last general elections. Copies were distributed. It should be stressed that the amount of \$170,000 that I mentioned a while ago does not appear in this report. In fact, the report includes only statutory expenditures. But since the salaries and current expenses of the office were not included in the Estimates and since these are fairly current expenditures, I did not feel it was necessary to include the additional amount obtained from the Treasury Board for the salaries of supplementary staff.

The last detail, if you will allow me, Mr. Chairman and gentlemen, the complete report, the detailed report of the last general elections, let us say the report I must prepare according to paragraph 6 of Section 56 of the Act, was released by the printers last Monday and I presume that you received a copy during the week.

• 1125

Mr. Chairman, gentlemen, that is all I have to say now. If you have questions, I will be very pleased to try and answer them to the best of my knowledge.

The Chairman: Thank you very much Mr. Hamel. Mr. Forest?

Mr. Forest: Mr. Hamel, could you give us an idea of your staff for the last election, for this year and for next year?

Mr. Hamel: My regular staff is composed of 21 people, 22 including myself. To conduct an election, we have to hire at least one hundred extra people. In fact, during the last election, we hired altogether 140 people. However, some were there for only two weeks or three weeks. This is simply at our headquarters.

As far as electoral districts are concerned these people are paid from statutory funds and their salaries are included in the 13 odd million dollars shown as election cost.

Mr. Forest: You are talking only about returning officers?

Mr. Hamel: Not only returning officers, but also election secretaries, deputy returning officers, poll clerks, enumerators, revision officers, in other words all the many people who are needed for elections. These people are paid from the statutory item.

Those I hire at headquarters are not paid with the statutory fund. As soon as the election is started, I must apply to the Treasury Board to obtain supplementary funds. These funds are obtained from the Finance Contingencies item, an item for unexpected situations. This is a non-refundable item. This is why I did not have to submit supplementary estimates. Thus this amount does not appear in my estimates even if it is money I have spent. It was spent from the budget of the Finance Department and not from my budget. This may seem paradoxical, but this is the actual case.

The Chairman: Mr. Fortin?

Mr. Fortin: Mr. Chairman, I presume this will appear in the report from the Department of Finance?

Mr. Hamel: Yes, it will appear from the total amount of the item called the Financial Contingencies; I do not know the French translation. It is quite a large item of about \$100 millions, I believe, and is intended for contingencies.

Mr. Forest: Normally, this year or next year, your staff will be about 20 people.

• 1130

Mr. Hamel: Yes, that is right.

Mr. Forest: And when there are no elections, what kind of a job do you do?

Mr. Hamel: First of all, to clean up an election takes about a year. The amendments or modifications to the Act which we intend to suggest require quite a lot of work, of drafting and printing. There are by-elections which we cope with. There are elections in the Northwest Territories and the Yukon for which I am Chief Electoral Officer. However these elections are at fixed dates. They were held last in 1967; therefore they will take place in 1970. We also have to prepare for the next General Election, to review all material available, what we have to purchase and also to see what improvements can be brought about in this material, etc.

Mr. Forest: In the years between elections, such as this year and next year, do the returning officers remain on your staff? Do they review lists or polling districts in their electoral constituencies?

Mr. Hamel: The returning officers, as they are called in the Act, are appointed on a permanent basis, but they are paid only when they do a specific job. I believe it would not be right to ask for them to review their districts when we know that the next election won't take place next month.

This means probably that in 1970 or 1971 these returning officers will have nothing to do except accounts which might still be outstanding, some problems which might catch our attention from the last election, as there are things which are brought to our attention at any time, but they are not paid at all. They have no fixed fees between elections; they don't have to review their districts every year, as in some provinces. They review their

districts only when I ask them to do so. And I ask them to do so when I feel that it is useful or necessary, either before a by-election, for example if a member resigns or if a vacancy occurs in the House of Commons. If we believe there should be a review, then I ask the returning officer to review his districts at that time and as close as possible to the general election coming. With the population movements we have, particularly in urban centres, if it is done one year prior to a general election, this really creates trouble and problems.

[English]

Mr. Ritchie: I have some questions on the printing of voters' lists and the remuneration, which may not have been adequate. I would like to ask how you arrive at this. I presume there is a variation in printing costs throughout the various parts of the country and so on. How do you assess the reimbursement of the cost of printing the voting lists? Also, can you tell me if you had any complaints about this?

Mr. Hamel: If I understand correctly you are dealing with the printing of the preliminary lists of electors?

Mr. Ritchie: Yes.

Mr. Hamel: Pursuant to section 60 of the Act, we have what we call a tariff of fees established by the Governor in Council and we have a standard tariff throughout Canada. The printers get a certain amount of money per name on the list, and there is no difference between one area of the country and another. There is only a slight difference in the process used by the printer, it is 16 cents per name if he uses a certain process and 18 cents per name, if he uses another process.

We did not have problems during the election, if I may say so, in the sense that to my knowledge no returning officer had any problem whatsoever finding a competent printer to print his lists. We had the odd complaint after the election to the effect that our rates were not adequate, particularly in some areas of the country; for instance, in large urban centres where the salaries that the printers have to pay are probably much higher than in smaller centres or in rural areas.

• 1135

I may say that we definitely intend to have a look at the tariff of fees before the next general election, and, if necessary, to try to

obtain some expert advice on the best system to compensate adequately the printers responsible for printing our lists. Perhaps I should add that the returning officer is responsible for the selection of the printer. I have nothing to do with this; he selects. The only direction he gets from me—it is in his instructions—is that he should select a printer in his electoral district or near his electoral district; a printer who is competent and has the equipment to do the job required of him.

Mr. Ritchie: I do not know much about printing, but do you know if there is a variation in the normal pricing between large centres or is this fairly standard across the country?

Mr. Hamel: At the moment our rates are uniform across the country.

Mr. Ritchie: You do not actually set these rates. Did you mention by whom they are set?

Mr. Hamel: They are set by Order in Council.

Mr. Ritchie: Oh yes, but you can set them yourself; that is, you suggest that such and such a fee be considered adequate, is that right?

Mr. Hamel: That is correct.

Mr. Ritchie: You are going to have a look at them for the next time around?

Mr. Hamel: That is correct.

Mr. Ritchie: Thank you.

The Chairman: Mr. Cafik?

Mr. Cafik: Thank you, Mr. Chairman. May I direct a question to the witness in respect of this 1968 general election break-down that has been presented to us this morning? I am looking at the column of returning officers services and expenses. Not being too familiar with this aspect of government, I would like to know why there is such a large difference in certain ridings. For instance, many of them are in the \$5,000 to \$6,000 category and two or three in the Province of Ontario, for instance, that are up in the \$10,000 range. From my experience I cannot see that they are any larger ridings; one is, but one does not appear to be any larger in number. How is that amount determined?

Mr. Hamel: The basic fee of the returning officer is based on the number of names on the list of electors. He gets, all in all, I think about 11 cents, 11½ cents per name on the list, plus in urban areas \$1.50 per polling division for his travelling expenses. In rural areas he is reimbursed the actual expenses incurred in travelling in his district for selecting and appointing his enumerators, selecting and appointing polling stations and deputy returning officers and so on.

The main variance would probably come from the difference in the number of names on the list of electors. By and large the number of electors per polling division does not vary that much so in terms of travelling expenses in urban areas there should not be that much difference between two districts which have approximately the same number of electors. Normally they should have approximately the same number of polling divisions; therefore, on that item the returning officer should get approximately the same fee.

Of course, it is quite understandable if you look at York Scarborough, for instance, which has probably twice as many electors...

Mr. Cafik: That is understandable.

Mr. Hamel: Yes. To take an extreme example, of a rural area it is quite normal for the returning officer in the Northwest Territories to spend quite a lot on travelling expenses because the only way he can get to different places in his district is by chartering aircraft and this is a very expensive mode of travelling. However, this is the only way of travelling, he has no choice. In other places he may use his own car, or some returning officers will travel much less than others. They will mainly do their work over the telephone, or they have people who will do the selecting in various areas in their districts; they will make the appointments and then whoever is appointed will be sworn in by the postmaster or a notary or a lawyer or a commissioner.

• 1140

Mr. Cafik: Is the returning officer responsible for all the staff that he may hire during the course of the election? Is that paid for out of his amount of reimbursement, or is that an additional charge?

Mr. Hamel: No, it is paid out of an allowance we give him. There is an item in our tariff of fees whereby he gets, I think, four and a half cents for his clerical assistance

plus two cents or two and a half cents for addressing envelopes when mailing preliminary lists of electors to electors.

Some returning officers will hire a small staff on more or less a full-time basis. Others will hire a greater staff, but for very short periods of time. I even know of a few returning officers who used the facilities of some specialized schools, for instance, for addressing envelopes to mail preliminary lists of electors to the electors in his district, or business schools, for instance. But, this is paid out of the allowance we give him for that purpose.

Mr. Cafik: What sort of controls do you have on his travel? What controls do you have? Is there a certain allowable mileage allowance, perhaps a certain number of miles he is allowed to travel depending on the nature of his riding or is this just left wide open?

Mr. Hamel: He has to submit a detailed account of his travels; in other words, where he went. He may perhaps add the odd mile here and there, but if there is any exaggeration I think it is quite easy for us to pick it up. If he has a relatively small district and he claims he travelled 25,000 miles I think it is quite evident there is something wrong somewhere.

Furthermore, if he happens to spend more than a day travelling he will have to claim for his meals, also, if he spends a night somewhere he has to provide us with a voucher for his hotel. I do not think I am naive enough to say that we can control to the last penny, but I think we can exercise a reasonably adequate control over this kind of travelling.

Mr. Cafik: Thank you.

[Interpretation]

The Chairman: Mr. Fortin?

Mr. Fortin: Thank you, Mr. Chairman. I would like to ask a few questions to the Chief Electoral Officer. I don't know if other people did, but as far as our party is concerned, I had occasion to speak very often to the Chief Electoral Officer during the last electoral campaign and almost everywhere in Quebec. And every time I found out that his services were tremendous, excellent, quick and efficient. Since I am a member of this Committee, I shall congratulate him and his team for all the excellent work he has done. And

it is not enough to criticize, we should also congratulate when congratulations are in order.

Now, I would like to ask a few questions about printing costs of the preliminary electoral lists and official voters' lists.

I am under the impression, Mr. Chairman, I would not like to say anything gratuitously, but what is your opinion about this? As for myself, I feel there is a lot of waste, first of all as far as electoral lists are concerned. Secondly, it has come to my knowledge that many errors have been found because in the

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many ridings where I have worked, this has been the case.

Thirdly, I have the feeling that the printers selected, are not always the most able ones and always belong to the right party. I think there is a lot of freedom left to the returning officers. During the election, when a complaint has to be made to the returning officers, sometimes we are turned back and told: "You are wrong". Then, nothing else can be said.

I think there is too much freedom given to the returning officers as to the choice of printers. I have some cases in mind, for instance, where two printers could very well do the work. One is a Conservative and the other one is a Liberal. Very often, if the returning officer belongs to the Liberals, the choice is automatic. It does not matter if they have better personnel or better equipment.

On what then is this choice based? Is it left entirely to the freedom of the returning officer? When complaints are made as far as the preliminary or official lists are concerned when errors are found or . . . I even found that complete streets had been forgotten for instance. We had to fight at the last election, in certain Quebec ridings, to have these streets included in the electoral lists.

I think everybody agrees a bit about this, maybe not to the same extent. I think that this question should be cleared up because there seems to be a leak of funds, some waste and people who are profiting at the expense of other people.

Mr. Hamel: Mr. Fortin, I thank you for your kind words on my behalf and also on behalf of my personnel who have been quite worthy.

In so far as the problems of printers are concerned, and which you have mentioned, it is in the Act stated quite clearly that the choice of the printer is left to the returning officer. Is there a more efficient way of doing this? I would say that *prima facie*, there doesn't seem to be any. The returning officer is in a much better position to judge the qualifications of the printers in his riding. If we had only one province or a rather small territory to look after, I think we could do much better. But when you have to operate on the scale of Canada, it is quite hard for us to judge the qualifications of a specific printer. Moreover, time is very limited. If the returning officer has to send his printing outside of the district, whatever the distances right away there are problems, because he will be using time which he should devote to other functions.

When you say that whole streets were missed, as far as missing names of streets or what have you, it may not be the fault of the printer. It could be the fault of the enumerators.

Mr. Fortin: Yes.

Mr. Hamel: On this subject, it is quite difficult to speak in general terms because the error may have several causes: It may be neglect on the part of the enumerators. As you know, most of those acting as enumerators are efficient, but some of them do not take this work seriously. It may be also a problem arising from the descriptions prepared by the returning officer, not that the descriptions are not complete, but that they are not understood by the enumerators. Also the returning officer may not have had sufficient time to have all the information and instructions given to the enumerators.

This is a very complex question, I think. We are trying to convince the returning officers that they should give adequate instructions to the enumerators. I think most of them are doing this quite well.

• 1150

One last thing comes to my mind. During the last election, the proportion of errors was greater I think than in previous general elections, because this was, in fact, the first election based on the new electoral map. You know, like I do, that the Representation Orders of 1966 has completely changed the electoral map of Canada, a change which has been unknown in the past. I take, for

instance, your riding which I know very well, I think the difference between Lotbinière today and Lotbinière riding in 1965 is great. Let's say that they differ completely. In urban areas, I think it was even more evident. I believe this is why the frequency of errors was higher than in the past.

Mr. Fortin: Thank you, Mr. Chief Electoral Officer, about this precision on the enumeration, i.e. everything about the enumeration or the location of electors, in order that they will be voters on orders, do you not think that there should be a revision of all this system so that every voter is treated equitably?

Mr. Hamel: I think the question will be studied, presumably, when you will study the report of the Representation Commissioner on the establishment of a central file. If the decision of the Committee and of the House is to continue with the procedure we have now, I presume that we shall have the opportunity to study the present system and to amend it if necessary. There will be certain changes which could improve the present system. At first glance, I do not believe I can propose some specifically. There might be a way of improving for instances the actual revision procedure of lists, especially in urban areas. In rural areas, it is not so serious because the voters which are omitted from the list, apart from feeling somewhat neglected, can still vote under section 46 of the Act, if he is put under oath and accompanied by a witness. In cities, if he is not on the list, he cannot vote. Maybe we could improve our present revision procedure in the sense that we could give it a little more publicity than at present. This is one question I will leave to your discretion for consideration and suggestions. I know that in certain provinces or certain large municipalities, newspapers are used, for instance, to notify voters if their name is missing from the list or if they believe that certain names are missing. These people can contact the returning officer or his deputy, so that the list can be corrected.

At this time, the only method provided is what we call revision notices, which are official documents posted in post office and other public buildings. But, as you know, less and less people go to the post office, especially in cities. So, very few people see these notices. Maybe the procedure could be improved in this regard.

Mr. Fortin: In conclusion, Mr. Chairman, I believe that it will be pretty hard to visit the post offices in the future since the Postmaster is closing them.

The Chairman: If you will allow me a supplementary question to that of Mr. Fortin. As far as errors are concerned in the voters list, you have referred to the description of the polling divisions. They have to enumerate. If I remember right, you give instructions to your returning officers in each district to describe the polling division sometimes before the election. How much time?

Mr. Hamel: This is about what I was saying a while ago. If this could be done right before the election, it would be ideal. However, we

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do not know at what precise time the election will take place. Let us take the example of 1968, for instance, we asked for a complete revision after the redistribution that is in the fall of 1966 and in the winter of 1967. As a result, the descriptions of districts which were used in 1968 had been established a year at least before the election. But at that time, a lot of changes were made; streets could have changed names or be renumbered. For instance, the Quebec or Niagara Falls areas, during the revision of the districts, there were no structures, no existing structures. When the election was called, the returning officer was reminded that some people were living there now. With my permission a new polling district was established and, once the enumeration is completed, we find 980 persons in this area, where, at the time of the revision, there was nobody living there. And this happens everywhere throughout Canada, in the centre of Vancouver or in the Vancouver area, it is the same.

What we are trying to do, therefore, is to make a revision of those districts, as far as possible to election time. But, this is not always easy to guess the time of the election. We do not want to be caught with descriptions 3 or 4 years old. Quebec people, for instance, know that returning officers must, under the Act, revise their district every year, whether there is a forthcoming election or not. Naturally, this is very costly, but it has certain advantages. In other provinces, the procedure is not the same.

You have talked about descriptions a moment ago, and I talked about this, in relation to the errors on the voters lists. We ask

the returning officers to prepare descriptions as short as possible and as clear as possible. However, it is difficult to give precise instructions, because, what seems to be understood by everyone in one province, may be meaning less for another province. In 1966, for instance, if you look at the description of the electoral district in Newfoundland. I, for myself, do not understand the thing and yet people in Newfoundland understand it. Because, there are a latitude and meridiens in Newfoundland. And for the people in Newfoundland this is quite understandable. But, in other areas, in the west for instance, we make use of lots, numbers of lots which is not done in the Maritimes or in Quebec or Ontario.

So, the only general instruction that we can give to returning officers is to prepare descriptions as clear and as concise as possible, so that everybody understands them.

[English]

The Chairman: Are there any more questions? Mr. Forest?

[Interpretation]

Mr. Forest: Do all the returning officers throughout the country pass sometimes in Ottawa to learn the trade.

Mr. Hamel: In practice, we feel that it is necessary for a new returning officer to spend 3 days, here in Ottawa, three days, during which a little bit of the Act is explained to him, his responsibilities and of course the financial aspect of the election, the expenses to which he is entitled, the expenses that we pay directly and that are acceptable to us etc.

• 1200

To give you a concrete example, since the new electoral map of 1966, a lot of returning officers, who were already working in other ridings, have been named in new electoral districts. They already had the experience of 2 to 5 previous elections. These people were called to Ottawa, but for one day only, because they knew their trade already. The only thing we had to explain to them was their new electoral district, the boundaries, for instance, what it was composed of, the number of voters in that riding, the number of people coming from other ridings, the parts of his district which were transferred to another riding, etc.

Mr. Forest: As far as the boundaries of the ridings are concerned, I understand this does not depend directly on you, but on the Representation Commissioner. Do you make

recommendations to him in the light of your experience? For instance, during the last election, you found out that certain polls or municipalities were divided in an unpractical way. Do you make any recommendations to him for the next election in respect of the boundaries of the riding?

Mr. Hamel: Officially, no. And I doubt very much that the Commissioner himself may make recommendations, because the boundaries are the responsibility of each Provincial Commission. Under the present Act, the Commissioner is a member of those commissions. Each commission is absolutely autonomous. And this was established by the Act passed by Parliament in 1964, but each commission, established for each of the provinces, is absolutely autonomous. The Representation Commissioner, himself, is only a member of these commissions. And, I think this is entirely their role.

Mr. Forest: Would it be right to say that there could be changes in the boundaries of the ridings only after the next census?

Mr. Hamel: This is the way I understand it, yes, because the commissions do not exist at the moment and only the commissions can make changes.

Mr. Chairman: Mr. Fortin?

Mr. Fortin: As far as the candidates' expenses are concerned, whether they win or lose, they are obliged to publish a report of their electoral expenses or at least to submit one. First, could you tell me if they are compelled to publish this report? If so, is reimbursement provided for those expenses? Do you believe that it is fair for reporting officers, for instance, to select one particular newspaper to publish those electoral expenses, sometimes even the most expensive newspaper around, when it is the candidate who...

Mr. Chairman: This is paid by the candidate.

Mr. Fortin: This is paid by the candidate, but did you have any problems about this situation?

Mr. Hamel: No, there are no problems that I know of. Anyway, if you look at the Elec-

tions Act, the publication of the candidates' expenses is strictly up to the candidate and the returning officer. I have no powers under the Act, no responsibilities under the Act. The candidate must produce a summary of his expenses and submit it to the returning officer for the purpose of publication in a newspaper. The cost of this is at the expense of the candidate, it is a part of his expenses, he is not reimbursed for that. Moreover, if the candidate submits a report to the returning officer, but does not assume the cost of the publication, the returning officer is not obliged to publish the candidate's report. He is obliged to publish it only if the candidate accepts to pay the costs.

Mr. Fortin: Then, if the candidate refuses to pay the costs, the report can be produced without being published?

Mr. Hamel: Yes.

[English]

Mr. Cafik: In that particular case is the candidate or the member violating any law by refusing to pay?

Mr. Hamel: Yes, in a sense he is because the Act says that he shall provide the returning officer with a summary of his expenses for publication in a newspaper.

Mr. Cafik: But does the Act say he must also provide the funds to publish it?

Mr. Hamel: Yes.

Mr. Cafik: All right, thank you.

The Chairman: At our next meeting, when we have a quorum I will call the various items in the estimates for a vote since we have heard Mr. Hamel and, I think, completed our questioning on these particular estimates. We have to review the possibility of a permanent electoral list and make a complete review of the Canada Election Act, so we will be in touch with Mr. Hamel, again. If there are any more questions on his estimates they can be asked at that time. Thank you very much, Mr. Hamel.

If there are no more questions then I think I will adjourn the meeting.

Thank you very much Mr. Hamel, and also to your assistants. The meeting is adjourned.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-69

STANDING COMMITTEE

ON ★

JUN - 9 1969

UNIVERSITY OF TORONTO

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

TUESDAY, APRIL 22, 1969

Vote 45—Chief Electoral Officer

Subject-matter of question of privilege—Mr. Roberts

WITNESSES:

(See Minutes of Proceedings)

INCLUDING FOURTH REPORT TO THE HOUSE

The Queen's Printer, Ottawa, 1969

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

Cafik,	¹ Marceau,	Schreyer,
Forest,	Murphy,	Skoberg,
Fortin,	² Nielsen,	Sullivan,
Hogarth,	Peddle,	Trudel,
Lundrigan,	Richard,	Valade,
MacGuigan	Ritchie,	Woolliams — (20).

(Quorum 11)

Edouard Thomas,
Clerk of the Committee.

Pursuant to Standing Order 65(4) (b),

¹ Mr. Marceau replaced Mr. Goode on April 17, 1969.

² Mr. Nielsen replaced Mr. McGrath on April 17, 1969.

ORDER OF REFERENCE

Thursday, February 20, 1969.

Ordered—That Vote 45 relating to the Chief Electoral Officer be referred to the Standing Committee on Privileges and Elections.

ATTEST

ALISTAIR FRASER

The Clerk of the House of Commons

REPORT TO THE HOUSE

Wednesday, April 23, 1969.

The Standing Committee on Privileges and Elections has the honour to present its

FOURTH REPORT

Pursuant to its Order of Reference of Thursday, February 20, 1969, your Committee has considered Vote 45 listed in the Main Estimates for 1969-70 relating to the Chief Electoral Officer.

Your Committee commends it to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 6 and 7*) is tabled.

Respectfully submitted,

OVIDE LAFLAMME,
Chairman.

[Text]

MINUTES OF PROCEEDINGS

Tuesday, April 22, 1969.
(8)

The Standing Committee on Privileges and Elections met at 11:24 a.m. this day, the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Benjamin, Cantin, Forest, Fortin, Jerome, Laflamme, Marceau, MacGuigan, Peddle, Richard, Ritchie, Sullivan.—(12)

Also present: Mr. Clermont, M.P.

Witnesses:: Mr. John Roberts, M.P.; Dr. Maurice Ollivier, Parliamentary Counsel; Mr. J. P. Connell, Assistant Secretary (Personnel), Treasury Board.

On motion of Mr. Sullivan,

*Resolved,—*That the evidence of the meeting held Thursday, April 17, 1969, with less than a quorum present, be accepted and printed.

On motion of Mr. Richard,

*Resolved,—*That item 45 of the 1969-70 Estimates relating to the Chief Electoral Officer be carried and that it be reported and commended to the House.

The Chairman read the Committee's Order of Reference of Thursday, March 27, 1969, relating to the question of privilege raised by Mr. Roberts, M.P.

The Chairman reported that he had been authorized to delete the words "Strictly Confidential" from a letter from the Honourable Jean Marchand to Mr. Roberts, dated March 20, 1969.

On motion of Mr. Marceau,

*Resolved,—*That the now declassified letter be printed as part of today's proceedings. (*See Appendix B*).

Mr. Roberts gave a statement and was questioned.

Dr. Ollivier gave a statement and was questioned.

Mr. Connell reviewed the action of the Treasury Board with respect to Mr. Roberts' case.

The witnesses were questioned.

On motion of Mr. Jerome,

Resolved,—That the Committee sit *in camera* at its next meeting.

At 12:58 p.m., the Committee adjourned to the call of the Chair.

Michael A. Measures,
Acting Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, April 22, 1969.

● 1124

The Chairman: Gentlemen, I see a quorum.

Before we commence our study of the Roberts case, if I may call it that, you will recall that we had agreed to deal with certain Estimates last week in the absence of a quorum on the understanding that someone would move today to have accepted and printed the evidence of such meeting held on Thursday, April 17, 1969.

Mr. Sullivan: I so move.

Mr. Jerome: I second the motion.

Motion agreed to.

The Chairman: I would now ask for a motion that Item 45 of the 1969-70 Estimates be carried and reported to the House.

Mr. Richard: I so move.

Mr. Forest: I second the motion.

Motion agreed to.

The Chairman: On March 27, 1969 the House of Commons submitted to us terms of reference which I will read. Here is the report sent to me by the Clerk of the House of Commons:

[Interpretation]

It is ordered—That the subject-matter of the question of privilege from the honourable Member for York-Simcoe (Mr. Roberts) relating to the refusal of the Government, upon his election to the House of Commons, to pay him the terminal gratuity provided as a normal practice to those leaving the Public Service, be referred to the Standing Committee on Privileges and Elections.

[English]

I have been authorized to delete the words "strictly confidential" from a letter sent on March 20 last by Hon. Jean Marchand to Mr. John Roberts regarding his case. This letter states the grounds on which

Mr. Roberts' claim was refused, which resulted in his raising a question of privilege in the House of Commons on March 27. If I had a motion deleting the words "strictly confidential" from this letter it could form part of the evidence of today's *Minutes of Proceedings and Evidence*.

Mr. Marceau: I move that the words "strictly confidential" be removed from the said letter and that it form part of today's *Minutes of Proceedings and Evidence*.

Mr. Sullivan: I second the motion.

Motion agreed to.

The Chairman: We will circulate copies of this letter among the members present.

We have with us today Dr. Maurice Ollivier, legal adviser to the House of Commons. Before hearing his point of view on the legal aspects raised by this matter I think it would be appropriate to call upon the very person interested in this matter, our colleague John Roberts, to put the facts, as he understands them, before us.

It is agreed that we hear from Mr. Roberts?

Some hon. Members: Agreed.

The Chairman: Mr. Roberts, before proceeding we will give the members a moment to read Mr. Marchand's letter.

Mr. John Roberts (Member for York-Simcoe): Mr. Chairman, first of all I would like to express my gratitude to you and to the members of the Committee for dealing so promptly with this matter which is of great concern to me. I prepared an *aide-memoire* which I have circulated to members of the Committee.

[Interpretation]

I apologize to the French-speaking members for not having had my text translated before to-day's meeting. Unfortunately I did not have enough time. I am very sorry, but, at any rate, I had copies of the memorandum in English distributed to all members even the French-speaking ones, and I hope it will help them a bit to take part in the discussions of the Committee.

[English]

This *aide-mémoire* is not very lengthy. I am prepared to read it if members of the Committee so desire. But since they already have it they may prefer that I simply touch upon the main points that are made in it.

The Chairman: You could touch on the main points rather than read it, because everyone has a copy of it, but I am informed that if you want to have it as part of the record you had better read it, sir.

Mr. Roberts: That is fine; I am in your hands, Mr. Chairman.

The question which I raised previously in the House of Commons on March 27th revolves around one central point to which I keep coming back in my arguments. It is the relatively simple point that benefits which I would ordinarily have received have been denied to me because I have been elected a Member of the House of Commons. Had I not been elected I would have been treated one way. As a result of my being elected to the House of Commons I have been treated in a different way.

Compensation for past services, which I performed as a government servant, have been denied to me entirely as a result of my present position as a Member of the House of Commons. I have been deprived of advantages which were normally due to me. In sum, I have been treated in a discriminatory and unfavourable manner because of my status as a Member of Parliament. And all my arguments are really directed to this central matter of the discriminatory treatment which springs entirely from my status as a Member of Parliament.

I do not think the facts of the matter are in dispute. Briefly, they are as follows. My government service dates back to July, 1963 when I entered the Department of External Affairs. Since that date, and later, while I was an executive assistant to the Minister of Forestry and Rural Development, I accumulated a vacation credit which amounts to almost 50 days. When I was nominated in May for the election last June I took a leave of absence without pay from my position in the office of the Minister of Forestry and Rural Development, and with my election on June 25 my employment in the Minister's office ceased.

The normal treatment both for civil servants and, I believe, for ministerial staff, is that when they retire from government service they are paid a sum equivalent to their accumulated vacation credit. To the best of my knowledge, this was done for all my predecessors in the office of the Minister of Forestry and Rural Development.

The device—and I emphasize the word “device”—for making this payment—and it is usually made in a lump sum—is the following. The government employee, or the public servant is kept on the government's book as if—as if—he were still providing service to the government, even though he is in fact working full time for another organization and may, indeed, be working in another place in Ottawa. In other words, the government adopts the fiction that the person is working for the government, though in fact he is not. When he has been kept on the books long enough to cover the size of the lump sum payment he is taken off the books. This is the normal device used to making the payment.

Of course, in itself, this does not preclude the use of other methods. For example, in the case of those who become Members of Parliament the device of an *ex gratia* payment might be used. And, parenthetically, perhaps I should interject that regardless of what decision you have come to about the limitations imposed by the present law, the Senate and House of Commons Act, no matter how valid you may feel is the argument that this places limitations on the ability of the government to pay a member of parliament for past services, it would always be open to you, as members of the Committee, to recommend to the government that an *ex gratia* payment be made in compensation for past services.

To return to the main argument in my case, it is clear from the letter I have received from the Minister of Forestry and Rural Development which has now been circulated to you, that though the government admits—and I am now using their words—that “as a matter of justice I am fully entitled to payment”—those are the words of the Minister—they believe that making a payment to me could place my seat in jeopardy; and on this ground they have refused to make the payment.

This letter which you have makes it clear that the decision to withhold payment springs solely from my status as a Member of Parliament. There is no indication in the letter that there is any other barrier to my receiving the money. It argues that a payment to me would contravene the Senate and House of Commons Act. It also notes—which I believe is generally accepted—that only Parliament can interpret the application of legislation which concerns its own members. Parliament is, therefore, the final authority in the interpretation of the application of the Senate and House of Commons Act. It is, therefore, entirely proper for the members of this Committee, who, to that extent, act in the capacity, I suppose, almost of an advisory court, to come to a determination on the issues involved and to recommend to the House of Commons the decision which should be taken on the point at issue. In other words, it is basically for the

House of Commons—for this Committee which is a servant of the House—to come to a decision on the merits of the case. This is your responsibility.

It is my hope, therefore, although, of course, it is not for me to give any directions to the Committee on how they wish to proceed in the matter and what questions they wish to consider, that the Committee would feel able to come to a conclusion on the two related points which I believe go to the heart of the issue. There may be other questions in this general problem of payment to members of parliament who have previously been in public service, and I understand Mr. Anderson might wish to present to you some particular points which relate to his case which is in some ways different from mine. But I would suggest that there are, at the heart of the issue, two questions. First, I suggest that a payment to a former public servant, who is a Member of Parliament, for services performed entirely before becoming a member does not contravene the Senate and House of Commons Act. And, second, I suggest that no one, on becoming a Member of Parliament, should lose rights or privileges to payments or emoluments for service of for employment which was performed entirely before he became a member.

I would now like just briefly to discuss the first of these questions, which is the extent of the limitation imposed on members of the Commons by Section 16 of the Senate and House of Commons Act. The argument has been that Section 16 precludes a member in my position from receiving payment. I will read Section 16 which is perhaps a bit complicated. I hope that most of you have it before you in the *aide-mémoire* that I presented.

In any case it reads:

If any member of the House of Commons accepts any office or commission, or is concerned or interested in any contract, agreement, service or work which, by this Act, renders a person incapable of being elected to, or of sitting or voting in the House of Commons, or knowingly sells any goods, wares or merchandise to, or performs any service for the Government of Canada, or for any of the officers of the Government of Canada, for which any public money of Canada, is paid, whether such contract, agreement or sale is expressed or implied, and whether the transaction is single or continuous, the seat of such member shall thereby be vacated, and his election shall thenceforth be null and void.

Now the first thing to note about this Section is that it applies to members of the House of Commons. It does not apply to those who are former members, nor does it apply to those who with the passage of time, may be fortunate or unfortunate enough to become members. It applies to a member of the Commons who accepts any office or

commission or is concerned or interested in any contract or agreement, or knowingly sells or performs any service. These limitations are all in the present tense. They apply to actions of the members of the House of Commons. They are not retro-active. There is nothing in the section to indicate that they apply to services performed before becoming a member.

That they do not apply in my case becomes clear, I think, if we simply ask the following questions in the context of the Act. Has John Roberts, Member of Parliament, accepted any office or commission? To which the answer is no. Is John Roberts, Member of Parliament, concerned or interested in any contract, agreement, service or work? No. Has John Robert, Member of Parliament, sold any goods, wares or merchandise? No. Does John Robert, Member of Parliament, perform any service for the Government of Canada? To which, at least in the context of the Act, the answer is no.

For it is clear that the services which I performed were entirely completed before I became a Member of Parliament. That is a simple fact. The services or actions referred to in Section 16 are services or actions by a Member of Parliament. I was not a member of Parliament when those services and actions were performed. I am not asking for payment for services performed while I was a member of the Commons. I am asking for payment relating only to service as a government servant. Section 16 does not apply to actions prior to becoming a member.

Now I described to you earlier that the traditional device for providing the termination payment is to hold an employee on the books as if—and I stress “as if”—he were still employed by the government. But it is clear that the payment which he receives is not for services which are provided during the post-employment period, for two reasons at least. The payment is made as a lump sum payment which would be inconsistent if he were being paid for a continuing service while he was on the books.

And secondly, this payment is calculated entirely with reference to the vacation credits which were accumulated before he finished his employment, and he is taken off the books once this sum is reached. In other words, it is clear that the payment is not determined by or constructed upon the basis of any service to the government after he leaves its employment, and that for the evident reason that no services to the government had been performed after the employment was terminated.

I believe, therefore, that the payment which I am asking the government to make could not reasonably be held to constitute a payment for services performed since my election to the House of Commons.

To do so would fly in the face of the facts. While the payment would be made at a time when I had become a member of the House of Commons, the services for which the payment is made were performed before that status was reached. In that sense it is comparable to the military pension which a former member of the armed forces receives, and may receive while he is holding his parliamentary seat. The military pension is a payment springing from military service, for service to the government which is completed before he becomes a member. And receiving it does not contravene the limitations of Section 16.

I conclude, therefore, that section 16 does not prevent the government from making the payment to which, it admits, I am in justice entitled.

I would like to turn very briefly now to the second point which I raised which was this:

That no Member of Parliament, in becoming a Member of Parliament, should lose rights or privileges to payments for services or employment performed entirely before becoming a member.

I confess that this seems to me to be almost self evident. We accept, as Members of Parliament, that certain limitations be placed upon us to preclude even the suspicion that we might be influenced by outside payment to act contrary to the interests of the public we have been elected to serve. To apply this principle to a payment for work entirely performed before occupying parliamentary office simply penalises a Member of Parliament for being chosen to represent his constituency. To accept that argument would establish a barrier, a disability, or a disuasion, to those who are otherwise interested and capable, from seeking seats in the House of Commons. Such an interpretation, I suggest, would, therefore, be contrary to the public interest.

In sum, Mr. Chairman, I have tried to show that I have been treated in a discriminatory and unfavorable manner as a result of my status as a member of the House of Commons. I think the letter which has been circulated indicates that clearly. I have suggested that this divergence from normal treatment to former public servants is not required by the Senate and House of Commons Representation Act. Even if members of the Committee decided that that was the effect of the Act, they would still have open to them the possibility of recommending to the House that an ex-gratia payment be made to Members of Parliament who find themselves in my position.

I have raised two related points which are fairly specific, which I hope the members of the Committee will wish to decide, and I have offered arguments to support my position on those two principles. I am anxious to be of whatever assistance I can be to the members of the Committee in dealing with this question, and I place myself entirely in your hands.

The Chairman: Thank you very much, Mr. Roberts. Mr. Richard.

Mr. Richard: Before we proceed, according to the terms of reference, in this case we are dealing only with Mr. Roberts' case and we will not be making any recommendations as to changes in the Senate and the House of Commons Representation Act. We are dealing with a particular case and not with other cases, only with his case, because the terms of reference are very narrow.

The Chairman: But I think, when you read the terms of reference, we have to deal with the question raised by Mr. Roberts in the House of Commons, and if you read back to the statement he made when he raised his question of privilege of the House of Commons, I think it should cover this point too. We have to make a decision on the whole issue.

Mr. Richard: Yes, but we cannot make recommendations as to amendments to the Act or anything like that. We are not given that reference.

The Chairman: Whatever might be the decision we will reach when we come to this conclusion, it is going to affect some other members too who might be in the same position as the one raised by Mr. Roberts.

Mr. Roberts: Excuse me for interjecting, Mr. Chairman. It seems to me not so much a question of changes in the Act, but rather that there is some doubt as to what actually the Act means or what limitations it imposes. So I would respectfully suggest that in dealing with my case you would be clarifying what the effect of Section 16 is, and the clarification might therefore affect other people who find themselves in a position similar to my own.

Mr. Sullivan: Mr. Chairman, I would like to speak on that.

The Chairman: Yes, Mr. Sullivan.

Mr. Sullivan: It is my very firm conviction that Section 16 of the Senate and House of Commons Representation Act does not apply in this case at all. I think it is pretty clear, and I think Mr. Roberts should be commended for the very clear memo . . .

The Chairman: I do not want, Mr. Sullivan, to interrupt you but I would suggest to you that the kind of argument you are raising now is a little premature in the sense that we are not now dealing with the kind of conclusion that will be reached, but only getting the facts before the members and then after that we could sit in camera and decide what conclusions to reach. But I think it would be appropriate, if some members have precise questions to clarify points, to clarify some of the facts raised by Mr. Roberts, for me to allow questions. But before entering into the whole

issue and discussing arguments, I think we should hear the witnesses we have called. Mr. Roberts has presented his case and if any clarification of what Mr. Roberts has just said is needed, then I think we should direct our questions precisely to those issues rather than talk among ourselves about the conclusions we may reach. I appreciate the suggestions you have made, but I think they are a little premature for the time being. Mr. Jerome?

Mr. Jerome: May I put a question to the witness, Mr. Chairman?

The Chairman: Yes.

Mr. Jerome: Mr. Roberts, let me put my impression of the situation to you and ask for your comment. I think that may be the best way because it is a sort of general question.

It strikes me that a question of privilege, as a member of the House of Commons, is at this moment in time, perhaps, premature because it is my impression, first, that the Cabinet seems favourably disposed to making a payment to you, although it would be an *ex gratia* payment, but their fear was that you might be into trouble under Section 16 of the Act. Second, the question involved here, rather than being a question of privilege as a member of the House of Commons, is really a question of the privileges of an individual citizen having been adversely affected by having been elected to the House of Commons. It is really your privilege as a citizen rather than your privilege as a member of the House which comes into question.

The third impression I have is, if the Cabinet is prepared and if we can make a recommendation that an *ex gratia* payment be made, that that be done. If you are placed in jeopardy as a result of that payment, we are then into a question of privilege which I think most of us seem agreed would put you on pretty solid ground.

The Chairman: Again, Mr. Jerome, I do not want to bar the question but I believe the same remarks I made to Mr. Sullivan apply to the kind of remarks you are making now. I believe we should stick to the facts. When we discuss among ourselves the kind of conclusions we reach, I think we should hear the whole evidence about the law, the way it applies, the jurisprudence, if any, any other points. Mr. Ritchie?

Mr. Ritchie: I would just like to ask, Mr. Chairman, as Mr. Roberts had leave of absence during the election, but assuming he had not been elected on June 25 and had still not returned to the Civil Service, how would he have received this money and in what manner? Would he have been carried on their books, say, for two months?

Mr. Roberts: My understanding, Mr. Chairman, is that I would have received the money in the way in which it has been paid previously in many cases, to other people in a similar position, as a lump sum payment. I assume that I would have been paid in the same way that they had been paid, by a lump sum payment.

Mr. Ritchie: Technically you still would have been considered an employee for the number of months required to use up that lump sum?

Mr. Roberts: Yes.

The Chairman: Mr. Benjamin?

Mr. Benjamin: Mr. Chairman, there are three or four questions that I want to ask. Before I ask them, I want Mr. Roberts to realize that I am in full sympathy with his case. There have been too many instances in the past when people at all levels of the Public Service have been denied the opportunity to seek public office because of hazards or obstacles such as this.

I am wondering whether Mr. Roberts would tell us if his appointment, when he went to work for the government in 1960, was an Order in Council appointment or a Public Service Commission appointment.

Mr. Roberts: In 1963 I joined the Department of External Affairs which is a Civil Service position, and when I resigned from External Affairs to join the Minister's office I believe that was an Order in Council appointment covered by the Public Service Act. I think there is a section in the Public Service Act—I am not sure what number it is—which refers to members of ministerial offices.

The Chairman: We are dealing precisely with this point.

Mr. Roberts: We were considered for some purposes to be under the Civil Service regulations and not for other purposes.

Mr. Benjamin: Are you aware of anything in the law or in the regulations of the Public Service Commission that would require—at the time of your leave of absence you were an Order in Council appointment then—your resignation once you were nominated, rather than receiving leave of absence without pay?

The Chairman: I am sorry, I do not want to interrupt you, but Mr. Ollivier will deal precisely with those issues, too.

Mr. Roberts: Perhaps I could be allowed to say that I do not know of any such disability and at the

time I sought legal advice which was to the effect that the proper action for me would be to take a leave of absence without pay.

Mr. Benjamin: A lot of people are wondering about instances of people who wish to seek nomination for a political party, and we are told—and I have no way of knowing this for sure—that if they did and if they received the nomination they would have to resign because they were seeking federal office and were federal employees. There was no prohibition to their seeking provincial or municipal office. Whether or not this is correct, or whether it is just something that happens behind the scenes, I would not know. Could you tell us, Mr. Roberts, were both the date you were nominated and the date of your leave of absence effective the same day?

Mr. Roberts: I believe it was May 14, and I think the leave of absence was effective as of May 15. I think there was one day when I was considered to be on service when I came back and cleared up the office and so on. The effective date of the leave of absence was from May 15, I believe, or May 14.

Mr. MacGuigan: Mr. Chairman, I am a little concerned that Mr. Roberts will not be able to make his case adequately if we cannot discuss the substance of the questions while he is here. Have I misunderstood; will he be present at the closed session as well?

The Chairman: Well, I think it should be clearly understood that Mr. Roberts is available to members of the Committee, but I think most of the questions being asked right now are a little premature of what is going to be said or expressed by the Law Clerk of the House of Commons. I think if it could be agreed among the members we could hear a report by Mr. Ollivier and then if we want to come back to ask questions of Mr. Roberts that would be agreeable because he has already stated that he was available to the members.

Mr. MacGuigan: All I wanted to ensure was that Mr. Roberts has a chance to comment on these points as they are raised by us.

The Chairman: Then I think we should call upon Dr. Ollivier since he has some years of experience on this theme.

Dr. P. M. Ollivier (Parliamentary Counsel and Law Clerk, House of Commons): Mr. Chairman, on Thursday, March 27, Mr. John Roberts, member for York-Simcoe, raised a question of privilege in the House of Commons, which I will try to summarize in as few words as possible as you have already heard Mr. Roberts this morning and you have also heard him in the House.

The member for York-Simcoe in stating his question said:

... it relates to the refusal of the Government upon my election to the House of Commons, to pay to me the terminal gratuity provided as a normal practice to those leaving the public service.

And he added: "the facts are basically these—members of the public service are normally given a termination payment upon leaving the public service equivalent to their accumulated vacation leave." And further: "the technique for payment normally used is a device, or what I would call fiction. I think that is important. The former public servant is kept on the books even though he may be working on a full-time basis for another employer."

Another employer, of course—not the House of Commons at that time.

I have rather emphasized those quotations because I intend coming back to them in the analysis of this question of privilege.

The Member for York-Simcoe referred to the fact that the payment is discretionary; also that if he had been paid it would be conceivable that his right to hold his seat could be challenged. He admitted that part of it in his testimony in the House.

One last quotation is as follows: "Moreover, it is well accepted that on questions concerning the application of section 16 of the Senate and House of Commons Act, final authority as to the eligibility of members to sit rests with the House of Commons."

Since reference has been made to section 16 of the Senate and House of Commons Act, and since we will have to come back to that section, it would have been very useful to me to quote that section at length, but this has already been done by the member. I will just take in a few words:

'16. If any member of the House of Commons . . . performs any service for the Government of Canada . . . for which any public money of Canada is paid . . .

I am now summarizing it,

the seat of such member shall thereby be vacated, and his election shall thenceforth be null and void.'

Having now referred to certain preliminaries, I might perhaps now in a general way state what I understand the position to be.

Mr. Roberts, M.P., is a former executive assistant who was on salary and employed in the office of the Minister of Forestry and Rural Development. He had accumulated vacation leave over a period of time, but before using this he became a candidate at the federal election in 1968, was elected, and now wishes to

receive this leave reduced to dollars. He has requested payment of a certain amount from the federal authorities and for the moment has been refused payment.

Bourinot, on questions of privilege at pages 303 and 304, defines them as taking a wide range but referring to all matters affecting the rights of members since they became members of the House. I need not give those quotations at length; suffice it to say that they would cover the present case.

The honourable member takes the position that, because of the fact that he is a member of Parliament, he has been denied payment of money for services rendered before he became a member which an ordinary civil servant or executive assistant would receive in the circumstances. In other words, he is prejudiced by his particular status as a member.

This again revolves around section 16 of the Senate and House of Commons Act and its interpretation. Section 16 provides, *inter alia*, that if a member of the House of Commons performs any service for the government for which any public money of Canada is paid, the seat of such member should therefor be vacated.

There is no doubt again that if he did receive this payment of money while a member, some other member might raise a question of privilege to be dealt with by this Committee.

The honourable member either has the right to be paid what he calls severance pay, or he has not. If he has the right, then section 16 has no application for he is requesting money that he has earned and was due him before becoming a member of Parliament, and Parliament is not concerned. If on the other hand he has not that right, there still remains the possibility of an *ex gratia* payment which may or may not interfere with his right to sit in the House and, for this reason, the Government of Canada is understandably somewhat reluctant to put into operation a fiction which might disqualify the member, which would be somewhat parallel to paying a pension to a former member of the House who has become a senator. The member could not receive a pension at the same that he is paid an indemnity as a senator.

To a certain extent this is a question of privilege in reverse and to my mind it is hypothetical. The direct question would be if the member had been paid monthly, thus kept on strength of the department whilst a member. Then the question could well be raised whether the member has not thus disqualified himself from sitting in the House of Commons. The hypothetical question is precisely, would the member then be disqualified?

In other words, the problem is whether the member may receive the amount claimed with impunity.

Apparently civil servants who receive this amount do so by means of a fiction adopted for purposes of authority to pay them. He was kept on strength for the period of time required to absorb the amount of his vacation leave. It has been an *ex gratia* payment authorized by Order in Council and paid out of the general vote of administration of the department concerned.

Whether in the present case the honourable member was a civil servant as defined in the former Act—the Civil Service Act—or as amended by the Public Service Employment Act which was passed in 1966-67, Chapter 71, I presume the benefits were pursuant to Order in Council, as was the amount of the salary.

The situation is further complicated by section 37 of the Public Service Employment Act just referred to dealing with ministers' staffs, where subsection (2) recites that a person who is employed in the office of a minister ceases to be so employed thirty days after the person holding the position of such minister ceases to hold that position. How then could the member be kept on strength after that time by fiction of the law and be paid? There is also no doubt that he could not be paid whilst he is on leave without pay.

The Act says that he can go on leave without pay. Therefore you could not pay him during that time by a fiction of the law since he is on leave without pay.

Whilst I am still dealing with the Public Service Employment Act, it is pursuant to section 32 that an employee of the public service who is desirous of becoming a candidate at an election may obtain leave of absence without pay to seek nomination as a candidate for election. If he is declared elected, he ceases to be an employee of the public service. That is Section 32(5). This being so, he cannot at that time be kept on strength of the public service nor, as I have said, can he be kept on strength during the election campaign because the Public Service Employment Act provides that he is then on leave without pay. So, if that person is declared elected, he is losing his unused vacation leave.

The keeping on strength of an employee in order to pay him a cash gratuity in lieu of unused leave, although not contemplated by the legislation, is not against the Public Service Employment Act, or against the public service terms and conditions of employment regulations made under the authority of the Financial Administration Act. The resignation is postponed to a later date in order to allow the employee to be paid for a period without having to report for duty—in that case, this is again an *ex gratia* payment.

To return to the mechanics of the operation, *ex gratia* payments are first decided by Order in Council

and included, generally speaking in the general vote of administration of the department concerned, and a special item is not needed—the Order in Council is the authority for the Comptroller of the Treasury to make the payment.

If a special item were inserted in the estimates, then whether or not section 16 of the Senate and House of Commons Act applies may be irrelevant, for the special item is an enactment which stands by itself, but I will come back to that later on.

Again the position is clear that the House of Commons itself has the exclusive jurisdiction to determine questions of eligibility of its members. This is in accordance with judicial decisions in England as well as in Canada.

That the question of eligibility of members rests with the House of Commons cannot as a general proposition be denied. The House and its Committee on Privileges and Elections may certainly be involved in a problem like this one, and this must have been taken into account when the question of the *ex gratia* payment came before the Cabinet for consideration.

On the other hand, a committee of the House cannot authorize or directly recommend an expenditure of money. It is the function of a minister to do so, having first obtained the recommendation of the Crown. All the Committee would do or could do, in any case, if it is the opinion of its members that an injustice has been done, would be to report that finding and recommend that the government should consider the expediency of placing in the estimates, or supplementary estimates, an item for the payment of such "severance pay"—Mr. Roberts calls it severance pay but—I do not because it concerns monthly payments and keeping on strength—with the stipulation that such payment or payments shall not disqualify the member or members affected, because more than one member happens to be involved of course in this particular matter.

The item in the Appropriation Act to my mind would then become law when the Act itself would receive Royal Assent. It would also remove any doubt as to the validity of payments made and as to the qualification or disqualification of the member or members to sit in the House. What I have in mind is a proviso. If an item were put in the Estimates it should have the same proviso as happened, for instance, when the position of parliamentary assistants was authorized by an item in the Estimates before the actual act was passed. That was in 1943 and there was a proviso there saying,

Provided however that notwithstanding any Act or other law to the contrary payments made hereunder shall not render any such person, if he be a Member of the House of Commons, liable to any penalty or disqualification, or vacate the seat of any Member of the House of Commons or render

such Member ineligible to sit or vote in the said House and no person receiving payment hereunder shall thereby be disqualified as a candidate at any Dominion election.

In other words, if the Committee should first recognize that an injustice has been done and so report it to the House with a recommendation that an item with this proviso be put in the Estimates, I imagine that is as far as a Committee could go. The final decision would still be with the government but on the recommendation of the Committee of Privileges and Elections. If the Committee does that it is possible that the government would feel justified in putting in such an Estimate which would cover all the cases that you have in mind.

Mr. Jerome: What then would be the effect of the House adopting that report and approving it, if we made that recommendation.

Dr. Ollivier: I do not even know that it would be necessary for the House to adopt the report, as long as you made the report to the House. Perhaps the government would prefer that it be adopted—I do not know. Not all reports are adopted.

Mr. Jerome: There is something about Dr. Ollivier's remarks that confuses me. The term *ex gratia* payment is used and—the interpretation that you have placed on it, Doctor somewhat confuses me. There seems to me to be a kind of payment by keeping the person on service and giving him the money to which he is entitled.

Dr. Ollivier: That is the way it has been done.

Mr. Jerome: I appreciate that, but that to me seems to be something different. To me that would seem to be a contractual payment, whereas an *ex gratia* payment would seem to me to be something different. Now in your interpretation you seem to imply that an *ex gratia* payment is that very thing.

Dr. Ollivier: What I mean is that there is not a legal obligation for the government to pay. In other words Mr. Roberts could not sue the government for payment of that. If a payment is made it would be *ex gratia*, because he would not be successful in obtaining the payment before the courts.

Mr. Jerome: I see.

Dr. Ollivier: In that way it is an *ex gratia* payment—because the government is not obliged to make it. In resigning he has practically lost. It is like a Civil Servant who is entitled to a certain number of holidays in a year and if he does not take them he loses them.

Mr. Jerome: Right.

Dr. Ollivier: A member of Parliament is entitled to 15 days holidays in the year. If he loses 15 days he will not be penalized for those 15 days, but if he does not take those 15 days he cannot add them on in the following session and have 30 days.

The Chairman: Before dealing with this point I would suggest to the members that it might be interesting to have Mr. J. P. Connell, the Assistant Secretary to the Treasury Board, comment on what happened in connection with the Roberts case at Treasury Board. In that way we will have further facts and then after that we could call upon any of the witnesses present and ask questions. If that is agreeable to the members, I would ask Mr. Connell to proceed. Would you state your position first, Mr. Connell?

Mr. J. P. Connell (Assistant Secretary (Personnel) Treasury Board): I am Assistant Secretary (Personnel) of the Treasury Board Secretariat.

The Chairman: In your capacity as such could you tell the members of the Committee what happened in the Roberts case.

Mr. Connell: A submission was made to the Treasury Board by Mr. Sauvé, the Minister for whom Mr. Roberts worked as Executive Assistant, recommending that a cash gratuity in lieu of unused vacation leave and in respect also of two weeks retiring leave, be paid to Mr. Roberts. The Treasury Board Ministers considered the question and were advised by Treasury Board staff of a precedent in 1965 whereby the Cabinet had declined to approve a payment in similar circumstances and the Treasury Board Ministers as a result declined to approve the payment of the gratuity to Mr. Roberts because of a potential conflict with Section 16 of the House of Commons Act. Subsequently I believe that this matter was referred to the Cabinet, I believe that the Cabinet decision was the same as that of the Treasury Board, and this decision was communicated to Mr. Roberts by Mr. Marchand, a letter which I understand has been distributed.

Dr. Ollivier is correct when he says that as far as legal entitlement is concerned, Mr. Roberts does not have a legal entitlement to the moneys because he loses his vacation credit at the time that he ceases to be employed as an Executive Assistant or, if he had been a public servant, as a public servant. It is not then a question of right, as Dr. Ollivier says, but an *ex gratia* payment. In the past an *ex gratia* payment I believe has often been regarded as a payment made by the Governor in Council, although subsequently I believe the Treasury Board Ministers have the authority to make cash gratuity payments in circumstances such as we have in the case of Mr. Roberts. So I do not believe that it would have to go to the Governor in Council now to make this payment. Regardless of

the devise which is used, as Dr. Ollivier has pointed out, I would agree it is *ex gratia* in the sense that *ex gratia* means by favour and not having a legal right, so that whether he were kept on strength or whether he were paid as a cash gratuity, it would be *ex gratia*. In cases such as this it is not at all unusual for cash payments to be made rather than using the devise of keeping people on strength, and for the payment to be made to Mr. Roberts he would not have to be kept on strength. The question of whether he can accept the money if it is paid to him I guess is, as Dr. Ollivier points out, really not a question for me or for anyone except the House of Commons.

The Chairman: Do you have any questions?

Mr. Ritchie: Then, as far as the Civil Service Act is concerned, Mr. Roberts could be paid as of June 24 a lump sum on the termination of his services.

Mr. Connell: Not under an act, sir, it would be by authority of Treasury Board. He is not covered by the terms and conditions of employment regulations.

Mr. Ritchie: Therefore, the real solution to this would seem to be a change in the Act in the future to allow this payment to be made under the Act.

Mr. Connell: It could happen this way or it could happen as it can at present. I hesitate to express a legal opinion, but I wonder if that would remove the circumstances that have so far prevented Mr. Roberts from getting the payment. Mr. Ollivier may be able to comment on that for us.

Mr. Ritchie: Mr. Chairman, I would like to ask Dr. Ollivier a question then. Let us assume in theory that Mr. Roberts performed a service before being elected to the House but his cheque was dated after being elected to the House. Let us say it is technically impossible to pay him earlier. Has he contravened Section 16 of the Act?

Dr. Ollivier: Probably not because he has been paid then for services rendered before he became a member. The difficulty there is the fact that you mentioned that he is being paid. There is always the danger that the question of privilege might arise—a real one at that time—whether he should be paid afterwards. I will give you an example of what I mean. A lawyer who is not a member of Parliament has a case for the government. Before presenting himself at an election he neglects to have his payment made. There is a theory that once he becomes a member he cannot be paid. He should have been paid before because as a member he might influence the government to tax his account a little higher or things of that sort. Personally, I am always very scrupulous when it comes to members of Parliament

because then you would have a real question of privilege whether he used his influence to be paid for services rendered before being a member of Parliament; payment which he might or might not have had otherwise.

Mr. Ritchie: Therefore, Mr. Chairman and Dr. Ollivier, even if there were a change in the Public Service Act, to give him the mandatory lump sum made to all other people, you would still run into this very thing?

Dr. Ollivier: Yes, I say if he was paid that sum, he should have been paid before he became a member of Parliament.

Mr. Ritchie: In other words, the cheque should have been made out . . .

Dr. Ollivier: I am perhaps going a little bit too far, but I mean if the question arose in the House.

Mr. Ritchie: He should have been paid on, say, June 24 in this case.

Dr. Ollivier: Yes, but not with the device of keeping him on strength.

Mr. Ritchie: No, no, I agree. By that, you mean even a lump sum?

Dr. Ollivier: Yes, even a lump sum, if he could be paid in a lump sum which would be, as you say, an *extra gratia* payment.

Mr. Peddle: Mr. Chairman, is it conceded that these were credits accumulated by Mr. Roberts as the result his service previous to leaving?

Mr. Connell: Yes.

Mr. Peddle: Then would it not be reasonable, to approach it this way? Section 16 goes into the business of sales of merchandise and so on. Let us assume that Mr. Roberts was a farmer and on June 24 he delivered, let us say, a carload of potatoes to the Parliamentary Restaurant; would payment for this merchandise be refused because on June 25 he was elected as a Member of the House of Commons? Section 16 is just as strong on this point, on the sale of merchandise, as it is on rendering a service.

Mr. Connell: I would really have to direct that question to Dr. Ollivier.

Mr. Peddle: All right, I will direct it to Dr. Ollivier. It would be impossible for him to be paid because he could have delivered his carload of potatoes one hour before the polls closed.

Dr. Ollivier: Well, it is a fixed price and the price was understood before.

Mr. Peddle: So is his service, I am assuming.

Dr. Ollivier: That is the difference, I suppose. You are talking about merchandise or contracts.

Mr. Peddle: Yes, this is just as strong in Section 16 as the other matter of service. Now, I am assuming that there is a fixed price on Mr. Roberts' services, the same as there would be on his potatoes if he were a farmer.

Mr. Connell: Perhaps the difference in the case is that the sale of the potatoes is a contract. There was no contract that the credits to which he was entitled while employed would be extended after he ceased to be employed.

Mr. Peddle: There are many cases on record where being elected to the House of Commons was not involved when there was no question of making payment.

Mr. Connell: Right.

Mr. Peddle: As you said, yourself as a lump sum, not necessarily following this device of carrying them on the books.

Mr. Connell: That is right.

Mr. Peddle: That is all, thank you.

[Interpretation]

The Chairman: Mr. Fortin.

Mr. Fortin: Thank you. I would like to put this question to Dr. Ollivier. Could one say that since Mr. Roberts was elected a Member of Parliament and since previously he was a public servant, could one say that in his case as in the case of other persons, the Elections Act runs against the Public Service Act?

Dr. Ollivier: I do not believe that there is anything in the Elections Act providing for salaries paid to a Member. The conflict of interests comes from the Senate and House of Commons Act. The Elections Act prevents him from being a candidate while he is a public servant, he must first stop being one or be on leave. Previously under the Civil Service Act when a civil employee wanted to run for office, there was only one solution, he had to resign immediately as a civil servant.

Under the Public Service Act, the Civil Service Act was changed by saying that a civil servant can run for an election if he has a leave without pay during the entire electoral period. If he is defeated, he

comes back to the Public Service. This is under the Public Service Act, not elections laws.

Mr. Fortin: Mr. Chairman, as far as I am concerned, I would be prepared to recommend, I would recommend immediately that in accordance with Dr. Ollivier's opinion, to the House of Commons, that the question there is clear, I believe.

The Chairman: Mr. Fortin I believe it would be important for all questions to be answered first of all, and then we should recommend sitting in camera.

Mr. Fortin: Let this recommendation be made, Mr. Chairman, as I really am very anxious to see justice given to Mr. Roberts. This was the case for me in 1965 and again in 1968, since I worked for the House of Commons before my election. This is unfair. I had to go through lots of red tape. I spent a lot of money to get my due, Mr. Chairman.

I believe there will be more and more civil servants elected to the House of Commons, and I believe this section of the Act should be amended or changed. I believe we should act immediately and stop discussing this question which has been dragging since the 25th of June.

The Chairman: I understand, Mr. Fortin, but this is our first session on this point, and I believe all members should have an opportunity to know exactly what the situation is before reaching a decision.

[English]

Mr. MacGuigan: Mr. Chairman, I have a number of questions for Dr. Ollivier. First of all, I understood as an alternative he was suggesting it would not be necessary to use the device of keeping Mr. Roberts on the payroll, but that a lump sum payment could be made. Did I understand him correctly?

Dr. Ollivier: Yes, but my suggestion was, first, to recognize in your report that an injustice has been done to those members who, if they had not become members, would have received a certain amount of money. But as the Committee cannot do anything but recommend that the money be paid, my device was that having recognized that in justice, you would recommend an item in the Estimates. But to make certain that the question could not arise that Section 16 was involved, there would be a proviso that this payment would not affect the status of a member. So that nobody could attack it in the House. Just like when parliamentary assistants or parliamentary secretaries were appointed in 1949, there was not an Act at that time. An item was put in the Estimates because they were getting, whatever it was, \$4,000 more than the indemnity, and it was stated that apart from getting that indemnity that that would

not affect their status. I think if it is just an *ex gratia* payment, it would still leave the question in the air so that it could be discussed and somebody could still raise the question of privilege. Whereas by putting it beyond any doubt, then that would settle the whole question. It could be settled in one item for all the members concerned.

Mr. MacGuigan: Well, your answer resolves the second of my questions which was about the interpretation of this legislation. I would have thought that unless there is something in the legislation to deny it, that the Act would be interpreted judicially rather than only by this Committee, and that despite a decision of this Committee...

Dr. Ollivier: In the Estimates, it is like drafting a law. That item will be part of the Appropriation Act. It is the law just as much as if you had a separate act to deal with the question.

Mr. MacGuigan: Yes. But if we did not proceed that way, any other interpretation which this Committee were to give of the Senate and House of Commons Act might be over-ridden by a judicial interpretation, might it not?

Dr. Ollivier: I still say that it might still be up in the air. Somebody might still raise it in the House or raise it before the courts.

Mr. MacGuigan: Is there not something in the Senate and House of Commons Act that refers to the Elections Act and to the qualifications which a candidate must there have for election? That is my recollection, and I have had some experience with having to clear up business with the government before becoming an official candidate under the Elections Act.

Dr. Ollivier: Oh yes. There is, of course, a section in the Elections Act saying who may or may not be a candidate.

Mr. MacGuigan: Yes, and if this is incorporated this complicates our problem, and I believe it is incorporated.

Dr. Ollivier: It also says in the Senate and House of Commons Act, and that I accept, that anybody who sits and is not entitled to sit is liable to pay \$200 a day penalty, and that can be sued by anybody outside. As a matter of fact the person who sues, the plaintiff, would be entitled to half of the penalty.

Mr. MacGuigan: Is there not something in that Senate and House of Commons Act to incorporate the qualifications of the Elections Act for a member?

Dr. Ollivier: In the part dealing with the independence of Parliament it says:

No person holding any office of emolument under the Crown. . .

Nor any sheriff. . .

and so forth. Then there is an exception for the members of the military forces. During the war, for instance, if somebody enlists he will receive his indemnity as a member and also be paid. Then it was necessary to put in the Act provisions to cover Ministers of the Crown. Previously, before 1930, when a member of the House became a Minister of the Crown he had to resign his seat and had to run again in his constituency. That is the reason why Mr. Meighen was defeated in 1926, because when he accepted the office of Prime Minister he was not sitting in the House anymore, he was sitting in the gallery, and he was defeated by one vote.

Mr. MacGuigan: Perhaps I might have a look at that Act to look for this section, and somebody else might ask questions in the meantime.

[Interpretation]

The Chairman: Mr. Cantin?

Mr. Cantin: Mr. Chairman, first I would like to make a remark. The Member for Lotbinière was honest enough to say that he had the same interest as that of the claimant, Mr. Roberts, so he should not really take part in the decision of the Committee. Personally, I must say that I share the opinion of Dr. Ollivier and I agree with his conclusions particularly that this should be the recommendation of the Committee.

If you tried now to have the opinion of the Committee, I think we could reach a decision.

The Chairman: This is exactly the reason why, Mr. Cantin, I, personally, would like to tell the members that since this is question relating to the interests of a colleague, it might be better to discuss our decision in camera. There are other members. . .

Mr. Cantin: Are we prepared to sit in camera immediately? We can sit. . .

The Chairman: Exactly, this is really the very crux of the question of discussions which belong to the members of the Committee.

I would suggest and recommend to the members not to jump to conclusions immediately, before they have allowed all members to put their questions to one or the other of the witnesses, so that we have all our questions answered. Then we can have an in-camera sitting where everybody can express his

opinion and views. I think this would be the wisest way to proceed.

Do members agree on this?

[English]

The Chairman: Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, did I understand Dr. Ollivier and Mr. Connell to say that any public servant who took leave of absence without pay for any purpose is not by right entitled to payment for accrued vacation or retirement severance? That it is as a favour, *ex gratia* as you put it, no matter what the circumstances?

Mr. Connell: A person covered by the Public Service Employment Act, a public servant who is also therefore covered by the terms and conditions of that Act, if he resigns, he gets payment on a discretionary basis from the deputy head for credits such as this unused vacation and unused retirement leave.

Mr. Benjamin: If he resigns?

Mr. Connell: Yes.

Mr. Benjamin: But if he has leave of absence without pay, it is obvious that there is intention to return to the service. Until such time as someone resigns or is dismissed, there is an intention to return to the service. So in that case they still are not entitled as a matter of right to payment for unused vacation leave.

Mr. Connell: Well, with the intention to return to the service, if it were a leave of absence, for example, for three months, it would be presumed that he would return and that he would perhaps take his vacation when he returned, or he might take it before he took his leave of absence. I do not think the question would really arise in the normal case of a leave of absence.

Mr. Benjamin: I see. Well, the main point that I was wondering about is that it is not a matter of right in a situation like that of Mr. Roberts or any other person who is in the public service. The payment would be made as a favour.

Mr. Connell: In the case of a public service employee covered under the Public Service Employment Act, the normal device has been, if he resigns, to postpone his resignation date until he has taken his unused vacation credits. So to this extent he has been kept on the payroll on vacation, and it has been a device. But if he were to resign without having taken that vacation, then it would be discretionary with the deputy head of the department to give him this gratuity in lieu.

Mr. Benjamin: May I ask one further question on the matter of the public service, and members of it who seek public office. Are there any general regulations, or to your knowledge has any senior person in any department, either by letter, by circular, or verbally, advised members of the federal public service that if they sought and received nomination for federal office they would be required to resign?

Mr. Connell: Not to my knowledge.

Mr. Benjamin: Then there is no restriction on federal civil servants seeking federal office. They would be entitled to leave of absence without pay, and would not be required to resign unless and until they were elected.

Mr. Connell: As Dr. Ollivier has pointed out, the circumstances under which an employee under the Public Service Employment Act gets leave of absence, indeed, is required to take leave of absence, as set forth in this Act, are that once he is nominated, he must take leave of absence. I know of no instructions of the type that you referred to. I do not know whether it would have been necessary to have issued them I do not know whether or not they have been.

Mr. Benjamin: May I ask Mr. Roberts a question, Mr. Chairman?

The Chairman: Yes. Mr. Benjamin.

Mr. Benjamin: Mr. Roberts, I notice in the letter from the Minister to yourself there is mention of terminal leave and, I think, at some other point retirement funds. Your submission mentions vacation allowance. Is it one or the other or is it some of both?

Mr. Roberts: No, I received a refund of my contributions to the superannuation fund which, I think, is what was referred to in that letter.

Mr. Benjamin: I see; all right.

Mr. Roberts: As far as I know, the only outstanding payment as I would call it is the one which is related to my vacation credit.

Mr. Benjamin: You have received a payment in the sense that you received a refund of your pension contributions.

Mr. Roberts: Yes.

Mr. Benjamin: That is the only one you have received?

Mr. Roberts: I believe so, unless there was some other contribution that I made that had been returned to me, but I think that is the only one I have received. The only one outstanding is the vacation credit.

The Chairman: Are you through, Mr. Benjamin?

Mr. Benjamin: Yes.

The Chairman: Mr. Sullivan.

Mr. Sullivan: Dr. Ollivier, I wonder if you would clarify my thinking on this, particularly in relation to Section 16. What about a member who is involved in expropriation proceedings? Can he negotiate with the government?

Dr. Ollivier: I do not think so. I know it might happen in the case of the new international airport and some members might be involved, but this is a general law and it applies to everybody. The member has not asked for the expropriation. He will be forced, probably, to accept the money that will be given to him. I do not think that would disqualify him. otherwise . . .

Mr. Sullivan: He might be interested in a contract.

Dr. Olivier: . . . it would mean that if we wanted to build an airport and one or two members have their properties in the land the government wants, could they, because that conflict refuse to sell and say, "I cannot sell because this constitutes a contract". This is a general law that applies to every member. For instance, he could have shares in the Bell Telephone Company and . . .

Mr. Sullivan: I fail to see the distinction. I can see that point of view if the . . .

Dr. Ollivier: . . . the Bell Telephone Company could have a contract with the government.

Mr. Sullivan: . . . expropriation occurs and it is dealt with by a court, but I can see a conflict if there is agreement, can you not?

Dr. Ollivier: Yes, if you could prove there was a conflict of interest in a way that the member could use his position to obtain a more favorable consideration.

Mr. Sullivan: So no member really should settle an expropriation proceeding with the government?

Dr. Ollivier: He should not settle it separately. He should . . .

Mr. Sullivan: Go on and be adjudicated.

Dr. Ollivier: ... wait for the adjudication, but he would have to accept it.

Mr. Sullivan: If he does not, would he be disqualified in your opinion?

Dr. Ollivier: That is a question that would have to be decided probably by the courts.

Mr. Sullivan: What about people receiving benefits under federal statutes?

Dr. Ollivier: It depends. There are some federal statutes which provide exactly for that position. For example, statutes relating to veterans such as the Veterans's Land Act. It was thought necessary to put in those acts a section saying that if a member happened to be a veteran or a veteran happened to be a member, that he could still take advantage of that act. I think it is always better in drafting such an act to provide for those cases. I know in the agricultural laws in the West, for instance, that some members, no doubt, will benefit from those laws and will not be disqualified.

Mr. Sullivan: What about the Farm Credit Act?

Dr. Ollivier: That is the one.

Mr. Sullivan: Can a member deal with the Farm Credit Corporation regarding a loan?

Dr. Ollivier: That is the one I was thinking of. I have not read it lately, but it would be better if in the act itself there were such a provision as there are in others. I am not sure whether there is ...

Mr. Sullivan: If it were not in that Act ...

Dr. Ollivier: ... but I do not think there is such a provision in that Act.

Mr. Sullivan: ... would you say a member now would be disqualified?

Dr. Ollivier: No, because it is a general act that applies to everybody, unless there is a conflict of interest where the member uses his influence as a member to get a better deal. I would think that would be the answer.

Mr. Sullivan: It does not say that here though, does it?

Dr. Ollivier: No.

Mr. Sullivan: It says "any contract". It certainly is a contract—a loan.

Dr. Ollivier: Yes, but as I was saying, suppose you are a shareholder in the Bell Telephone. The Bell Telephone has a contract with the government, but you will not be disqualified as a member because you hold shares in the Bell Telephone.

Mr. Sullivan: In the case of the Bell Telephone you are a shareholder, but the corporate is different. Being a shareholder is not the same as being the Bell Telephone.

Dr. Ollivier: Yes, if I were a member ...

Mr. Sullivan: A member of the corporation is not the corporation.

Dr. Ollivier: ... I might forego the benefits if I had any doubts. The law is there, but it is up to you to interpret it. I could not advise you and say, "Do not do it" or "Do not take it" because you might be taking a risk.

Mr. Sullivan: I have one last question. Would a member be safe in dealing with a Crown corporation and making contracts with them?

Dr. Ollivier: I think the same principle would apply.

Mr. Sullivan: Thank you.

[Interpretation]

The Chairman: Mr. Fortin.

Mr. Fortin: Mr. Chairman, I am asking myself what the member for Louis-Hébert (Mr. Cantin) meant when he said that it would be better if I did not say anything during the present debate and that I do not take part in it.

Mr. Cantin: I did not say that it was preferable that you did not speak but when the decision was made that you should not speak because you have a similar interest. It is for your own protection.

Mr. Fortin: Mr. Chairman, my case has been settled and was somewhat different. So I stick to my privileges as a member of this Committee.

Mr. Cantin: Excuse me, before you did not mention that your case was settled.

[English]

The Chairman: With your permission and taking leave of certain of my functions, I would like to ask Mr. Connell a few questions so will have something crystal clear in my mind.

Could you state, Mr. Connell, the reason and the only reason why the request made by Mr. Roberts was turned down? Was it because of the potential conflict with Section 16 of the Election Act?

Mr. Connell: That is my understanding of the reason for the decision made by the Cabinet.

The Chairman: Thank you, Mr. Ritchie.

Mr. Ritchie: I would like to ask Dr. Ollivier a question through you, Mr. Chairman. Even if this Committee passed the recommendation that this lump sum be paid to Mr. Roberts and even if the government acquiesced and it was put in an act or the estimates which you said are the same as an act did I understand you to say there still would be a possibility that Mr. Roberts could be challenged either in the House . . .

Dr. Ollivier: To my mind it all depends on how the item is worded. If it were worded with a proviso that this will not affect his position as a member—the example that I gave before—then there would be no doubt, but if that were not put in, there might still be some doubt.

Mr. Ritchie: Yes.

Dr. Ollivier: So to make it safer, I would recommend an item with a proviso that would read, “notwithstanding any act, payments made hereunder shall not render any such person, if he is a member of the House of Commons, liable to any penalty or disqualification”. If it was found necessary to put that in when the legislation for parliamentary assistants was created, I think it is just as necessary to put it in in the present case. At least, it would be safer; it would be water tight.

Mr. Ritchie: Would this be binding on future cases?

Dr. Ollivier: It would depend on how it was drafted. I suppose the item could be drafted so that it would apply to all cases. It would take a good draftsman, but they have them in the Department of Justice.

The Chairman: Mr. Benjamin.

Mr. Benjamin: I have supplementary to that, Mr. Chairman. Is there any other method that Dr. Ollivier could suggest? Is not this method—the estimates—quite cumbersome? Is there any other method of payment that could be made?

Dr. Ollivier: He could wait, perhaps, until he ceases to be a member and then . . .

Mr. Benjamin: No, no, I mean in settling this quicker than an item in the estimates would allow. Is there any other manner in which this could be done, such as a motion of the House or . . .

Dr. Ollivier: It would be up to the government to decide to do it. In my mind, there would still be a doubt if the government did pay it. I believe, as Mr. Connell does, that the reason the government hesitated to make that payment was so it would not open a conflict provided for in Section 16. It might not happen but it would be sufficient that a member would get in the House and raise a question of privilege. This would not be a question of privilege in reverse. As I said, that would be the real question of privilege. If Section 16 does not apply, then we are not concerned with it.

Mr. Benjamin: I think the point Mr. Ritchie made was that, this could occur and re-occur after every election. If we have to go through this every time then there is a need for amendments to the Act.

Dr. Ollivier: You would not have to repeat it in every appropriation bill. You put it in once and it remains like that.

Mr. Benjamin: I was wondering if there were some quicker and easier way, including the points you made.

Dr. Ollivier: I suppose, if the Committee interpreted Section 16 as not preventing members in such a position from receiving an *ex gratia* payment then I think it would be better and that the Report would be agreed to by the House. It would certainly strengthen the position of the members concerned and help the government.

Mr. Benjamin: Would such a recommendation in the Report need to specify in cases of this instance, for services rendered up to or prior to the time of an election?

Dr. Ollivier: That the Committee is of the opinion there is no conflict between the right of a member and Section 16. It would be an interpretation that could be invoked if the question arose again.

Mr. Benjamin: This would apply, then, to all present cases and any that might occur in the future?

Dr. Ollivier: Yes that would be another solution; it is a possible solution.

The Chairman: Mr. McGuigan, just before you ask questions, I think, Mr. Connell has some comments to make.

Mr. Connell: Mr. Chairman, I just did not want to mislead you by my previous remark into believing that the Treasury Board or the Cabinet had decided that payment would be made if it did not contravene. They did not make such a decision. They declined to make a decision until they were sure of the effect of Section 16.

Dr. Ollivier: I think I can add to that. Not only the Treasury Board, but I think the Department of Justice also, is not anxious to give a legal opinion. They would not give a legal opinion to the House on that.

The Chairman: Mr. Connell, I just want to have it clear, without being elected would he have been paid?

Mr. Connell: I do not know what the box score is but I doubt if there were very many, if any, cases that were not, or have not, been paid in the past.

The Chairman: If there is anyone who has not been paid I think that . . .

Mr. Connell: I am not aware of any.

The Chairman: You are not aware of any; everyone else had been paid?

Mr. Connell: Yes.

The Chairman: All right. Mr. MacGuigan?

Mr. MacGuigan: Mr. Chairman, I wanted to follow up Mr. Benjamin's line of questioning because, while I recognize that Dr. Ollivier's first suggestion would be a way of solving the case here, it would not be a permanent solution. If we could make an interpretation of Section 16 which, after being adopted by the House, would be more or less binding from that time on, this might be a great deal more useful.

I want to come back again to this question I raised about judicial interpretation. Is the Act written in such a way that no one could appeal to a court to invoke the penalties against a sitting member—this \$200 a day penalty that you mentioned—unless this Committee first decided that person was not qualified to sit? In other words, would our members be protected from judicial action if we were to make such an interpretation of Section 16A?

Dr. Ollivier: I do not think so.

Mr. MacGuigan: I am sorry, Section 16 not 16A; that is a different problem.

Dr. Ollivier: There was a case, that of Kelly versus O'Brien, a suit for statement against a Senator. It was unsuccessful because the court said that the law was not clear.

Mr. MacGuigan: Yes.

Dr. Ollivier: In the meantime Senator O'Brien resigned in case he would have to continue to pay \$200 a day in penalties. Actually he did not have to resign because the Court in the first instance and in appeal said that the law was not clear enough to say whether he should vacate his seat as a Senator. That was 1943 in the Ontario Court of Appeal.

Where an action is brought to recover a penalty under a statute which is ambiguous and capable of two equally reasonable interpretations, that interpretation should be adopted which will relieve defendant from the penalty.

Mr. MacGuigan: That is a useful precedent.

Dr. Ollivier: Kelly versus O'Brien.

The Chairman: Did you have one more question?

Mr. Ritchie: There is one thing more I would like to ask Dr. Ollivier. If the Committee recommends this as you have drafted or suggested, and the precedent will cover other similar things in the future, will this open up any problems about greater claims on things not related to this particular type of thing?

Dr. Ollivier: Well it all depends how the item is drafted. It might be drafted just to cover Mr. Roberts; it might be drafted to cover the other members who are concerned at the moment also.

Mr. Benjamin: And any case of that nature later on.

Dr. Ollivier: I think a general item to cover all cases to come would better be done by an amendment to the Senate and House of Commons Act.

The Chairman: Gentlemen, it is close to 1 p.m. and unless some of you have more questions to ask of our witnesses I would receive a motion that on Thursday next at 11 a.m. we sit in camera to decide.

Mr. Jerome: I so move, Mr. Chairman.

Thursday in case members of the Committee want to question me.

Mr. Roberts: Mr. Chairman, I want to know whether you want me to keep myself available

The Chairman: We will let you know, Mr. Roberts. It is agreed that on Thursday next we sit in camera to decide this.

APPENDIX B

MINISTER OF FORESTRY
AND
RURAL DEVELOPMENT



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

MINISTRE DES FORÊTS
ET DU
DÉVELOPPEMENT RURAL

Ottawa, March 20, 1969.

Mr. John Roberts, M.P.
House of Commons
Ottawa, Ontario

Dear Mr. Roberts,

As you may have learned by now, my recommendation that you be paid a cash gratuity in lieu of terminal leave for services which you rendered before becoming a Member of Parliament has been turned down by Cabinet.

The purpose of this letter is to acquaint you with some of the reasons why Cabinet took such a decision, a decision which, I should add, was taken only after most careful consideration had been given to the matter.

As I understand it, under the present legislation, there cannot be anything in the estimates to provide for payment of services to a member of the House, even for an ex gratia payment. If there were, the matter could be debated in the House.

Most if not all legal advisors consulted came to the conclusion that only Parliament can interpret legislation concerning its own members. This then leads them to conclude that use could be made of the Senate and House of Commons Act to challenge your right to hold your seat in the House of Commons if such a payment were made to you by the government.

This was the dilemma: on the one hand it was thought that as a matter of justice you were fully entitled to your payment, but on the other hand I am led to understand that the possibility clearly exists that, were the payment made to you, your right to hold your seat in the House could be challenged.

It is on this basis that the decision was taken.

In the light of the foregoing, further study of the Senate and House of Commons Act has been initiated with a view to clarify the situation for the future.

I know that this decision will be a great disappointment to you but the law, as it stands, has left me no alternative.

Best wishes,

(signed)
Jean Marchand

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

THURSDAY, APRIL 24, 1969

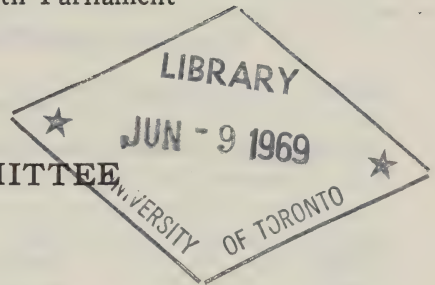
Subject-matter of question of privilege—Mr. Roberts

WITNESSES:

(See Minutes of Proceedings)

INCLUDING FIFTH REPORT TO THE HOUSE

The Queen's Printer, Ottawa, 1969



STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

Cafik,	Marceau,	Schreyer,
¹ Cantin,	Murphy,	Skoberg,
Forest,	Nielsen,	Sullivan,
Fortin,	Peddle,	Trudel,
Lundrigan,	Richard,	Valade,
MacGuigan,	Ritchie,	Woolliams—(20).

(Quorum 11)

Edouard Thomas,
Clerk of the Committee.

Pursuant to Standing Order 65 (4) (b),

¹ Mr. Cantin replaced Mr. Hogarth on April 22, 1969.

ORDER OF REFERENCE

Thursday, March 27, 1969.

Ordered,—That the subject-matter of the question of privilege raised by the honourable Member for York-Simcoe (Mr. Roberts) relating to the refusal of the Government, upon his election to the House of Commons, to pay him the terminal gratuity provided as a normal practice to those leaving the Public Service be referred to the Standing Committee on Privileges and Elections.

ATTEST

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

Thursday, April 24, 1969.

The Standing Committee on Privileges and Elections has the honour to present its

FIFTH REPORT

Pursuant to its Order of Reference of Thursday, March 27, 1969, your Committee has considered the question of privilege raised by the member for York-Simcoe, viz, the refusal of the government upon his election to the House of Commons to pay to him the accumulated vacation leave provided as a normal practice to those leaving the Public Service.

Your Committee held one meeting and heard the following witnesses:

Mr. John Roberts, M.P.;

Dr. Maurice Ollivier, Q.C., Law Clerk and Parliamentary Counsel;

Mr. J.P. Connell, Assistant Secretary (Personnel), Treasury Board.

Your Committee reports as follows:

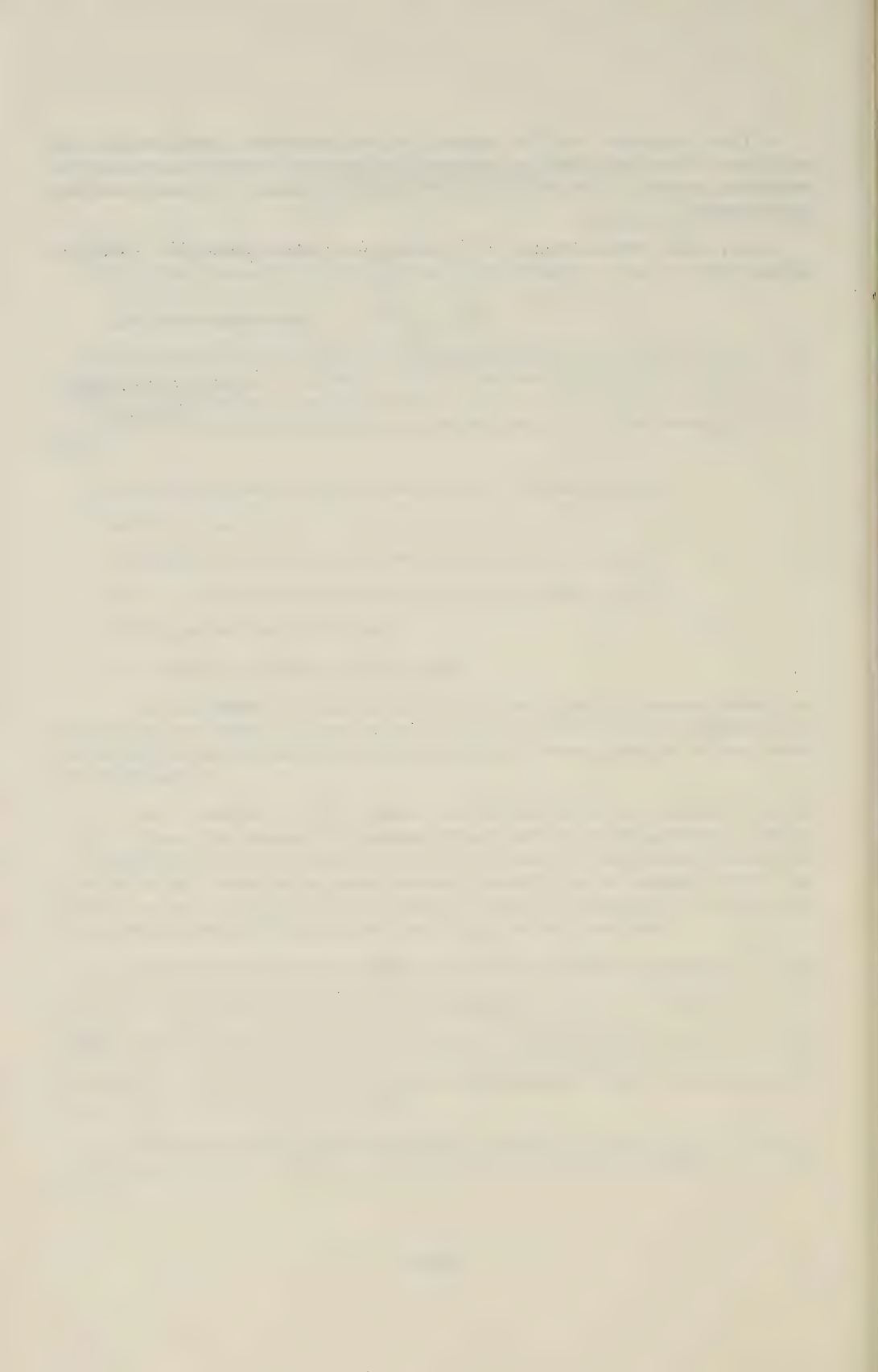
1. The question of privilege is well founded.
2. Your Committee is of the opinion that in the light of the accepted practice, an injustice occurred when Mr. Roberts upon his election to the House of Commons could not be paid for the accumulated vacation provided as a normal practice to those leaving the Public Service.
3. Your Committee is of the opinion that the services to the government of Mr. Roberts as executive assistant to a minister of the Crown for which payment is claimed, were performed before he became a member of the House of Commons and, although the government may make an *ex gratia* payment according to the accepted practice for persons leaving the employ of the Public Service, the Committee recognizes the government's possible difficulty in the face of legislation as it now stands.
4. In order to overcome any possibility of a further question of privilege in the light of Section 16 of the Senate and House of Commons Act, it is recommended that the government consider the expediency of introducing an item in the estimates or supplementary estimates, equivalent to the amount of vacation leave accumulated by Mr. Roberts with a proviso that such payment be made notwithstanding any other Act of the Parliament of Canada and that acceptance of such payment would not require him to vacate his seat in the House of Commons.
5. As there are similar cases involving other members of the House of Commons, your Committee recommends that the government give the same consideration to such members.

6. Your Committee is of the opinion that the government should consider the expediency of introducing legislation to amend the Senate and House of Commons Act to resolve the question of the propriety of members of the House of Commons receiving such payments.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 7 and 8*) is tabled.

Respectfully submitted,

OVIDE LAFLAMME,
Chairman.



MINUTES OF PROCEEDINGS

Thursday, April 24, 1969.

(9)

The Standing Committee on Privileges and Elections met at 11:20 a.m. this day, the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Forest, Gervais, Jerome, Laflamme, Marceau, MacGuigan, Murphy, Peddle, Richard, Ritchie, Trudel—(11).

Also present: Messrs. Émard and Serré, M.P.'s.

Witness: Mr. Nelson Castonguay, Representation Commissioner.

In Camera, on the matter of the question of privilege raised by Mr. Roberts, M.P., the Committee considered a draft report and, after some discussion, adopted a report for presentation to the House by the Chairman.

In open session, Mr. Castonguay answered questions on the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting 1968.

At 12:14 p.m., the Committee adjourned to the call of the Chair.

Michael A. Measures,
Acting Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, April 24, 1969.

● 1205

The Chairman: Order, please.

[*Interpretation*]

Mr. Castonguay, I am very pleased that you have come here today at noon, though even we have had to delay your presence here. Nevertheless, we are quite pleased to have you here now and for the following sittings. Since it is quite late, and if you have a brief that has been prepared, would it be possible to have it circulated right now?

Mr. N. Castonguay (Representation Commissioner): I have not prepared anything, because I think my report is rather complete. If the honourable members wish to have more light shed on the questions I have raised, I am ready to answer their questions. I have no brief because my report is complete, at least, I think so.

The Chairman: Mr. Richard?

Mr. Richard: I believe that we should wait until the next meeting, because I think that the questions that will be put to Mr. Castonguay will be quite lengthy, and as there are not too many members available, it would serve no purpose to go on.

The Chairman: Since you have made your report, Mr. Castonguay, would you have any other comments to add to it?

Mr. Castonguay: Nothing at all.

[*English*]

The Chairman: Is there anyone who has questions to ask of Mr. Castonguay right away about this report, or has anyone read Mr. Castonguay's report which has been circulated among the members?

[*Interpretation*]

Mr. Forest: Our questions may be rather long if we start to study the report of the various systems that exist in Australia or elsewhere and the experience gained in other countries. Now, I was wondering if

Mr. Castonguay had an additional report to give, he could have done so and we would have had the time to examine it before the next meeting. If there is none, I would agree with Mr. Richard that it would be preferable to have a new meeting with Mr. Castonguay, and then proceed. We might possibly wrap up the whole thing within one meeting instead of two. Under those circumstances it would be better to adjourn and start over again, . . .

The Chairman: Very well, Mr. Forest. I think it is a good suggestion. Now, I would like to ask Mr. Castonguay if he is aware that according to the terms of reference, we must first discuss the establishment of a permanent electoral list, and only that? Are there any specific points in your report that have a bearing on that question and on which you would like to draw our attention, or else . . .

Mr. Castonguay: No, because I think my report . . .

An hon. Member: Everything deals with the electoral list?

Mr. Castonguay: My report deals only with registration systems and supplementary voting systems, such as the absent vote, and voting by mail. There is an explanation about the voting systems in England, Australia, and the United States. I believe I have dealt with these questions thoroughly enough to enable you to judge the other systems.

Dr. Ollivier: Mr. Castonguay, can I ask you if your entire report deals with the electoral list or if some parts deal specifically with the electoral list while others deal with other subjects?

Mr. Castonguay: My report deals entirely with permanent electoral lists and secondly, the voting methods like the postal vote and the absent vote. I have been asked to make a report about these questions only, and therefore, I do not deal with any other questions.

[*English*]

The Chairman: I believe then, gentlemen, since there has been a motion to adjourn this meeting . . . Yes, Mr. Forest?

[Interpretation]

Mr. Forest: You mention in your report that establishing a permanent electoral list based on the Australian system would be extremely costly. Do you have any figures giving you an approximate idea of what a similar system would cost within the Canadian context?

Mr. Castonguay: I made a thorough study of the overall approximate cost of the Australian voting system which you will find on page 59 of the French version, and page 54 of the English version.

● 1210

Mr. Forest: I am talking about costs.

Mr. Castonguay: You will see in the detailed information that these are the costs from 1964 to 1965. And it amounts to about 45 cents a year per voter. But you will see that the salary of the Chief Electoral Officer in Australia was \$9,000, while it was \$21,000 in Canada. Could you find a Returning Officer here who would work full time for \$3,900 a year?

I believe that to start with, a minimum of \$1. per year per voter would be the cost of establishing that system in Canada. I think it will take . . . Well, in Australia, I believe there are 318 permanent employees, and they only have 124 ridings, whereas here we have 264 ridings. So, if you take a mean of 2 permanent employees per riding, this means at least 600 employees, including the central adminis-

tration staff. Personally, I do not see how you can establish a system here, like the one that is established here, at a cost of less than \$1 per year per voter. In Australia, they revise their lists every year. They go from door to door in urban ridings, and this costs them \$50,000. I don't see how we in this country could do such a revision of the electoral list each year for \$50,000. The system is completely different because, in Australia, the electoral districts include from 2,000 to 12,000 electors. For instance, a district with 2 to 3000 electors is given to a returning officer, who may take up to 2 months to carry out the revision. He might have 500 houses to visit in one week. I don't see how we could do this in Canada for \$50,000. Moreover, in rural areas, revision costs them \$6000. Do you think we could do that in this country, Mr. Chairman? In Australia, the cost is 45 cents per elector. But in looking over the details of costs I have here before me, I see that such a system could not be successful in Canada.

Mr. Forest: Mr. Chairman, I should like to have some further details. Could we have some figures comparable to those we have for Canada.

Mr. Castonguay: I gave details of costs for the Australian system, but it should not be forgotten that these are Australian costs.

Mr. Forest: We shall come back to this.

Mr. Castonguay: Very well.

The Chairman: The Committee is adjourned till Tuesday, at 11 o'clock.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-69



STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

TUESDAY, APRIL 29, 1969

THURSDAY, MAY 1, 1969

WEDNESDAY, MAY 7, 1969

Report of the Representation Commissioner on Methods of Registration
of Electors and Absentee Voting, 1968.

WITNESSES:

(See Minutes of Proceedings)

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

¹ Alkenbrack,

Cafik,

² Code,

Forest,

Fortin,

³ Gervais,

⁴ Howe,

⁵ Kaplan,

MacGuigan,

Marceau,

Murphy,

Richard,

Ritchie,

Schreyer,

Skoberg,

⁶ Sullivan,

⁷ Thomas (*Moncton*),

Trudel,

Valade—(20).

(Quorum 11)

Edouard Thomas,

Clerk of the Committee.

Pursuant to Standing Order 65(4) (b),

¹ Mr. Alkenbrack replaced Mr. Woolliams on April 30, 1969.

² Mr. Code replaced Mr. Lundrigan on April 30, 1969.

³ Mr. Gervais replaced Mr. Sullivan on April 24, 1969.

⁴ Mr. Howe replaced Mr. Peddle on April 30, 1969.

⁵ Mr. Kaplan replaced Mr. Cantin on April 29, 1969.

⁶ Mr. Sullivan replaced Mr. Gervais on April 29, 1969.

⁷ Mr. Thomas (*Moncton*) replaced Mr. Nielsen on April 30, 1969.

ORDER OF REFERENCE

WEDNESDAY, April 2, 1969.

Ordered,—That the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting, 1968, made pursuant to section 9 of the Representation Commissioner Act be referred to the Standing Committee on Privileges and Elections.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

[Text]

MINUTES OF PROCEEDINGS

TUESDAY, April 29, 1969.

The Standing Committee on Privileges and Elections met this day at 10:00 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Forest, Fortin, Laflamme, Marceau, Peddle, Richard, Sullivan—(7).

Witnesses: Messrs. Nelson Castonguay, Representation Commissioner; R. L. Stewart, his Executive Assistant; J. M. Hamel, Chief Electoral Officer.

The Committee resumed consideration of the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting 1968.

Mr. Castonguay was questioned.

At 11:00 o'clock a.m., the Committee adjourned to Thursday, May 1st, 1969.

Gabrielle Savard,
Acting Clerk of the Committee.

THURSDAY, May 1, 1969.

The Standing Committee on Privileges and Elections met this day at 11:30 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Forest, Howe, Laflamme, MacGuigan, Sullivan, Thomas (*Moncton*) (6).

Witness: Mr. Nelson Castonguay, Representation Commissioner.

The Committee questioned the witness concerning the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting 1968.

At 12:10 p.m., the Committee adjourned to the call of the Chair.

WEDNESDAY, May 7, 1969.
(10)

The Standing Committee on Privileges and Elections met this day at 3:41 p.m., *in camera*, the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Benjamin, Code, Forest, Howe, Jerome, Laflamme, MacGuigan, Murphy, Richard, Ritchie, Sullivan, Thomas (*Moncton*) (12).

Witness: Mr. Nelson Castonguay, Representation Commissioner.

Moved by Mr. Sullivan and

Agreed,—That the proceedings and Evidence of the meetings held on April 29 and May 1, 1969 without quorum be accepted as part of this day's proceedings.

The Committee agreed to accept as an exhibit letters received since 1963 by the Chief Electoral Officer concerning absentee voting (*Exhibit V*).

After discussion, it was moved by Mr. Howe, and

Agreed,—That the Sub-Committee on Agenda and Procedure meet to draft a report on the Methods of Registration of Voters and Absentee Voting for subsequent approval of the Committee.

At 4:57 p.m., the Committee adjourned to the call of the Chair.

Edouard Thomas,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, April 29, 1969

• 0959

[Interpretation]

The Chairman: Gentlemen, I think that at this time, we could go on questioning Mr. Castonguay, who is here, on his report, distributed among the Members of the House, on the methods of registering electors and also absent ballot. For that purpose, I think that, without having a quorum at the present time, the members might perhaps agree that since the evidence we are having at present is recorded and entered in the minutes of the proceedings, that when we will have a quorum, we shall be able to move a motion so as to regularize the situation. Otherwise, the witnesses who are here will be losing their time, and so will the MP's and I think that we already have enough members among us here who are visibly interested in this question.

[English]

I would then suggest that you indicate your intention to ask questions. After we have had one round of questioning we could start over again. We are continuing our study of Mr. Castonguay's brief. Is that agreed?

[Interpretation]

Some hon. Members: Agreed.

The Chairman: Mr. Castonguay, last week, you said a few short words on the main points of the report submitted by you, with regard to the possibility of setting a permanent electoral list and especially of settling the problem of absentee ballot. Have you any general comments to offer on those two important matters before we have questions on that point?

Mr. Castonguay (Representation Commissioner): No, I have nothing else to add.

The Chairman: Mr. Forest?

Mr. Forest: Mr. Castonguay, in your report, especially in those pages where you sum up your conclusions and recommendations and where you state that if we came to the conclusion that in this country we should have a permanent electoral list, that it would be similar to the present system in Australia, i.e.

it would be a permanent list but not a definitive one. I notice that you made some objections in your report, particularly with regard to the cost. Last week, I believe you pointed out that, at the present time, you had no figures as far as Canada is concerned, but you were going by the figures involved for Australia. However these figures go back several years, and apply to a population that is perhaps more stable, and to a smaller territory than ours. Have you any figures for Canada, or is it only in comparison with Australia?

Mr. Castonguay: Well, it is only in comparison with Australia. Conditions in Australia are pretty much what they are in Canada. If you look at page 57 of the French version which is page 52 of the English version, you will see the conditions which have a bearing on the changes made in the electoral list and which indicate a shift in population.

In 1966, the electoral list included 6,011,034 electors. That year, 779,462 names were added; we took out 586,899 names; we made changes to 183,406 names; the total number of operations was 1,549,767; that is about 25 per cent change for the year. You will note that in the preceding years, the average was about 25 per cent.

To appreciate conditions in Canada, I would like to draw your attention to page 31 of the French version.

You will see that we have a statistical bulletin on population movements in Canada. Between the age group 20-24 and the age group 65 and over, there is a total population of 10,063,713.

In a five-year period, there were 4,398,623 moves or changes of address. In the same municipality, 2,651,661 changes occurred; 1,746,962 moved within different municipalities; 1,368,934 moved within the same province, and for those who moved from province to province, the figure is 357,541. There were 20,487 listed under the category "moved, residence not indicated", and 350,461 were listed under "immigrants".

Statistics also indicate that,

During the calendar year 1966, the Family Allowance Division of the Department of National Health and Welfare recorded approximately 748,000 changes of address from 2,826,000 accounts as of the 31st December of that year. During the same period, the Old Age Security Division of the above-mentioned Department recorded some 206,000 changes of address from 1,125,000 accounts as of the 31st December of that year.

Now, 748,000 changes are the equivalent of about 26 per cent, and 206,000, add up to approximately 18 per cent changes annually. So that in Canada we can expect population moves, changes of address, and a number of operations which amount to an average of 25 per cent changes. I believe that at the time of the last elections, the electoral list showed 10,800,000 electors, which means approximately $2\frac{3}{4}$ million changes annually on the electoral list. Steps must be taken to keep the list up to date by returning officers, and this must not be left to the elector's choice. It is when an election takes place that all the changes occur.

British Columbia is the only province in Canada which has a permanent list. You will see the problem that arises, on page 12 of the French version.

Statement of the additions and deletions of names of voters effected to the Rolls between 1963 and 1966.

Names of voters on Rolls at 1963 general election... 863,103

Removals: non-voters, deaths, etc., 1963-66. 176,569

Additions, 1963-66 . . . 32,727

On rolls at start of registration for 1966 general election 719,261

Applications for registration made before the elections amount to about 153,000 for one year. These were 22,097 voters from other ridings. Finally, the electoral list for the 1966 elections included 873,927 voters.

Therefore, you can see that over a three-year period, 176,000 changes were made, and before the elections, about 175,000 changes were made. Which means that no great change occurred in between elections.

The experience in B.C. indicates that there does not exist any method of revision to keep the electoral list up to date, every year, except the list where the elector must notify the returning officer that he has changed

address or has reached the age of 21. We have had the same experience in other parts of the United States. When this is left up to the elector, nothing happens except at the last minute. If we add the 25 per cent annually, there must have been far more changes than that in B.C.

The Chairman: In Australia, the cost of the permanent list, in 1965, was \$0.45 per elector. Do you think the cost would be similar or higher in Canada?

Mr. Castonguay: You will find the estimated cost of the registration system on page 59 of the French version, and on page 54 of the English version. The total cost amounts to \$2,716,404 annually and in 1965, the electoral list included 5,934,587 electors. They have 124 electoral districts, plus one returning officer per electoral district who receives \$3,900 annually. Can we, in Canada, hire a permanent electoral district registrar on an annual salary of \$3,900? I don't believe so. And, he needs an assistant, so we have 2 employees. In Australia, they have approximately 318 permanent employees. Here, I think that the Chief Returning Officer has about 22 permanent employees. The others are returning officers who are hired when there is work.

Here in Canada, one returning officer and a deputy returning officer per district would immediately involve 528 permanent employees. This is a start, but won't these two individuals require a messenger? They will need an office and a head office. In other words, there will be close to 600 permanent employees. Personally, I fail to see, taking into account the difference in costs between Australia and Canada, how we could establish the same system as Australia for less than 1 dollar annually per elector. In Australia, the annual revision costs \$120,000 to the government in urban centres, and approximately \$6,000 in rural areas. I fail to see how this could be carried out in Canada, because in 1935, when we had a system of permanent lists, the cost of annual revision was about \$500,000, and there were no returning officers. It was \$500,000 in Canada, in 1935. I fail to see how this revision could be carried out at present for less than a million dollars!

To establish the Australian system in Canada, it would easily take a minimum of \$1 per elector, per year.

Mr. Forest: Which means that it would cost \$11 million a year instead of \$5,041,000 which was the cost of the 1968 electoral list.

Mr. Castonguay: Expenditures that apply exclusively to electoral list for the last election were approximately \$7 million. Mr. Hamel is here, and he could give accurate figures for expenditures.

Mr. Forest: These are just figures relating to the enumeration. There is, perhaps, the printing of the lists.

Mr. Castonguay: There is the printing, the revision, and other questions. But I believe that it was approximately \$7,100,000. We shouldn't forget though, that these expenditures are not repeated every year, but only for the general election. Some people feel that our method of preparing lists is very expensive, but I do think that a permanent list is far more expensive because it is extremely expensive to keep such a list up to date.

Here, in Canada, we did try the system in 1934, with the cooperation of the elector, and it didn't work out at all, because the permanent list was used for one election only. After that election, all parties recommended that this system be abandoned, because it was not satisfactory at all.

Mr. Forest: This system would require mandatory registration of citizens, offices in every riding for the up-dating of the list, house calls in case of removals, and so on. It would be a very complicated process.

Mr. Castonguay: I have recommended that the registration be mandatory for the following reasons.

With the present system, the registration of a name on the list is the responsibility of returning officers. It is up to them to go and look for names, the public is used to that. Sometimes, the list is not complete, but it is not necessary for it to be complete, since electors can be sworn in on the day of the voting.

Hence, people are accustomed to having the State as responsible for drawing up these lists. Now, with a permanent list system, I am of the opinion that it is up to the voter to have his name registered, otherwise, it would cost a fortune to keep the list up-dated! And, even if it were up dated, we would have the problem which exists in other countries. In Australia, the revision is carried out between January and March, over a three-month period. If an election is called in April, the list is up to date, but if it were called in September, it would no longer be up to date. In Australia, they discovered that 3 to 5 per cent of

the people do not register. It is mandatory in Australia to register within the 21 days following arrival in a new residence. But 3 to 5 per cent of the electors ignore this responsibility. Hence, in a constituency of 40,000 people, approximately 2,000 electors did not observe the law. Therefore, the list is really not up to date even in Australia. Because, during the revision period, there occurs an error of 3 to 5 per cent. If the election is held in September, October, or November, the list is never up to date. With our present system, at least, our list is prepared 7 weeks before polling day. It is up to date at least 7 weeks before the elections.

Mr. Forest: The main advantage claimed for a permanent list, is that it could shorten the election period. You indicate in your report that this delay could be brought down to 30 days. Now, on the basis of your election experience, do you really think that in a country like Canada, it is possible to hold an election, choose candidates, have conventions, and so on, within a period of one month? Do you feel it is realistic to consider a 30-day election period?

Mr. Castonguay: I shall answer in English to give the interpreter a break.

[English]

I do say that from the administrative end, from the practical end and from the electoral end, an election can be held in this country in 30 days. However, I want to caution the Committee that I think it is totally unrealistic from the point of view, first, of selecting candidates. There are 21 constituencies in this country where there are only 28 days between nomination day and polling day. We have one electoral district that is 1,253,000 square miles. Then we have at least 10 that are over 100,000 square miles in area. Now I have read and heard people say that we are in the electronic age, the instant-communication age and the jet age, but the only thing that has happened in these hinterland constituencies is that the pack horse, the canoe and the dog teams have been replaced by helicopters and snowmobiles—and there are a few more landing strips. But the weather is still the same and the seasons are still the same. I would mean, if it was possible to have an election in 30 days, that in 21 constituencies you would have three days to pick candidates and in 243 constituencies you would have two weeks to pick candidates. It may be said that you can pick your candidates before the election, but I have been in

charge of six general elections and connected with the last one and I am fully aware that it takes the national parties at least six weeks to get all their candidates on the slate. How can

• 1020

you grind out a convention to pick candidates and everything else in three days in 21 constituencies and pick a candidate during that time? If the body politic can adjust to having candidates always at the ready in the event of 30 days, fine, but I do not know if this can happen. I do not think the body politic operates that way. It would be a major change to the body politic. I recall as Chief Electoral Officer having a problem publishing a list of candidates for the members of the Canadian Forces. So I asked this Committee in 1955 if they would give me another week, which means the nomination day in those 200 and more constituencies would be 21 days instead of 14 days. This Committee helped me with my problem. They recommended there should be a period of three weeks between nomination day and polling day, the government accepted the report and the bill was brought down in the House with three weeks. But the Committee of the Whole in the House had second thoughts on it and the government and the opposition agreed that it would be cutting into their time to get candidates. They had six weeks then. This would be giving them five weeks, taking one week off. I am not one to argue very much about whether this adjustment could be made; I think members of this Committee are in a better position to know if it could be made, but the people who discuss this matter say that in the U.K. they can have an election in three weeks. They ignore the fact that the area of the U.K. is 94,000 square miles. Canada has 10 constituencies that are larger than the U.K.; not provinces, but constituencies. France is 200,000 square miles and can complete an election in two weeks, but speaking of 200,000 square miles, there are three constituencies in Canada bigger than France.

My experience has been that if you talk to an urban member he feels three weeks are sufficient. If you talk to a member who has a rural constituency with a large town in it, he will say four or five weeks, but if you talk to a member with a hinterland seat you will find he would like a lot more than 60 days to cover that constituency. Also, a candidate running for the first time would like a lot more time than 60 days.

It seems to me that since 1962 the problem has been not the long campaigns, but the frequency of elections that has wearied people. We have had four general elections in seven years.

The practical side is that from the electoral officer's point of view there is no problem in holding an election in 30 days given a permanent list. As a matter of fact, a permanent list would be a chief electoral officer's heaven. All that has to be done is to provide polling facilities. In the Barbeau Report there is mention that maybe a permanent list would save money for parties, but if it means that every party has to keep candidates ready in the wings is that not going to be an expense to the candidates? I do not know. Will this offset the saving they may effect from being able to have an election in 30 days? This I cannot answer. First, I would caution that I think the adjustment has to be made to the body politic before it becomes possible for a Prime Minister in this country to call an election in 30 days. He may catch a lot of people off base. I am not saying he would do this intentionally, but with 30 days there are only three days in which to pick candidates in 21 constituencies and two weeks in the others. Which creates a big problem.

Mr. Richard: I have a supplementary. I think that if we had fixed election dates we would not have that problem at all: for example, every four years on September 3 or whatever the date might be.

Mr. Castonguay: The United States has the system of permanent lists in various degrees, but they have adapted their system to a fixed date.

Mr. Richard: That is what I was saying—a fixed date.

Mr. Castonguay: In the United States, the big expense to the parties is to get the people registered. They do not do anything in the non-election year. Next year will be an election year in the United States, so for the primaries, the reform groups, the unions, the service clubs and others try to get the electors registered, which is a big expense to the political parties. Then they try to get them registered for the election. They have more success in the presidential year but it is geared to a fixed date. The American political

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organizations think our system is ideal because there is no cost to the parties, but their permanent list results in a tremendous cost to them.

[Interpretation]

Mr. Forest: Now, this could have been a lesser evil at the time when it was to be foreseen that elections would be held every four years. But since 1962, there have been minority governments, and elections were called suddenly; that and that situation would almost have been impossible. One last question, Mr. Chairman. The absentee ballot is maybe one of the advantages of the permanent list, because it permits a check on the absentee ballots on election day. That same system is in effect in Australia and in British Columbia. But, without a permanent list, is it possible at all to check to absentee ballots on election day?

Mr. Castonguay: Well, we have two examples to go by. I do hope that with these examples the absentee voting adopted in 1934, will not be adopted again, because it was an absolute failure. It's told in this report. It didn't work out at all, because, to begin with, it was limited to a category of 3 or 4 occupations and required an affidavit. The province of Saskatchewan adopted the same system in 1960, but gave it up after one election, because it required an affidavit. You are absent from the province in another constituency; you fill out an affidavit and you vote for a candidate in your own constituency. Well, that's all right. But, when you add up the votes, and if a candidate has won with a majority of 50 and you have about 500 outstanding affidavits to be counted, these are going to weigh quite heavily. I believe that there is not one single member in this House who wouldn't like to know, whether he will be satisfied with these affidavits? How do you know who has signed the affidavit? Do you really know if he has the right to vote in your constituency?

In those countries with an absentee voting system, they have a permanent list. One should not think that a permanent list is made up like we make up our electoral lists with the present enumeration system, and that they go from house to house to take the names. Each voter must fill out a registration card containing his signature, all the details, his age, and so on. Here is an example:

Suppose I am from Ottawa and I go to Toronto. So, I go to any polling place in Toronto to vote for a candidate in my own constituency of Ottawa. For one thing, I have to begin by filling out a statement with my name, my address, and with my own signature. So, I sign this. And this is printed on an envelope. So, I'm given a ballot and I have a list of the candidates and I choose my own candidate and write the name on the ballot and I put it in the envelope, as in the case of our military vote.

After the election, the returning officer of York-North, shall we say, takes this ballot, sends it over to the returning officer in my riding. When he receives it, he compares the signature on the envelope with the signature on the registration card to see if Nelson Castonguay is the person who signed. Then he looks on the voting list to see if Mr. Castonguay did not vote in the ordinary polling place where he is listed. If he is satisfied with the signature, if Castonguay has not voted in his ordinary place of voting, that ballot can be counted. When the votes are added officially, all envelopes are opened in the presence of the candidates or of their agents and the ballots are placed in a ballot box—thus, the votes become secret. After all the envelopes are opened, he opens the ballot box and the votes are counted. The candidates may examine the envelopes, compare signatures and examine the voting list in order to find out if the elector has voted. And that's it.

[English]

Those are the only acceptable safeguards. Of course, not everybody is a handwriting expert but at least this is the only acceptable safeguard and it has worked satisfactorily in Australia for absentee voting, and the same system applies for postal voting.

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It is very similar to our Canadian Forces voting regulations. The only comment I have to make here is that we were never in 25 years able to remove their doubts as to the secrecy of that ballot. Will you be able to remove those doubts from the 10 per cent of civilians in this country? One cannot help but think that somebody is going to link that ballot with that envelope. That is a hazard with this absentee voting or postal voting. Absentee voting, where you can present yourself to any polling station on polling day, applies only to absence within a province itself. If I

am in Montreal I cannot do that. I have to apply for a postal ballot to my own returning officer and it must be received in the office of the returning officer of my own constituency before the polls close that night. That is not so with the absentee ballot, because it is passed in the poll, say in Toronto, in the box and when the DRO opens the box that night he puts those absentee ballots in a special envelope. He counts the others but not the absentee ballots.

If you want to adopt a system of providing methods of voting for people who are necessarily absent from home through sickness or any other reason, the only known and acceptable safeguard is this registration card. So, to get a permanent list means that roughly 11 million people have to fill out this card, before this system is working. It would take, in my view, about 18 months to get this system working after the legislation was passed because you cannot register 11 million people overnight this way, by getting signatures. We can do it by enumeration. We are given six days and with our present system of enumeration we can get 11 million names in six days because we do not require signatures.

The Chairman: How can they get those cards?

Mr. Castonguay: You would first have to set up registration centres throughout the constituency and make a drive to register everyone and, the next time a review is made you would pick up those people who were not registered. If you went along with compulsory registration, then over a period of perhaps two or three reviews everyone would be registered.

The Chairman: Do you mean that everyone will have this type of card?

Mr. Castonguay: Every returning officer? Every elector completes this card and it is kept in the returning officer's office. The elector is not given anything as a credential.

The Chairman: I can go to the registration office and get this card?

Mr. Castonguay: You can examine it. Oh, as an elector you can go and get it and register.

The Chairman: I can be away from my constituency and then vote through the mail?

Mr. Castonguay: Certainly, if you want to.

The Chairman: What would happen if more than...

Mr. Castonguay: There are certain rules. You cannot use this card unless you are absent, but how can a returning officer prove you are not absent? I must tell you that in Australia, in my discussions with the electoral officers, I found that there was no abuse of this privilege. It is working satisfactorily there.

Mr. Forest: Is it possible to have an absentee vote without a permanent list?

Mr. Castonguay: It is not, and still have the acceptable safeguards. I do not see how you could do it unless you were enamoured with affidavits, but I would be very surprised if anyone was. Would you be enamoured with them if your majority was 100 and 500 of them were sitting on the returning officer's desk?

Mr. Forest: No.

[Interpretation]

The Chairman: Mr. Fortin, did you have a supplementary question, I had the name of Mr. Sullivan on the list.

Mr. Fortin: Yes.

The Chairman: Perhaps I could return to you later.

Mr. Fortin: Mr. Castonguay, You spoke of the Armed Forces. Do you deal with that matter in your report?

Mr. Castonguay: No, because I wasn't asked to study the military vote, I was only asked to study the matter of permanent lists and of absentee voting.

Mr. Fortin: Do you feel that the Armed Forces vote is similar to the absentee vote?

Mr. Castonguay: The military vote, according to the regulations that respect the Armed Forces vote is a type of permanent list. There is a postal vote there too, or an absentee voting system. They use an envelope system. It's pretty close to a permanent list system for Armed Forces members and their dependents. We do have a permanent list and absentee ballots in this country for members of the Armed Forces but not for others, according to the law. But if we had a permanent list, it would solve, of course, a number of problems. The Armed Forces could give up

their regulations and be subject to the same regulations as the civilians. Federal employees serving outside the country, people in hospitals, students who caused trouble in 1965, they could all vote without difficulty. A permanent list will settle a lot of problems but will also create as many problems. We will have new problems.

[English]

Mr. Sullivan: I would like to direct a question to Mr. Castonguay. If we look upon absentee voters as you now define them, do you also include the non-voters in that? In other words, how do you get the figure on absentee voters from the last election?

Mr. Castonguay: The figures I quoted here were obtained from the census people. Do you mean in so far as movement of population is concerned?

Mr. Sullivan: Yes. First of all—

Mr. Castonguay: I do not have any figures on absentees in Canada. I was trying to relate what those figures could be by this study I made, which I wish to draw to your attention. This appears on page 28 of the English version. It reads:

The statistics show that of the 10,063,713 persons 20 years of age or over residing in private households in Canada at the time of the 1961 Census, 4,398,623 or 43% changed their usual place of residence within Canada at least once over the preceding five-year period. Just over 60% of these proved to be movers within the same municipality; 31% moved from one municipality to another within the same province, while 8% crossed provincial boundaries.

During the calendar year 1966, the Family Allowance Division of the Department of National Health and Welfare recorded approximately 748,000 changes of address from 2,826,000 accounts. . .

That means that 26 per cent of the people changed their addresses. To continue:

During the same period, the Old Age Security Division of the above-mentioned Department recorded some 206,000 changes of address from 1,125,000 accounts as of the 31st December of that year.

That is 18 per cent. What I was trying to arrive at is that if you had a movement of population of roughly 25 per cent these figures could be accepted, and they would be somewhat similar to the movement of popula-

tion and the conditions in Australia. Two thirds of the population there is in about five large cities and Australia has more land area than we have. This amazed me but it is a fact. They have an electoral district called Kalgoorlie, which has an area of 900,000 square miles and it falls—it is not in the Northwest Territories—in a redistribution pattern such as we have. Therefore I think the conditions are pretty much the same in Australia—or they could be somewhat the same—plus the fact that I do not believe their population movement would be as great as ours.

Mr. Sullivan: Were a significant number of people deprived of their vote because of this?

Mr. Castonguay: You cannot tell. All I can say is that in Australia, if you use those figures of the movement of population, 10 per cent of the people avail themselves of the facilities of absentee and postal voting. However, you must remember that those facilities are provided in Australia because they not only have compulsory registration, they also have compulsory voting, so with compulsory voting you have to eliminate every excuse that anyone gives you for not voting, and they have every facility to vote.

Mr. Sullivan: This was going to be my next question. If you did not have compulsory voting would a lesser percentage of the mobile people, the people who tend to move around, vote than those people who remain in their homes?

Mr. Castonguay: It is hard to say. We have had some experience in this respect. For instance, in the last election in the Province of Ontario we took the Service Forces list for Ontario—I think the figure was something like 35,500 potential Canadian Forces electors in Ontario—and all these people could vote if they wrote to an office in Toronto and said they wanted to vote. They took the address of the member of the Forces and sent him a ballot and a return envelope. There were 2,387 interested members of the forces who applied for the ballot and 198 were not sent ballots because they were not eligible. They sent 2,189 ballots to the electors and only 1,527 came back. That does not mean to say that some of those electors did not vote as civilians at civilian polls, but there was a potential 35,000 and only 1,500 applied for the ballot. I could not tell you if that is a good yardstick or not.

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Mr. Sullivan: You also mentioned that 30 days might be enough time for people running in urban ridings. I run in an urban riding and I certainly do not think it is. I agree with you that you certainly need 60 days at least.

Do you have any other suggestions to make on how, under our present system, it is possible to get on a list on election day?

Mr. Castonguay: I presume you are speaking of urban because there is no problem in the rural ridings.

Mr. Sullivan: That is right.

Mr. Castonguay: I do not know of any system where you would have the necessary safeguards. If 200 or 300 names were put on the list on voting day how do you know that these are bona fide electors? How can any electoral officer or any candidate and his agents or any political organization check on these people to see if they are bona fide electors?

Mr. Sullivan: No matter how many people come in with them you could still put two or three with each phony?

Mr. Castonguay: It may be of interest to you to know that during provincial elections in Ontario you can be vouched for in an urban riding. This is being abandoned because they are running into problems. The vouching for is being abandoned in the urban areas. I do not know how an electoral officer could check it. Perhaps the candidates would have enough workers to check out these 200 people, but I doubt it. I have tried checking 200 people out in a week and it is pretty difficult to do. All of a sudden you get an application and you have 200 people to put on that list. We had an experience in an election where in one electoral district 900 fictitious names were put on the list during the revision. There were people in the telegraph poles and the car lots, and the parties were not able to check all those in two weeks before the polling day.

Mr. Sullivan: I am sure they were not.

Mr. Castonguay: If you allow any names to be added on polling day in an urban constituency I do not doubt that they could be *bona fide* people, but I do not know of one member of this House with an urban seat who would be satisfied that they are *bona fide* unless he

had some assurance that some check was made.

Mr. Sullivan: Do you have any suggestion for the people who are sick or bedridden?

Mr. Castonguay: To start off with, I think what you are referring to are those people in general treatment hospitals. From the statistics I got a few years ago, the average stay of patients in such a hospital is 10 days; so in a period of 60 days you will have about that many sets of new patients coming in. Some will stay the whole 60 days, but not all of them come from the constituency in which that hospital is situated.

Mr. Sullivan: That is true.

Mr. Castonguay: Therefore, to me, it is almost impossible to take care of the patients in these hospitals.

I had the experience of observing the taking of a vote in such a hospital in Queensland in Australia. I was not too impressed with it, and for this reason: many people are interested in getting the votes of sick people, but I wonder how interested are the sick people. We went through a ward with the polling officials. There was an agent for each candidate and there were about eight around this body. Every bed we went to the patient just said "No". He was not interested. In that ward of perhaps 40 people I think two voted. It presents problems. The hospital cannot say, "Do not go near that sick man", because immediately one of the agents will say, "You are working against me." We have had that problem. Therefore, I am not sure how many people in an general treatment hospital are willing or want to vote, and after this experience in Queensland I would think twice before providing voting facilities in a ward in such a hospital. There are some people who are well enough, sure, but in this ward I think only two or three voted.

Mr. Sullivan: What about crippled or aged persons at home? Do you have any suggestions about them?

Mr. Castonguay: Again, the only way to tackle this problem is with a permanent list and your postal vote. I cannot see it with our present system. There is enough elasticity in our present system to take care of most cases. I do not know of any other electoral system in the world that allows an elector to get on the list two weeks before polling day. I defy anyone to show me any such electoral system.

We do this. Therefore let us not think that we are not providing our electors with more

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facilities and more opportunity to register than any country in the world. Do not let us "knock" our system too much.

There is no system that covers everyone 100 per cent, unless you want to go into this very expensive package of permanent lists. If you do, you can provide all these facilities, but over a period of, say, four years it would cost around \$44 million vis-à-vis an expense of \$8 million.

Do you want to provide those facilities for \$35 million? If you find that the other proposal of shortening the election period is not valid, the only reason for your wanting permanent lists is not for more accurate lists—because I do not think any other system of permanent lists is any more accurate than ours over the whole period of a year. I am speaking about a particular time, but over the period of a year, no matter at what time you call an election, with our system it is going to be reasonably accurate; but with a permanent list its accuracy depends on how close to the revision you order the election.

In the U.K. they voted recently to try to have two cycles a year to keep their permanent list up-to-date. There was a tie vote. The Speaker would not vote on it and it remains the same. It is one cycle a year. The reason for that second cycle was to update it a little more, but I think they ran into the problem of costing it.

But if you find that the reduction of the election period is not valid, it boils down to your spending at least \$30 million to provide these facilities for how many people? If you do that and perhaps make voting compulsory you might get 10 per cent. But I do not think you would get 10 per cent unless you made it compulsory. Because of these very sick people I do not know how many would want to use it. Therefore, it is not so easy. To apply for a postal ballot you must make application 10 days before polling day, and who is going to remember to get it in on time?

Mr. Sullivan: Thank you very much.

[Interpretation]

The Chairman: Mr. Marceau.

Mr. Marceau: Mr. Castonguay, I believe that the most serious problem we have in our ridings and even throughout the country is that the considerable number of people are

not on the list at the time of the election. You seem to say that permanent list would certainly contribute solutions but would also involve problems. To solve this problem which is the major one in our countries, could you not recommend a concrete solution? Obviously, when somebody is not on the list, that person does not have the right to vote. This, I feel, is a bit drastic because, from a provincial point of view, that person can vote with a certificate. Could you not propose a solution of a smaller scope than a permanent list?

Mr. Castonguay: Yes, I have a solution, which, I think, will not be very acceptable. I should like the candidates of urban ridings, who are able to recommend Enumerators to the Returning Officer, to have more time to choose the Enumerators. This is what happens. I am not criticizing candidates who nominate the enumerators. When an election is called, the Returning Officer needs 300 Enumerators. The candidate who, at the last election, received the biggest number of votes, recommends one half of them. The second one will recommend the second half.

He gives the Returning Officer a list of 150 names. He cannot check whether these people can act. The list may have been prepared by his organization three weeks earlier. The Returning Officer receives the list and observes that the list was prepared for the purpose of giving him time to check whether these people are available. The Returning Officer himself makes that check. He may notice that 50 per cent of these people were not even asked whether they would be available. He will observe that 25 per cent for one reason or another are not available. And then you have only 25 per cent who can act. The Returning Officer must, therefore, again consult the candidates. When an election is called you normally have only 10 days. The enumeration starts on the 49th day.

It means that the candidates have only 4 or 5 days to choose 150 Enumerators and to recommend them to the Returning Officer. In my opinion, if the candidates in urban ridings had more time to choose and to check whether these people are available and competent, the enumeration would be better performed.

Mr. Marceau: For instance, when entire streets are forgotten, it is not the fault of the enumerators, who are often mistaken in their boundaries. It is somewhat the fault of the

voter, who did not take care of it at the time of the enumeration.

Mr. Castonguay: It is not reasonable to believe that you can start an election in ten days. When the election is called, the Returning Officer opens his office. I am not talking about rural areas, but of the cities. The candidates give a list; the Returning Officer assembles 300 Enumerators in his office and the enumeration must start on the 49th day. I would like to recommend the system by which the candidates should have at least 10 days to choose these enumerators and before starting the enumeration we should have three weeks. I know that this means that the election campaign will last 70 or 71 days, but there are other ways of reducing the expenses; if there is no radio, television, no ads in the papers except during the last 30 days, then there is not much expenditure for political parties.

Mr. Marceau: But how is it that the open list in rural constituencies is not accepted in urban constituencies. It is a question of principle, I know that the figure is much larger, but why do they accept this in rural constituencies and not in urban constituencies?

Mr. Castonguay: In urban constituencies there are several boarding houses where nobody knows each other. In small villages everybody knows one another. They even know how their great grandfather voted. But in cities there are neighborhoods where people do not know one another at all.

Mr. Marceau: Mr. Castonguay, there are usually a relatively number of employees in a polling office, and sometimes they do not know every voter, but it is very rare and I do not believe this would represent more than 10 per cent of people voting. There is always one employee who has at least interviewed the voter, who can be placed under oath and if the voter refuses there is something unacceptable. The oath is there to protect people.

Mr. Castonguay: Yes, but what happens is that people who are going to play that game are prepared to make a verbal oath. The most efficient way to stop that game is to make them sign an affidavit under oath. It is my experience that once they have to sign an affidavit, they just walk away.

Mr. Marceau: It is just because...

Mr. Castonguay: It takes only 15 minutes to administer the oath in writing.

Mr. Marceau: Yes, but listen, 15 minutes, I believe that if we have electoral officers who are well informed and who know their job, this can be done fairly quickly. You are raising the problem of the competence of electoral officers, because there is one thing certain, Mr. Castonguay,...

Mr. Castonguay: People may possibly know each other very well in your area—but there are neighborhoods in Montreal and I could name some in Toronto where there are high-rise apartments and people do not know one another in the same house, in the same building.

Mr. Marceau: If somebody is not on the list and wants to vote, it is normal that he takes an oath.

Mr. Castonguay: But, if...

Mr. Marceau: This is a protection, but you should not prevent people from voting when for one reason or another they are not on the list, simply on the principle that there might be an irregularity.

Mr. Castonguay: I could tell you something, this principle was applied 25 years ago and it was accepted in the cities in Ontario, but it is now abandoned. The Committee recommended that it be abandoned. You could have somebody from Ontario who could testify as to the problems they had in this field.

Mr. Marceau: In the province?

Mr. Castonguay: In the province. They abandoned it completely. And they had that system for 25 years and then dropped it.

Mr. Marceau: They thought there were too many irregularities.

Mr. Castonguay: I do not know the reasons why they are giving it up but they are giving it up and this means that they are not happy with it. Maybe you can get the reasons from these people.

Mr. Marceau: Mr. Castonguay, I believe that you have said much more here in your comments than in your report.

Mr. Castonguay: Well, that is because they ask questions.

Mr. Marceau: This is very interesting though I am reaching the conclusion, obviously, that it is costly, but you have added that this might involve more problems or at least as many as the ones you have solved.

What would be the advantages of a permanent list. You told us about the drawbacks. Would there be any disadvantages, first of all from the point of view of the election, and other general advantages...

Mr. Castonguay: We had problems in Canada. This would solve quite a few problems. You undoubtedly remember the elections in 1965 and the students in the universities. Well, that problem would be solved.

Mr. Marceau: But, what proportion of voters was represented? Could it be 5 per cent, 3 per cent?

Mr. Castonguay: It depends. Will we maintain the right to vote at 21, or are we going to establish it at 18 years.

Mr. Marceau: Put it at 21 years.

Mr. Castonguay: 21 years. It is a hard question.

Mr. Marceau: Approximately. Could it be 5 per cent?

Mr. Castonguay: No, no. It would be somewhat less. I do not think that...

Mr. Marceau: Do you have figures on that subject?

Mr. Castonguay: I do not have figures, but I do not know how many students in all those universities are 21. I do not have figures in that respect.

Mr. Marceau: At any rate, it is not a large proportion.

Mr. Castonguay: I believe that in 1965, several figures were mentioned and the highest was 150,000.

Mr. Marceau: Good.

Mr. Castonguay: That was the highest. I do not know where they got their figures, though.

Now, let us take the case of the armed forces; there is an objection to the fact that the result of that vote is announced one week later, that there is a delay in certain ridings; this could change the results of an election and the armed forces do not care to have their votes identified as a military vote. That problem would then be settled.

There have been requests, in the past, dealing with the vote of Federal employees outside the country; that would settle that problem, as well as the people in hospitals or

people at home who cannot go out. I have no figures for Canada, but would you accept the figure of 10 per cent for Australia?

Mr. Marceau: To settle the problem of costs, this could reach almost that maximum?

Mr. Castonguay: There would be delays after the election. You have to wait for at least 10 days so that all absentee votes or bulletins are back. During my stay in Australia, the only criticism on the part of the Australians as to the system, was that it takes too long to have the results of the elections.

Now look, if 10 per cent of the people votes in a 40,000 people constituency, this would be 4,000 votes. You have to wait for two weeks. Here, you have to wait for five days for the military votes. But don't forget that with respect to the postal and absentee vote, one regulation stipulates that you have to wait ten days before the votes can be counted officially, and thus you have to wait at least ten days before you have results. I do believe that there will be more ridings where they will wait for the results for ten days than at present, because of the military vote, because if you accept the figure of Australia, of 10 per cent, 4,000 electors, that is sufficient. That will make a big difference in many counties. The results will be in doubt for a long time.

The Chairman: Mr. Fortin.

Mr. Fortin: There is one thing which I think is very intriguing, Mr. Chairman. In Mr. Castonguay's mandate, he was not told he had to study the military vote. Since the start of the discussion this military vote crops up time and again. Am I in order to discuss this or not?

The Chairman: Yes, you are in order. By discussing a permanent polling list, we have to try to solve the problem of absentee votes and military people are absentees at the time of the election.

Mr. Fortin: In my party we are all unhappy about the military vote and this for several reasons. I will not give you all the reasons and we can discuss them at another time in order not to hold up the debates. But we are absolutely displeased with the present system of military vote. Because, in our opinion, it is a legalized theft of elections. In Shefford, I witnessed a legal recount in 1965 in the presence of lawyers and other colleagues and without being a specialist in graphology, with respect to the written vote that

this vote was a sort of vote in a machine. They all had similar handwriting.

On the other side, we cannot have all the necessary steps, we cannot have the list of the soldiers or these members of the armed forces. We cannot know who votes. We cannot contact them and when that happens at a given moment, we lose our seat. For a third party such as ours, this is very important in the last few years, we were caught in two counties, in Sherbrooke and Shefford. I am not criticizing the member for Sherbrooke, who is of high caliber. Nevertheless, this leads, in our opinion, to controversies. I do not say that his election can be questioned but I say that the military vote might involve the contestation of votes, which should not happen because they are perfectly honest. I feel that the military vote in itself is dishonest unless I am proved wrong.

Since this subject is discussed constantly, and since this is not in your report, I would like you to comment on it. Do you agree or not? Maybe I go too far to have your reactions or your comments on this. We have really a few question marks and a few doubts so far is concerned the efficiency and the honesty of military vote.

Mr. Castonguay: You will have less doubts if you had a scrutinizer like the other parties, in offices of the special returning officers. The leader of the Government and the leader of the opposition and of the third party, have, under the regulations, the right to appoint scrutineers at the special returning officers.

Mr. Fortin: In other words, a party such as ours has no access to that office. But on the contrary, there is access to make it lose its seat.

Mr. Castonguay: The regulations can be changed. If you have a scrutineer, certainly, several doubts will be removed. That is the only comment I can make. Because other parties do not have this doubt, because they have scrutineers who are attending the count.

[English]

The Chairman: I am sorry, but we will have to vacate this room as another committee is scheduled to meet here at 11.00 a.m.

Mr. Fortin: Thank you, Mr. Castonguay.

The Chairman: This meeting is now adjourned until Thursday.

Mr. Richard: At what time?

The Chairman: I think it has been arranged for 11.00 a.m., but I will have it checked and you will receive a notice.

Thursday, May 1, 1969

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The Chairman: Order, please. We do not have a quorum yet; we did not have a quorum at the last meeting, but we did accept the idea of securing evidence from Mr. Castonguay and other witnesses, and to have it put in the Minutes in the legal form. Today we will continue our questioning of Mr. Castonguay about his report. For the attention of the members I wish to note the presence in this room of our confrère of the Bar, Mr D. D. Diplock of Ottawa, who is Counsel to the Ontario Provincial Select Committee on Elections and we are glad to have him with us here today. Please indicate to me if there are more questions you would like to ask of Mr. Castonguay about his report of this question on absentee voting, and all the subject matters. The discussion is open. Mr. MacGuigan.

Mr. MacGuigan: Mr. Chairman, I had to miss the last meeting because of the conflict so I would not like to ask for a repetition of the evidence. However, I certainly do have the impression that our witness is recommending against any establishment of a permanent electoral list because of the cost. The cost is too great to warrant the advantages to be gained as I understand is his contention. Did he recommend any changes in the present procedures which would enable us to achieve some of the advantages which a permanent list might give us. I have always been concerned, for example, with the fact that we did not have sufficient provision for people who are overseas, people who are travelling or people in hospital.

The Chairman: Before Mr. Castonguay answers these questions, I would like to remind the members that Mr. Castonguay is not here, let us say to tell the members what to recommend. He has already made recommendations in his report. Last Tuesday Mr. Castonguay answered your questions in general terms, and I will not allow him to give his views of the propriety of having a permanent list. Mr. Castonguay.

Mr. Nelson Castonguay (Representation Commissioner): Last week in our discussions I did not specifically recommend against the

adoption of a permanent list but what I did point out was this. If you want permanent lists purely for the sake of having a more accurate list, then I would ask the members to consider the fact that a permanent list is not self-updating. With regard to leaving the initiative to the electors to up-date this list, we had that experience in this country in 1934 when we adopted a permanent list. The master list was set up in the autumn of 1934 and there was no way you could get on or off that list after the master list was compiled except for a period of six weeks between the first of June and the fifteenth of July.

The revision took place in 1935 in that period—the onus being only on the elector to go to the registrar to notify the registrar of a change of his status. When the election was held in October of 1935, it turned out to be a dismal, chaotic election because no one could get on or off that list. As a result of it, right after that election they set up a special committee which was given terms of reference to study everything—permanent list, compulsory registration, compulsory voting, and the committee unanimously recommended that permanent lists should not ever be adopted in this country. This is a permanent list which is something similar to France and something similar to the British system. You have a revision, and for instance in the British system, you start revising the old list in September. You go through the processes of bringing it up to date, you print the list, and then it appears for objections on the fifteenth of February. That list is then effective for all elections to be held in that current year. There is no way you can get on or off that list

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except that the registrar of death notifies the electoral people and they take the names of the dead people off. That is a permanent list. Now the system in Australia that I speak of, if parliament decides to go into the list of continuous electoral roles, allows registration up until the time the election is ordered, but despite the compulsory features of Australia where it is compulsory for an elector to register, they still are compelled, feel compelled and have found by experience that they must have a review on a house to house basis once a year. That review picks up anywhere from three to five per cent of the people who fail to comply with the compulsory features of the registration in Australia. You need 30 days residence in a constituency

before you intend to vote in that constituency, and then you must register within 21 days. If you have an election in Australia, say in the month of May, which, when the revision is completed, your list is fairly up to date. However, if you have it in November, six months after the revision, it is not going to be as up to date.

In my discussions with electoral officers of all the countries I have been in such as the United States, Australia, New Zealand, United Kingdom and France, they maintain that our system for a period of a whole year provides a more accurate list for an election called during that whole year than any of their systems—that is for the whole year. Now in the U.K. they felt that they needed a second revision. This process would start in June to prepare a list that would be effective for a six month period instead of a year's period. Well the speaker's committee vote on that was to maintain the present system because it would take a clear majority to make such a drastic change.

If you wish to supply a list to provide additional facilities for electors to vote such as absentee voting postal votes, there is no way that this can be efficiently, and with safety, attached to our present system. If you want to provide facilities for people to vote who are necessarily absent from their place of residence through sickness, business, or whatever reasons, either through absentee voting or postal voting, it is essential that you adopt a system of permanent lists in order to have their normal safeguards. The Province of Saskatchewan had the experience of attaching absentee voting in, I believe, 1960 purely on an affidavit basis. They abandoned that in 1965, so if the committee feels interested in this particular proposition of having absentee voting without a permanent list on an affidavit basis, may I suggest that some evidence be obtained as to why they are abandoning absentee voting in Saskatchewan.

What I pointed out to the committee is that if you want a permanent list purely for the sake of having a more accurate list, well, then, I do not think you are going to get a more accurate list. Secondly, if you want to shorten the period of the election, I am not so sure that shortening the period of the election can be effectively accomplished. I do say in my report that it can be done in 30 days. This can be done in 30 days purely from an administrative point of view, but I pointed

out to the committee last Tuesday that if you have an election in 30 days, the Prime Minister could dissolve the House today, and in 30 days you have voting day. However, next Monday you have nomination day in 21 constituencies and two weeks from then you have nomination day in the other 242. I told the committee last Tuesday that it is my experience that all parties at all times require those six weeks between Issues of Writ and polling day to select candidates. At times they need a little longer I have observed. What I was merely pointing out to the committee last Tuesday was that I do not think a permanent list is any better and it is not self-updating. My view is that if you want an updated list, you must adopt the system of having one review per year. My recommendation is that if you want a permanent list, I recommend the Australian system, and compulsory

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registration on the part of the electors. You must remember with a permanent list your name must be on the list to vote. Now there are roughly 3,700,000 rural electors in this country, and under our present system we do not require the rural enumerator to make a house to house visitation, otherwise the expense of travelling would be just out of this world, but we do have this vouching system where if an elector is left off the list, all he has to do is get an elector whose name is on the list to vouch for him and he is permitted to vote. This is not permitted with a system of continuous elector rolls or permanent lists. There was, a great deal of dissatisfaction in 1935 from the rural areas, when the election came along and vouching was not permitted; they did not understand this. Your name must be on the list to vote, whether you have a permanent list or a continuous electoral roll. A good one third of our electorate are accustomed to the vouching system. I am not saying that they all vouch, but the system is there; if they are not on the list, they can be vouched for.

Mr. MacGuigan: What about the American system?

Mr. Castonguay: You must remember that the American system is geared to fixed election dates. They have the assistance of continuous electoral rolls. They allow registration up until the close for primaries and up until a certain period before their election dates.

I have read in the Barbeau Report and I have heard some members express the idea

that a permanent list might reduce the cost to the political parties of elections. When I went to Washington and discussed this with the Chairman of the Voter Participation and Registration Committee, set up by the late President Kennedy, I discussed this whole problem with him also, and with several members of that Committee. They wanted to know what we were doing here. He wondered if a permanent list must be recommended. He said the cost to the parties here is tremendous in keeping this list up to date and that there is only one state, Idaho, that has an enumerator going out actually seeking the elector to register him. All the others have to be shepherded into the registration office by unions, by service clubs, or by political parties, so that with a permanent list your problem is that you have this difficulty of updating the list. If the state does not pay for the expense of updating the list, then the political parties do, in order to get a more up-to-date list. The system they have in the States to purge their list of names that are deadwood for them is that if an elector has not voted for two elections, his name is automatically struck from the list. Remember, this works reasonably well for them, and it provides them with a very up-to-date list in so far as removing the deadwood four weeks after the election is over, but that deadwood is on the list for that election. If you have too much deadwood on the list, that may tempt a lot of people to get these people to vote anyway, even if they are six feet under. You have to be a little careful about that. I cannot see such a method of updating a list to provide a very good list four weeks after the election. I do not know how satisfactory that would be. It is one method, a cheap method, of bringing a list up to date after the election for the next election two years hence. However, is it going to be good for that election. I think there are 3 million electors in the city of Los Angeles. I think they anticipated after one election to remove 600,000 names from the list.

I pointed out that these permanent lists would certainly cure a lot of problems that we have here. I pointed out also that it would provide votes for people in hospitals through a postal vote. It would provide a vote for students; the problem we had in 1965, would be solved there. It would provide facilities for voting for civilians and members of the public service, who are serving outside of this country. It would help with the votes of the Canadian Forces. They could be treated as civilians and vote this way.

This would remove some of the objections raised by the Forces because their vote is released a week after and their vote can be identified as a group. It would cure a lot of these problems. The forces and the political parties feel that waiting a week, not even a

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week, waiting five days for the result of the service vote in four or five constituencies, is not too satisfactory. With a system of absentee votes, you allow a period of 10 days after polling day for all those ballots to come back to their respective constituencies.

In Australia, anywhere from 8 per cent to per cent of the people use the facilities of absentee and postal voting. In a constituency of 40,000, let us say that 8 per cent use these facilities; this means that on the official edition of the votes there may be 3,000 ballots in that Returning Officer's office of absentee and postal ballots; if a candidate is sitting there very happy with a majority of 500, he would like to know very well if those are electors of his constituency. How many of the constituencies out of the 264 would be under suspense for a period of two weeks after the election, instead of five days? With our Canadian Forces voting there may be five or six constituencies left in suspense. I need not point out to you that in a close election there could be a hundred constituencies waiting for that two weeks to find out, not only who is going to be elected, but who is going to form the government. There is another difficulty with that. Then there is the difficulty of costs. I maintain that if you adopt the Australian electoral system, which I think is very adaptable to this country, and you provide absentee voting and postal voting, the cost would be a minimum \$1 per elector per year. In the last election, I looked at the cost prepared by the Chief Electoral Officer; the cost pertaining to the list alone was \$7,300,000. That is not a recurrent cost. This year the only cost is for the lists of the by-elections. You may have 11 million electors and start at \$1 per elector. This is on the basis of two employees per electoral district; however, I have never known an office to start with two employees that has not built up over a period of years to two or three more.

They have in Australia 318 employees, permanent public civil servants. Using the same yardstick for Canada, you would have to have a minimum of 600 permanent public servants in this country. The costs are another factor. I

feel it my duty, to bring to the attention of the House, these factors that must be considered.

Mr. MacGuigan: Thank you, Mr. Chairman.

Mr. Howe: May I ask a question, Mr. Chairman?

The Chairman: Yes, Mr. Howe.

Mr. Howe: Mr. Castonguay mentioned something about the advanced polls. Why can people not vote at the advanced polls if their names are not on the list, but are vouched for?

Mr. Castonguay: With the rural system you have a poll with maybe 50 electors. The Deputy Returning Officer and the Poll Clerk are fully aware and know those 50 electors. However, when you set up an advanced poll, roughly they have 30 rural polls within them. There is not that knowledge of the DRO and the Poll Clerk of all the electors there. Therefore, the safeguard of vouching is such that if I were to come into the poll with you and vouch for you, would the polling officials and the agents in that poll know both of us? In other words, when you combine 30 polling divisions into an advance polling district, with one DRO and one Poll Clerk, there is not any way that that DRO and Poll Clerk could know 3,000 people spread over an area of maybe 100 miles one way and 50 the other. It was felt by the committee, when this was passed, that the local knowledge factor disappeared with the advance polling district containing 30 rural polling divisions. This is why they required that the name be on the list.

Mr. Howe: There has been discussion as to the great length of the campaigns. I have never found them that way. I have quite a large rural riding and I find difficulty getting around it in the period that is provided. What is the opinion about shortening the period to 30 days from 60 days?

Mr. Castonguay: From an administrative point of view, it is not realistic at all to think that you can run an election in 30 days. It is quite difficult because you have got to gear your administration to your largest constituency; that is the Northwest Territories and it has 1,532,000 square miles. We have a poll at Alert, which is 600 miles south of the North Pole.

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What has happened in the last 100 years is that the dog team, the horse, and the canoe, have been supplanted by the helicopter, the airplane, and the snowmobile, but the climate remains the same. I have had a Returning Officer when I was Chief Electoral Officer of the Northwest Territories in one election, who was flying around; he was one day in one settlement and was snowed in for 10 days; he could not get out. He arrived back at Yellowknife on election day, and he was away for 20 days. I do not care what there is in instant communication and transportation, you still need lots of time in these places. Other factors come out and in three or four constituencies there is not even a printing plant to print your ballot papers. It is all right in a place like Toronto or Montreal. He can cover his constituency with a 20-cent bus ticket and he can do it in an hour. He has all the latest facilities for printing and he has everything working for him. It seems to me that these are people who live in Vancouver, Winnipeg, Ottawa, and Toronto, and when they discuss instant elections they do not look beyond the borders of those cities. There is no argument. In those cities you can run an election in two weeks. They ignore that there is an awful lot of real estate in this country and that that area must be covered also. In 30 days you can do it, but it is the other side that I am a little concerned about. It is not my concern, but how can you get candidates over the weekend for the 21 constituencies that the writ issues in 30 days unless you have a lot of acclamations?

Mr. Howe: Old Mother Nature is pretty unpredictable too.

One other question. With regard to the appointment of returning officers—we know that this is a political appointment and there is no doubt about it—in my own case, I do feel that there was not too much consideration given as to geography. My riding is 75 miles long and the returning officer is right at the tip of that 75 miles and this makes it pretty inconvenient for the people down at the other end of the riding. Of course, you have mentioned the Northwest Territories but even in Ontario, my riding of Wellington-Grey runs from Wellesley right to Markdale. The returning officer lives just outside of Markdale and I think, even when these are political appointments, that some consideration should be given to where the returning

officer lives. He should be living near the centre of the riding, particularly a riding of that type. What do you feel about that?

Mr. Castonguay: The appointment is the responsibility of the Governor in Council.

Mr. Howe: That is right.

Mr. Castonguay: As Chief Electoral Officer I have never been consulted in that. I do not want to be consulted about who should be the returning officer of a constituency. I do not know.

Mr. Howe: Would you suggest to them that the Governor in Council look at the location of this person? Rather than just being a bower of the party in power; he should be convenient. I know that on election night the men from the radio stations, the TV stations, and the newspapers—as well as everyone—were having a terrific job getting in contact with this man. He lives on a farm and I got lost every time I went to find him myself. I know a lot of people had the same experience. There should be a little more consideration given in this regard, so that it is not only convenient for the candidate but it is convenient for the press. I think it is quite important to these returning officers that they be as conveniently located as possible. Would you agree with that?

Mr. Castonguay: Oh, I would agree, certainly.

Mr. Howe: I know you do not have too much to say about this.

Mr. Castonguay: This suggestion is not new. It has been made at every committee I have been to since 1935, so I think it has fallen on deaf ears in the past.

Mr. Howe: All right. There will probably come a time when we have the appointment again. Who knows?

Mr. MacGuigan: Mr. Chairman, could I just ask if this problem could be helped by having the office in a central place? The residence of the returning officer is not necessarily the site of the offices for a riding.

Mr. Castonguay: When I was Chief Electoral Officer—I was Chief Electoral Officer for six general elections—this problem did come up and we moved the office of the returning officer to a more central location when it was practicable. You can argue about a purely rural or hinterland constituency from morn-

ing until night as to what is the most central part in the constituency and you can get as many viewpoints there as there are people in the area. I am speaking for myself—when I was Chief Electoral Officer for six general elections—that whenever the request was made and it was practicable, we did move the returning officer to a more central location.

Mr. Forest: Mr. Chairman, suppose it is decided that we do not accept the system of a permanent list but remain with the present system. What improvement would you recommend to facilitate the voting of absentees, sick people, and students, in the light of the way it is now? I am thinking for instance, of enlarging the facilities to vote at advance polls for people who are sick and things like that. Can you suggest some improvements?

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Mr. Castonguay: I do not think that you can provide absentee voting methods and postal voting methods since they are linked up with a continuous system of electoral rolls or permanent lists. We made an effort at that in 1935. We had a permanent list, but it did not involve getting a registration card signed by each elector. With regard to postal voting and absentee voting, there is only one acceptable security offered. That is a permanent list or continuous electoral rolls in which you have a registration card signed by each elector that is in the office of the returning officer of the constituency.

Postal voting is somewhat similar to our armed forces voting. The ballot is put into an envelope. On the back of the ballot there is a declaration stating: your name, your address, and your electoral district. The absentee envelope is then dropped into the ballot box where you are voting and when it gets back to the returning officer of that constituency he then sends that ballot to the appropriate constituency. When the returning officer receives it, he then takes that envelope—upon which appears the signature of the elector—and compares it with the signature on the registration card. I grant you that every person is not a handwriting expert, but this is an acceptable safeguard. He then looks in the poll book where that person would normally vote and checks to see whether or not he might have voted there. If the signatures compare and he did not vote in the ordinary poll, that ballot becomes countable. On the official addition of the votes those envelopes

can be examined by the candidates and their agents to check that they are authentic, and that they belong to that constituency. Then, once everybody is satisfied of the validity of these envelopes they then open the envelope, take the ballot out and drop the ballot in the ballot box. The ballot then is secret. They make their count.

We did other systems in Canada, in 1935. With our permanent list in 1935 we did not have registration cards signed by 8 million electors; it was just a form of enumeration. It was a coqueral of permanent lists and our system so that what we had was an affidavit.

Now there is a report on that system and if I may read it to the Committee here. You will find this on page 33 of my Report. This is my predecessor's report.

(c) The Chief Electoral Officer, in his Report to the Speaker of the House of Commons on February 3, 1936, had this to say in regard to absentee voting:

"4. I was also called upon, on many occasions, to express an opinion with regard to absentee voting. This is the first time that there has been absentee voting at a Dominion election. The procedure appeared to be most complicated to election officers and political workers. The right to vote as an absentee voter is limited to four classes of persons, namely: fishermen, lumbermen, miners and sailors actually engaged or employed in any of these occupations on polling day at a distance of not less than twenty-five miles from their ordinary polling stations and in the same province. This limitation gave rise to a lot of dissatisfaction and misunderstanding in most electoral districts and the application of the absentee voting provisions complicated to a great extent the duties of the election officers, which were already intricate enough. Absentee voting was not resorted to to a great extent. There were only 5,334 absentee voters' ballots cast in the whole of Canada on polling day. Of this number 1,533 ballots were rejected, leaving only 3,801 valid ballots.

Furthermore, the absentee voting procedure was the cause of a considerable increase in the cost of the holding of the General Election. In the first place, a large number of blank forms, ballots, etc., had to be printed to supply each polling station with a certain number. This printing cost upwards of \$16,000. In

the second place, a list of the names, addresses and occupations of the candidates nominated in each province had to be furnished to each polling station. Except in the Province of Saskatchewan, where there is an interval of two weeks between nomination and polling days in every electoral district this list could not be printed until after the close of nomination on the seventh day before polling day. For obvious reasons, the list was printed in four different places in the western provinces and it was printed in Ottawa only for the provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island. The delivery of these lists of candidates necessitated the use of aeroplanes in several electoral districts and it also made it necessary to deliver the ballot boxes by messengers in most rural polling divisions at great cost. Otherwise, most of these boxes would have been sent by mail at parcel post rates. The cost of the application of the absentee voting provisions is not yet available, but it is estimated that it will be close to a quarter of a million dollars.

That is for 5,334 votes.

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In my opinion, therefore, the result of the last general election shows that absentee voting is a costly, ineffective and complicated procedure which should not be resorted to at any future Dominion election.

The answer to your question, therefore, is that absentee voting and postal voting, without a permanent list of continuous electorals, cannot be done. It cannot be attached to our present system.

There are problems right now with the advanced polls. There was an amendment which was submitted to the Committee in 1963 and agreed to which was to allow persons for any reason to vote at the advance polls. I think this would solve that.

I believe in the last election there were only 80,000 persons approximately, who voted at the advance polls. The advance polls can serve only those people who know they are going to be leaving their constituency a week ahead of polling day. It does not take care of the people in hospitals, not unless they know they will be in the hospital. It is very limited in its use.

My feeling is that anytime you try to take part of a system that works well with another, and attach it to ours, which is designed for taking the votes of only people where they are living, you weaken our system.

The Chairman: Mr. Castonguay, when you studied the Australian system, did you have the total percentage of the voters duly registered on election day?

Mr. Castonguay: The people who voted?

The Chairman: Yes.

Mr. Castonguay: Please refer to page 53 of the English section. Do you mean the total vote?

The Chairman: Yes.

Mr. Castonguay: It was approximately 97 per cent. You must remember the fact that the 3 to 5 per cent who do not observe this rule have left or have not registered. That could account for that difference between 100 per cent and 96 or 97 per cent. In Australia 96 to 97 per cent of the electors vote. Of course, it is compulsory voting, too.

The Chairman: Do you have more questions?

Mr. Howe: Has it ever been taken into consideration—the municipality, the province, and the federal government do it—to co-ordinate these efforts so that there would not be so much duplication in preparing the rolls?

Mr. Castonguay: Although it was not in my terms of reference, I made a study of the possibility of using one list for the three levels of government. It is almost impossible to have the municipal elections combined with this because they have different qualifications. I think it would be feasible to have a provincial and a federal list because the adjustments would be rather minor. They would have to adjust the rules of residence. We could not, for instance, have a list that could be used by both levels and have the requirements of both.

Mr. Howe: The boundaries are not the same.

Mr. Castonguay: In Australia, four of the six states use the same list for federal and provincial purposes. The electoral polling subdivisions are the same, so when they have a redistribution they take that into account. They do not divide a polling division. There-

fore, when they have redistribution they can move that polling division from one border across to the other.

First, you must have agreement at two levels of government about rules of residence, voting age, and the boundaries of polling divisions. Then it can be used at two levels. I think you can see now the municipal elections could not possibly be included at that level.

Some people think that preparing for each election is an awful waste of money. I maintain it is far cheaper because the expensive part of an election is the updating, not the compiling. Updating that list costs a fortune.

As I pointed out the other day, one improvement in compiling the lists would be to have the period 70 days instead of 60. This would not be very popular. Right now, the

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election is announced, normally, 60 days before polling day. The enumeration starts on the 49th day before polling. In that period between the 60th day and the 49th day the returning officer must open an office, obtain all his enumerators, get the supplies out, and begin the enumeration the following Monday. This is quite a feat.

I am not speaking only of the returning officers. I am speaking of the urban areas where we must give the candidates a chance to select somebody. They have a right to nominate. Right now, when a candidate in an urban area and the runner-up submit a list of 200 enumerators each, there is no time to check that list.

The returning officer does the checking, and as I pointed out, my experience was that when he comes to check voter names he will find perhaps 200 that he can get in touch with. The others will not even be contacted. These were people that were thought would be good enumerators by each party, and when the election is called we will contact them. In those 10 days he must try to contact 400 people, ask them if they can work, give them their supplies, and get them out into the street the following Monday.

Therefore, a great deal of the problems with our list now is the fact that we do not have sufficient time. First, the candidates must nominate enumerators and see if they are prepared to act. Then the returning officer must arrange for them to see him, brief them, give them their supplies, and get them out.

I am surprised and I have been astonished most of the time that this procedure can be accomplished. It has worked very well. There is a period of revision and so on, and we have been able to accomplish this.

Therefore, if you want a better list under our present system, I would suggest the only way would be to add another 10 days to the enumeration period. That would be a very popular move from the point of view of the elections.

Mr. Howe: Thank you.

The Chairman: Are there no more questions?

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[Interpretation]

Mr. Castonguay, I thank you very sincerely for the research you have put into this question, and I thank your colleagues for having come to give evidence today, for having given us the additional information about the recommendations and conclusions in this report. The members of the Committee will try to meet again next week, perhaps in camera, and with the assistance of Mr. Castonguay and his assistants we will try to decide, according to our terms of reference, whether or not to recommend the establishment of a permanent list for the Canadian system.

For the time being, I think while we do not have a quorum, there are some exhibits that have to be filed. We could have them filed at our next meeting in the hope that we will have a quorum.

Mr. Sullivan: I think it might be a good idea to wait until we have the Minutes of the meeting printed so the other members who are not here could read them?

The Chairman: Yes.

Mr. Sullivan: May I suggest that perhaps we should wait and not have one next week and have one the following week.

The Chairman: However, we need a quorum in the Committee to have the Minutes printed.

We will have a meeting next week to decide on procedure. Thank you very much, Mr. Castonguay.

The meeting is now adjourned.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-69

STANDING COMMITTEE

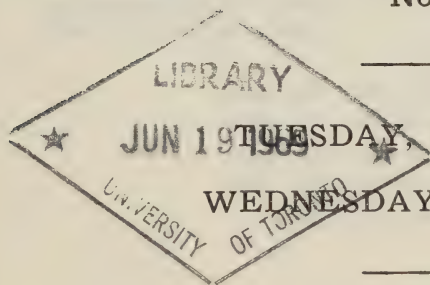
ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10



Report of the Representation Commissioner on Methods of Registration
of Electors and Absentee Voting, 1968.

WITNESSES:

(See Minutes of Proceedings)

INCLUDING SIXTH REPORT TO THE HOUSE

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

Alkenbrack,	⁵ Forget,	Murphy,
³ Benjamin,	Fortin,	Richard,
¹ Brewin,	Howard (<i>Skeena</i>),	Ritchie,
Cafik,	Howe,	⁴ Sullivan,
² Chappell,	Kaplan,	Thomas (<i>Moncton</i>),
Code,	MacGuigan,	Trudel,
Forest,	Marceau,	Valade—(20).

(Quorum 11)

Edouard Thomas,
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),

¹ Mr. Brewin replaced Mr. Benjamin on May 20, 1969.

² Mr. Chappell replaced Mr. Sullivan on May 20, 1969.

³ Mr. Benjamin replaced Mr. Brewin on May 21, 1969.

⁴ Mr. Sullivan replaced Mr. Chappell on May 21, 1969.

⁵ Mr. Forget replaced Mr. Jerome on May 21, 1969.

REPORT TO THE HOUSE

The Standing Committee on Privileges and Elections has the honour to present its

SIXTH REPORT

Pursuant to its Order of Reference of April 2, 1969, which reads:

“Ordered,—That the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting, 1968, made pursuant to section 9 of the Representation Commissioner Act be referred to the Standing Committee on Privileges and Elections”,
your Committee held five meetings and heard Mr. Nelson Castonguay, Representation Commissioner, as witness.

Having studied the said report and in consideration of the testimony obtained, your Committee is of the opinion that the establishment of a permanent voters list in Canada similar to those referred to in the Representation Commissioner's Report, is not advisable since it would cause more problems than it would solve.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 8 to 10 inclusive*) is tabled.

Respectfully submitted,

OVIDE LAFLAMME,
Chairman.

MINUTES OF PROCEEDINGS

TUESDAY, May 20, 1969.

The Standing Committee on Privileges and Elections having been duly called to meet at 11.00 a.m. this day, the following members were present: Messrs. Fortin, Howe, Laflamme, Marceau, MacGuigan (5).

There being no quorum at 11.20 a.m., the members dispersed.

WEDNESDAY, May 21, 1969.
(11)

The Standing Committee on Privileges and Elections met this day at 3.52 p.m., *in camera*, the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Benjamin, Forest, Forget, Howard (*Skeena*), Howe, Kaplan, Laflamme, Marceau, MacGuigan, Murphy, Sullivan, Thomas (*Moncton*), Trudel (13).

The Committee considered a draft Sixth Report and instructed the Chairman to present it to the House, as amended.

At 4.33 p.m., the Committee adjourned to the call of the Chair.

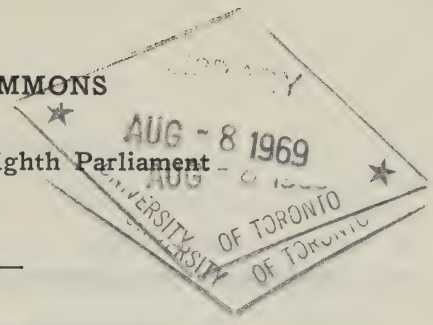
Edouard Thomas,
Clerk of the Committee.

The Queen's Printer, Ottawa, 1969

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69



STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

THURSDAY, JUNE 26, 1969

CANADA ELECTIONS ACT

WITNESSES:

(See Minutes of Proceedings)

INCLUDING SEVENTH REPORT TO THE HOUSE

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome¹

and Messrs.

Alkenbrack,	Howard (<i>Skeena</i>),	Richard,
Benjamin,	Howe,	Ritchie,
Cafik,	Kaplan,	Sullivan,
Code,	MacGuigan,	Thomas (<i>Moncton</i>),
Forest,	Marceau,	Trudel,
Fortin,	Murphy,	Valade—(20).

(Quorum 11)

Edouard Thomas,
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),

¹ Mr. Jerome replaced Mr. Forget on May 22, 1969.

ORDERS OF REFERENCE

FRIDAY, October 18, 1968.

Ordered,—That the subject-matter of Bill C-16, An Act to amend the Canada Elections Act (Students Franchise), be referred to the Standing Committee on Privileges and Elections.

FRIDAY, November 15, 1968.

Ordered,—That the subject-matter of Bill C-8, An Act to amend the Canada Elections Act (Qualifications of Voters and Candidates) be referred to the Standing Committee on Privileges and Elections.

FRIDAY, December 13, 1968.

Ordered,—That the subject-matter of Bill C-13, An Act to amend the Canada Elections Act (Repeal of Court of Revision) be referred to the Standing Committee on Privileges and Elections.

MONDAY, January 20, 1969.

Ordered,—That the subject-matter of the following Notice of Motion be referred to the Standing Committee on Privileges and Elections:

That in the opinion of this House, the government should consider the advisability of introducing a measure to amend the Canada Elections Act to prevent to a further degree the disenfranchisement of numerous citizens who are absent from their residence areas on polling days, and to prevent the Armed Services being singled out as the only professional group whose political choices are made public, by mingling Armed Service ballots with other absentee ballots, and, for those purposes:

(a) to entitle an elector to vote on polling day for the candidate of his choice who is nominated in his Electoral District, by casting his vote in a polling station or Electoral District other than his own, using an absentee ballot;

(b) to provide that Armed Services ballots shall henceforth be called absentee ballots and be counted simultaneously with other absentee ballots without, however, altering the present method of balloting by the Armed Services;

(c) to provide further that members of the Public Services of Canada and their dependents stationed abroad shall be enabled to cast absentee ballots in the manner prescribed for the Armed Services.—(Notice of Motion No. 20).

TUESDAY, February 25, 1969.

Ordered,—That the subject-matter of the following Bills be referred to the Standing Committee on Privileges and Elections:

Bill C-21, An Act to amend the Canada Elections Act (Age of Voters);
and

Bill C-72, An Act to amend the Canada Elections Act (Age of Voters).

THURSDAY, June 12, 1969.

Ordered,—That the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act, exclusive of sections 62 and 63, and to report to the House such proposals as the Committee may deem advisable.

WEDNESDAY, June 25, 1969.

Ordered,—That the Orders for Second Reading of Bills C-33, C-52, C-77, C-80, C-90, C-92, C-106, C-107, C-117, C-127, C-133, C-145 and C-181 be discharged and that the subject-matter of the said bills be referred to the Standing Committee on Privileges and Elections.

THURSDAY, June 26, 1969.

Ordered,—That the Standing Committee on Privileges and Elections be authorized to adjourn from place to place to place within Canada and that the necessary staff accompany the Committee.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

THURSDAY, June 26, 1969.

The Standing Committee on Privileges and Elections has the honour to present its

SEVENTH REPORT

Your Committee recommends that it be authorized to adjourn from place to place within Canada and that the necessary staff accompany the Committee.

Respectfully submitted,

OVIDE LAFLAMME,
Chairman.

MINUTES OF PROCEEDINGS

THURSDAY, June 26, 1969.
(12)

The Standing Committee on Privileges and Elections met this day at 11.28 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Alkenbrack, Code, Howe, Jerome, Kaplan, Laflamme, Richard, Ritchie, Sullivan, Thomas (*Moncton*), Trudel—(11).

Also present: Messrs. Portelance, Rochon, Roy (*Timmings*).

Witness: Mr. J. H. Hamel, Chief Electoral Officer.

Moved by Mr. Trudel, and

Agreed,—That Mr. Jerome be the Vice-Chairman of the Committee.

A discussion was held concerning the Committee's Orders of Reference and the advisability of holding meetings during the adjournment of the House.

Moved by Mr. Trudel, and

Agreed,—That the Chairman be authorized to hold meetings to receive evidence when a quorum is not present provided there be no less than five members in attendance, and to cause the printing thereof.

Moved by Mr. Kaplan, and

Agreed,—That the Committee seek the authorization of the House to adjourn from place to place within Canada and that the necessary staff accompany the Committee.

Moved by Mr. Trudel, and

Agreed,—That the Committee obtain copies of the Provincial Elections Acts and other related documents as required.

Moved by Mr. Sullivan, and

Agreed,—That letters containing suggestions pertaining to the Canada Elections Act received by the Chief Electoral Officer since 1963 be accepted as an exhibit (*Exhibit VI*).

Moved by Mr. Jerome, and

Agreed,—That the Sub-Committee on Agenda and Procedure be authorized to make the necessary arrangements and decide which centres across Canada should be visited and on what dates provided the House agrees to the Committee's recommendation that it be authorized to adjourn from place to place.

At 12.24 p.m. the Committee adjourned to the call of the Chair.

Edouard Thomas,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, June 26, 1969.

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The Chairman: Gentlemen, I see that we now have a quorum. Before we deal with the subject matter for discussion to day, I suggest that we appoint a Vice-Chairman. Jim Jerome was Vice-Chairman of this Committee but he had to be absent for a few meetings. Since he has now returned we should either re-appoint him or appoint someone else.

[Interpretation]

Mr. Trudel: Mr. Chairman, I would like to propose that Mr. Jerome be re-elected as Vice-Chairman.

[English]

Mr. Kaplan: I would like to speak in support of the nomination of Mr. Jerome for Vice-Chairman.

The Chairman: May I consider that the nominations are closed?

An hon. Member: There are no further nominations.

Mr. Jerome: I accept.

The Chairman: As you know, a full review of the Elections Act has been referred to us by the House with instructions to sit during the adjournment. After discussion with Mr. Jean-Marc Hamel, the Chief Electoral Officer, it was suggested that if we do review this Act we should be in a position to table our report at the resumption of the session in the fall. This would require the members to sit at least from about the middle of September until the resumption of the session. I would say in this respect that those members who do not think they will be in a position to sit or to be present in Ottawa, that they inform myself or the Clerk, Mr. Thomas, so that they may be replaced before the adjournment.

Also, it might be interesting to note that perhaps we should seek to get information from other provinces as to the way they proceed, for instance, with the proxy voting system as well as with the absentia voting system. They have a proxy voting system in Ontario and in Nova Scotia and they have an

absentia voting system in B.C. Perhaps it would be interesting if we sought permission from the House to sit from place to place in

● 1130

Canada, and if I receive a motion to this effect I will make a request to the House that even if we sit during the adjournment of the House that we be permitted to sit in Ontario and Quebec, or let us simply say from place to place in Canada. If, for instance, we find it difficult to get witnesses in Ottawa, that the members wish to go and see what is going on in other places and have a full examination of the systems used, let us say, in Saskatchewan, B.C., Ontario or Quebec. Yes, Mr. Kaplan?

Mr. Kaplan: Mr. Chairman, that is an excellent suggestion and I certainly would be prepared to support it. However, I would like to suggest as an alternative that not only the Committee be empowered to sit from place to place in Canada but that subcommittees also be so empowered. We may find in the course of our work that not all of us, or even a large number, are prepared or able to go to Quebec City, for instance, but that three or four might be prepared to do so. Perhaps it would be useful to request extra authorization from the House so that a group of us...

The Chairman: I am informed that if we receive authorization from the House to sit as a Committee from place to place, then it is up to us to do it as feasibly as we can.

Mr. Kaplan: Would it be possible under those circumstances for us to sit in two places at once? For example, one group sit in Toronto, and another group sit in Quebec City?

The Chairman: Yes. We do not need to include that in the motion. The only authority we require from the House is that we sit from place to place in Canada. We will then decide on the best way to proceed.

Mr. Sullivan: You would not have to have a quorum, Mr. Chairman at each place. Is that what you mean?

The Chairman: No. If we do reach a decision on this, if we have a motion here today to reduce the quorum to hear evidence, then this will empower a section of the Committee to go to Ontario, Quebec or to British Columbia and to secure evidence there without being forced to have the full Committee there. And it might be difficult to have the full Committee if we sit during the adjournment.

Does someone want to add something to this?

[Interpretation]

Mr. Portelance: Mr. Chairman, what is the necessity of having meetings in the various provinces as we are studying the Election Act. Can't we get all the documentation here and see it before we come to a decision?

The Chairman: There are systems, everywhere which are different from ours, and would throw a lot of light on the decisions that we will have to come to here. For example, the system of voting by proxy can become necessary, as you have rejected the idea of a permanent list for absentee voting. The system of proxy voting could become necessary, therefore it is suggested that we should study this matter. The province of Ontario has one system, as well as Nova Scotia and Saskatchewan. Now, do some members not think that it would be a good idea to meet the various people who apply these systems in the different provinces. We could always bring these witnesses or try to; to a thorough study of their systems, to see the very best possible system.

[English]

Mr. Howe: I am trying to analyze in my mind why we have to have a report ready for the re-opening of the House. Why is there this pressure to get this report in? Why cannot we wait until we come back here to make these studies?

The Chairman: Well, I may let Mr. Hamel speak on this.

Mr. Howe: The Elections Act has been there for a long time, so why in a couple of weeks do we have to arrange to revise it and bring in a report on the revisions of it?

The Chairman: May I ask Mr. Hamel to give some explanation on this.

Mr. J. M. Hamel (Chief Electoral Officer): Thank you, Mr. Chairman. I think I can only refer to the statement made in the House by the President of the Privy Council on June 12 when he said that the machinery, speaking of my office, would require a minimum of 24 months, if there are to

be fairly broad changes in the Elections Act to be ready to face another election. In order not to be caught short of time, I think the government has agreed, or the government thinks, that this should be done at an early date. I mentioned to Mr. Macdonald that it would take quite a while to revise completely the books of instructions. We have eight books of instructions in English and in French and some of them are quite voluminous. You have one with you now. To re-write the whole thing, if there are amendments, would take some time. My staff is quite small and we can do only so much during a certain period of time, and then we have to order all the supplies after the amendments have been adopted by the House, if there are any amendments.

Mr. Howe: Mr. Chairman, you intimated that we would start this Committee working about the middle of September, and that we should have a report ready when the House opens. We cannot go through this voluminous document and come back with any kind of sensible report in two weeks after travelling around the country. It would just be impossible.

The Chairman: Well, the idea is that the full Committee should sit after September 15, but before that it might be important to secure the authority of the Committee to have a subcommittee or a steering committee sitting to do preparatory work in such a way that most of the information would be

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secured when the whole Committee sits in September, for the technical amendments and those which are required by the Chief Electoral Officer. He told me that it would not take more than two or three days to have them approved but there are some pretty important decisions, I think, that we will have to make about the questions of voting age, the proxy voting system, the absentee voting system, the vote of civil servants in other countries and the military vote. Those are some decisions that I think we will have to make, and if we do make those decisions and if we reach any decision on this, then we have to do that before we start redrafting this Act. Mr. Richard.

Mr. Richard: My middle name is Thomas, and I am just being practical. It might be all right to do any kind of work you want to do in September but let us face the facts. When you come to revise the Elections Act, I am

not worried much about the printing; I am interested in what is going to be printed. All these members, I am sure, have ideas about revisions of the Act and they are going to want new evidence brought in. I guarantee that if it is going to be a good report, it will not be out by December from this Committee.

I am not against it if you want to sit in September, but I do not think you are saving much time unless it is to gather information around the country, that is all. If somebody wants to go around the country and gather information so that when we sit in October we will—but it is hopeless to think that you are going to have a report from this Committee within two months after the month of October, unless somebody is going to push it down somebody's throat. I am not saying that about anybody, but I have been on committees a long time and I think they are getting more serious than ever.

I have been on committees since 1945 that have been revising the Elections Act, and that is a long time, and there have been some clever persons on those committees. Ministers used to sit on them and everybody else, and they have been all over the place. I am sure that if you seriously intend to change the Elections Act and not just amend it, that it is going to take you a long time. So I am quite in favour if some people are going to enquire, and there are enquiries to be made, and to gather information from September 15 to the first week of October. But after that I want the Committee to understand that we are going to be sitting for a good while before we make a report.

Mr. Kaplan: Mr. Chairman, I think we ought to keep in mind that the Elections Act can bear some revision before the next election, and with that in mind we ought not to set ourselves necessarily an immediate target of getting a perfect Elections Act. Perhaps what we ought to do is try, by the time limit that Mr. Hamel has suggested, to make important revisions that can be made within that time, and then afterwards when we have made a report in time to be implemented for the next election we might then turn our attention to the Act in a more detailed way. We would then have no pressure of time on us and we would be able to consider far-reaching and deep changes that might not be feasible if we insist on doing the whole job at once. In other words, it might be worth considering a stop gap series of changes that will take out some of the worst injustices and

obsolescent features of the Act in time to be useful in the next election, and thereafter we might think about a better Act for the ages, if I can put it that way.

Mr. Richard: If my colleague wants to limit his examination to certain things about which we are all unanimous, or nearly unanimous, or the kind of revision that is easy to make, or just wants to accept, *holus-bolus*, the recommendations of the Electoral Officer, that is quite all right. But I am saying that the public and the House expect us at this time to give some finality to certain of the more controversial matters in the Election Act.

If you think there is unanimity about a great many things then I suppose we do not need to sit, because we could settle these this morning. But I am not talking about unanimity. I am talking about the direct problems with the Election Act that we will want to discuss. It will not be done in a few days.

Mr. Kaplan: Mr. Chairman, the point I wanted to make was that it is all very well to require until December to make all the changes to the Act that we would like to see, but the difficulty I see in following that procedure is that we will deprive this country of a new Elections Act for the next election.

Mr. Richard: I do not think so.

Mr. Jerome: May I just question that? To my mind we seem to be making the arithmetical assumption that in order to allow 24 months before the next election something has to be done by December 1969. Of course, no one can say when the next election is going to be, but I do not think it unreasonable to anticipate that it will not be before June of 1972, which is four years from the last election. That means that if we have this material in the hands of the Electoral Officer before June of 1970 he should have 24 months. And it may very well be that the next election will be sometime after June of 1972, perhaps in the fall of 1972, or even as late as the spring of 1973. Is my arithmetic wrong on that? What date were you assuming, sir?

Mr. Hamel: If you can guarantee that the election will not be before the spring of 1972, your arithmetic is certainly good.

Mr. Jerome: If we are going to work to this kind of target I think we have to make some assumption. I certainly think it is safe to assume that with his current majority one

would not expect the Prime Minister actively to seek an election less than four years from the date of the last one. I certainly have that fond hope.

Mr. Hamel: If I may, the only thing I would like to emphasize, or to impress upon you, is that if there are going to be fairly sweeping changes in the Act we need a minimum of 24 months. The rest I leave to you. This is the thing that worries me—that we need two years following the passing of the legislation.

Mr. Jerome: But this rather raises a dilemma. If the changes we are about to make are fairly sweeping then it is foolish to anticipate that we could meet, beginning on September 15, and have something ready for October 1, or for the fall session, or for the end of the fall session. If the changes are substantial that connotes that there will be discussion and consideration. I think we have to be realistic enough to understand that we are going to have to spend several weeks discussing this subject if the changes are going to be at all serious.

The Chairman: Let me, then, withdraw the statement I have made that we will table this report at the re-opening of the House on the resumption of the session. There has been some urgency in the matter, but I am not making any statement, or am I criticizing what Mr. Richard has said. I would simply say that many reviews have already been

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made. Election expenses have been withdrawn from our terms of reference, and there has been a great deal of discussion on the subject matters on which we are going to reach decisions. But I do say that on many issues it would not take very long to come to a decision and table a report in the House.

For example, we have to make a decision and inform the House about our views on the question of the voting age. I do not think it should take a lot of time to discuss that matter. If we try to re-adjust the proxy voting system within our law, then I think it would take perhaps a few days, or, let us say, a few weeks for some of us to obtain information, and on the absentee-voting system, I would say about the same. But except for the election expenses, I do not believe this whole matter will take that long.

If we propose only to discuss and reach no decisions we may do so and obtain a lot of

information. We have already studied the full report of Mr. Castonguay on the establishment of a permanent electoral list and we rejected the principle. We did it, I think, in a very accurate way, in the sense that we obtained information. We have had this report. We do not need to enter into this whole issue again, because it has been done. Mr. Thomas?

Mr. Thomas (Moncton): Mr. Chairman, what we are discussing now is predicated on the statement by Mr. Hamel that it would take a minimum of two years after the recommendations have been received for his Department to prepare the new Elections Act.

I came in late and possibly he explained this, but you are asking the members of Parliament to work overtime and rush their work. Possibly Mr. Hamel's Department could be asked to work overtime and cut that 24 months down to 12 months. Is this possible, or is this 24-month period something that we cannot get around? Perhaps you could speed up your Department, Mr. Hamel.

Mr. Hamel: My only problem is that I do not have any control over the suppliers. Following the 1957 election, with all the priorities in the world and without any amendments whatsoever, it took 10 months to get all the supplies necessary for the 1958 election. This was without any amendment whatsoever, without any changes in the appointment of returning officers, and with practically no courses to be given except for the odd returning officer who was replacing one who had resigned. With all the priorities in the world it took 10 months then, with no amendments whatsoever.

We could work overtime—we are used to it—but, as I say, I have no control over the printers or the suppliers of the material.

Mr. Thomas (Moncton): But, Mr. Chairman, there seems to be a great deal of pressure to revise the Act. I agree that changes are necessary before the next election, but if this 24 months could even be cut to 18 or 20 it would give us an extra three or four months to consider this. There would not be so much pressure on us then. Would it be possible? Do you say that 24 months is an irreducible minimum—that you cannot go below 24 months?

Mr. Hamel: My statement was based on an assumption. It depends, of course, on the scope of the changes that will be made. If the Committee decides to adopt only the changes

I propose we may not need that length of time, but if other amendments are made, and we have to conduct courses of instruction for our returning officers, then to instruct 264 people takes time. And my staff boils down to four people, including myself, who can do that work.

Mr. Thomas (Moncton): Mr. Chairman, I agree that revision is necessary, but, like Mr.

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Richard, I would hate to see us rush this thing through. I think we should spend a good deal of time on it and take plenty of time to prepare our report. I would hate to see our being faced with a time-limit and having to do it by December, or by any set date. I do not think we can do it properly even if we sat all summer, which I certainly do not intend to do.

I question the necessity of members having to sit during the summer. Even if we did and came back here in September, to make a proper report I think we would be pushed to get it out even by the end of December. Therefore, I question whether sitting in the summer will accomplish anything other than a fact-finding mission by some members.

Mr. Ritchie: First of all, Mr. Chairman, I would like to ask what this Committee has on its agenda for the next session? What is it likely to be doing next fall and winter? Apart from this revision of the Elections Act, is it going to be busy?

The Chairman: We simply do not know. The only thing we have before us is the review of the Elections Act, plus the many private bills that have been referred to us. The main new bill, with the various subject matters that have been referred to us, is the Elections Act.

Mr. Ritchie: You have no idea whether or not we will be busy?

The Chairman: We do not know. We could sit a full year, if you wish, on these terms of reference. Then there is the point raised by Mr. Hamel, that even without the Elections Act being reviewed and having amendments approved by the House of Commons he still needs 24 months to prepare himself for the next election.

Mr. Ritchie: Mr. Chairman, I suggest in conjunction with what Mr. Jerome has said, that we should assume that there will not be an election for another three years. Even if we did make a report by the end of the fall, it

could easily come before he could get ready for it under the new system.

If we are going to make a reasonable revision of the Act we have to have enough time to think about it. Certainly it seems logical to me that we will not really be able to have a report ready before Christmas, if not later, if it is to be an intensive report.

Mr. Richard: Mr. Chairman, perhaps I should make one point very clear. Perhaps there are some obvious things that Mr. Hamel might recommend should be done to the Act, to which we could agree, but that would not take very long. If all that is urgent is to pass those few recommendations to brush up the Act I quite agree that we could pass then and make a report of some kind early in October, and he might be very happy about that. But any point is that surely it would have to be pointed out in that report that we had been asked to revise the Elections Act and that this was not a complete job. If you do not do that, you are in for criticism.

There is supposed to be a revision of the Act, not just a patching of it up. If we make a report of that type, on just the amendments that Mr. Hamel is suggesting—which may be quite necessary—we will have to preface it by saying that this is not the final job and that we wish to continue on those items that we think are important and on which we must reach decisions.

Mr. Howe: Mr. Chairman, is it government policy to have all the committees sitting when the House is not sitting? Is this something new that is going to happen? I know it has happened on occasions, in the past, they are very few. I was on the Health and Welfare Committee a few years ago when we went through the Canada Pension Plan. Has any definite policy been set out? Is this a new approach to the committee system, that all the work is going to be done and the period of being away from the House is going to be broken into by having to come back?

The Chairman: I do not say there is a definite policy on that. I just do not know. What

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I understand is that at least six committees of the House have plans to sit prior to the resumption of the session.

In our terms of reference we already have authority to sit during the adjournment, with a view to being in the position to report, and

have the new amendments put forward in the House and approved there so that the Chief Electoral Officer will be in a position to act on the amendments that are going to be made.

Mr. Jerome: There is a factor about sitting during vacation periods that concerns me a little, Mr. Chairman. It is not perhaps too serious a matter, but it is annoying for members to come to a meeting while the House is in session and find that we do not have a quorum. It would be a serious inconvenience to members if they were to travel some distance to come here for a meeting and find that not enough members had shown up to make a quorum. How can we guard against that happening? We had a lot of trouble getting one this morning.

An hon. Member: The quorum could be much smaller.

Mr. Jerome: If we wish to authorize this Committee to carry out certain functions with less than the usual quorum of 11 members I suppose we had better do that today by resolution of this Committee.

The Chairman: It is on our agenda to have a motion put to the Committee to reduce the quorum to receive evidence.

Is it agreed by members of the Committee that we reduce our quorum to receive evidence?

Mr. Kaplan: What size of quorum do you have in mind, Mr. Chairman?

The Chairman: On the Public Accounts Committee they have a minimum quorum of five.

Mr. Trudel?

[Interpretation]

Mr. Trudel: Mr. Chairman, should we not first divide the problem and establish the principle: should we sit or not. Then we will discuss the modifications. At the moment, we're talking about the report, all sorts of things. We should consider the principle right now; are we sitting or are we not? Will the

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Committee travel? The question must be divided into two or three parts and then we can agree. Presently, everybody discusses, talks. I would not like to give the impression that I am 100 per cent against what Mr. Jerome just said, on the contrary. But, first, if the question of whether we sit or not is not

accepted, all the other modifications will have no reason for being at all.

The Chairman: I understand very well, Mr. Trudel, but I don't think it's a matter of principle at all. It is sit or not sit. That is not the point. I think, first of all, it is a matter of deciding whether we agree to reduce the quorum. If we reduce the quorum as it has been suggested and has been proposed by the majority so far, perhaps it will be easier to meet the objections raised by Mr. Jerome that if we decide to sit during the adjournment, then we can listen to the witnesses. We can do this with a minimum quorum.

Mr. Richard: Mr. Chairman, are you saying that the Committees have received the approval of the House to reduce their quorum to seven or eight?

An hon. Member: Yes, for a fact.

Mr. Chairman: Under the Regulations, we have the power to reduce our own quorum, not to make decisions, but to hear witnesses.

[English]

We have the authority to reduce our quorum to receive evidence. We do not need any reference from the House for that. We can do that ourselves.

I refer to Subsection (7) of Standing Order 65 of the rules of the House, that:

The presence of a quorum shall be required whenever a vote, resolution or other decision is taken by a standing or a special committee, provided that any such committee, by resolution thereof, may authorize the chairman to hold meetings to receive and authorize the printing of evidence when a quorum is not present.

Mr. Howe: In other words, any major decisions require that you have a full quorum, whereas...

The Chairman: The only circumstance under which we can have a reduced quorum is to hear evidence; not to make decisions.

Mr. Howe: Then you have the authority. You do not need to reduce the quorum.

The Chairman: But the Committee has to decide.

Mr. Jerome: We can pass a resolution today authorizing the Chairman to call together five members to hear evidence, or three, or one?

An hon. Member: Five or more.

The Chairman: Not to call only five members, but to call everyone, to call the Committee, but if there are only five members present, being the number set down as a quorum, then evidence will be heard and the Minutes will be printed.

Mr. Trudel: I move, Mr. Chairman, that five be the accepted quorum to hear evidence.

The Chairman: Is there any discussion on this motion?

Mr. Roy (Timmins): Mr. Chairman, I wonder why the number five; why does it have to be five?

The Chairman: A minimum of five.

Mr. Trudel: Mr. Chairman, I believe this has been the accepted number in other Committees, that is the only reason I chose five, because it has been selected in other Committees and it seems to be a workable figure. It is a minimum of five.

Mr. Alkenbrack: It may not be workable in the summer.

Mr. Trudel: This will be in the fall. We are talking about September if my understanding of the problem is correct.

The Chairman: There is no plan at all to sit before September 15.

Mr. Code: Mr. Chairman, if you call the Committee in September, would you call us one day and skip a couple of days, or would we meet for a week, for example, or how would you work that?

The Chairman: This is a question that has been raised and I think we have to think about it. It has to be dealt with. My suggestion is that if we could arrange to sit the two last weeks of September, then we could sit from Tuesday to Thursday night and sit for three full days.

Mr. Code: I just wondered if you would leave some time in between meetings, or would you have the meetings for a week?

The Chairman: When we call members from home to Ottawa to sit I think we should sit from morning to night on two or three consecutive days.

Mr. Code: Yes.

The Chairman: Would it be agreeable to members if we sit before the the House

resumes that we call members on Tuesday and that we sit full days?

Mr. Howe: Would it be fair to say, Mr. Chairman, we know this happens in the provincial areas and has been happening for years, but in that area there is a special gratuity for members of Committees when they are brought in. Is this going to be carried out? Is this something new in government policy where Committees are being brought in there is going to be some additional assistance with regard to expenses?

The Chairman: I think this is a very valid point. This is done in Quebec and Ontario and other places too, but personally I am not in a position to reach any decision. If there is a request from the members of the Committee I could report this to the Clerk of the House and ask for a decision to be made. I think it is appropriate that special allowances be paid to members when they are asked to sit during the recess.

Mr. Howe: Would you require a motion to that effect, or a recommendation?

The Chairman: We do not need a motion because it is out of our jurisdiction. It is useless to have a motion. As the matter has been raised, I can assure you that I will report this to the Clerk of the House, to the House Leader and seek their decision on this. Mr. Portelance?

• 1205

[Interpretation]

Mr. Portelance: Would you say that the Committee would sit and listen to the witnesses from August on or from mid-September only for the work that has to be done during the summer?

The Chairman: The witnesses would be heard starting from September.

Mr. Portelance: So this would mean that there would be no work to be done between, say, July the 15th and September the 15th?

The Chairman: Yes, the sub-Committee would have some work to do, preparation work, for instance, acquire the evidence, know what is happening elsewhere for proxy voting and absentee voting, for instance, which are the two most important questions that have to be discussed. As far as the age of voters is concerned, this is a matter of opinion or anyway a matter of general principle. We are for or against reducing the age of

voters. Some people may have reasons for them, very obvious ones.

As far as absentee voting and procuration vote is to be decided, we rejected the principle of a permanent electoral list. But we said at the same time that there were means to modify or amend the Electoral Act to allow more people to vote and since there are proxy voting elsewhere, I think this would be integrated so we have proxy vote in certain cases, so that we have the greatest number of votes possible.

Mr. Portelance: Does it mean that a Committee of 5 could sit during July and August?

The Chairman: Yes.

Mr. Portelance: In various provinces...

The Chairman: Yes in July, but maybe starting from August in various provinces.

Mr. Portelance: Starting in August?

The Chairman: Yes.

[English]

Mr. Howe: Mr. Chairman, it would be preferred to sit in the provinces as well that have lowered the voting age...

The Chairman: Yes.

Mr. Howe: ...to get statistics on their experience with a younger group of voters who have been brought under the election act. I imagine those would be important statistics to have, how many of them are making use of the fact that the voting age has been lowered.

The Chairman: We already have the statistics about the opinions of the people in New Brunswick, where there was a referendum during the last provincial election and the people pronounced themselves two to one against lowering the voting age.

In Quebec they have lowered the age to 18, but perhaps you could ask Mr. Lesage what he thinks about it.

[Interpretation]

Mr. Trudel: Mr. Chairman, what you have just indicated will require, will it require an additional resolution or additional motion...

[English]

... a special motion to put this into effect, or are we authorized by our terms of reference

at the present time to travel and gather additional information?

The Chairman: No, we need a special order from the House to sit from place to place in Canada. I do need your authorization to table this request in the House and have it approved by the House.

Mr. Trudel: This has to be included in a form of report?

The Chairman: Yes.

[Interpretation]

Mr. Portelance: You've mentioned sitting in various places in Canada, would it not be required to visit other countries where certain data could be gathered.

[English]

The Chairman: I do not believe so. There has been a full report prepared by Mr. Castonguay about the voting systems established in democratic countries like our own. I believe perhaps we will not use it, but I think it is appropriate that we have the authority to sit from place to place in Canada. We may decide, for instance, to go to Saskatchewan to secure information about their permanent list or seek information in British Columbia and Ontario where they have a proxy voting system and in Quebec where they have reduced their voting age to 18. I think it is appropriate that we have this authority. If we can call witnesses here, we may decide not to go, but if we have this authority, we can go and secure information there as a Committee and hear witnesses on the spot. To secure the authority is not an indication that we will use it, but we will have it. If, for instance, Mr. Hamel has discussions with the Chief Electoral Officer of Ontario and Mr. Drouin in Quebec, and it is found more appropriate to go there and to seek evidence there, if we have the authority we may make a decision not to call again the Committee.

Mr. Thomas asked me if it would be interesting for the members to have the election acts of the other provinces distributed to members of the Committee. If we have to pay for them I would seek a motion for authority to get these documents for distribution to members.

Mr. Kaplan: Mr. Chairman, it would also be interesting to get election committee reports of standing committees of other provinces, and perhaps debates which might have taken place in the legislatures of other prov-

inces on the question.

The Chairman: I am told that the Ontario and Nova Scotia legislatures have their own committees sitting and it might be important for us to meet with them. I am informed that some members of those committees wait until some decisions are made by us on some special issues.

Mr. Kaplan: You referred as well to a referendum in New Brunswick. There may well be interesting back-up material behind that referendum that would be of interest to the Committee, especially to those members from New Brunswick.

The Chairman: We have the statistics already, we have the questions that have been breached to the voters and we have the results. Yes, Mr. Trudel?

[Interpretation]

Mr. Trudel: Mr. Chairman, I move that the Committee be allowed to secure the Provincial Electoral Acts of the provinces concerned to help our present work.

[English]

Motion agreed to.

Mr. Howe: In the same connection Mr. Chairman, I do not know how the other members feel, but on other committees I have been on I have been weighted down with material, and briefs, and things like that, and I do not think there is a member of the Committee that has not felt that. I sometimes wonder whether there should not be some research assistance in connection with these committees to go through these elections acts and pick out areas that we should examine. I know I am not going to have time to read all these documents, and I doubt that many of the members will have time to go through them properly.

I can remember that a few years ago on the Drug Committee, for instance, we had an accountant and a legal adviser to assist the members and to direct them in the differences of opinion that had been arrived at. It was at tremendous assistance to that committee and in my estimation this one way in which the committee system is bogging down a bit. We are bogged down in the pile of material that is presented to us when we come to the committee meetings. Probably some of us are a little lazy, but I do know that it is well-nigh impossible, if you are a member of two committees, to keep up with all this stuff. Do you not find that yourself Mr. Chairman?

The Chairman: Definitely, yes. I agree, but on this question of the election system, I think among experts we could get a lot of good information from Mr. Hamel, the Chief Electoral Officer, who has already secured a lot of information. I think he would be our best witness, because he is called to meet

• 1215

committees in different provinces to give them information about what he feels should be done.

Mr. Howe: I think it is a point that should be considered. Probably in the whole committee system there should be more research assistance to the committee members, particularly when we are going to be discussing something that is not controversial. I do not think this is going to raise tremendous issues between parties; we are just trying to make the Elections Act more effective for the whole nation.

The Chairman: Mr. Hamel.

Mr. Hamel: If I may say so, Mr. Chairman and gentlemen, there is one document which perhaps you may wish to have a look at, particularly the preamble. It is the first report of the Select Committee on Election Laws of Ontario. There is a copy of the proposed legislation and they give a broad outline of the changes they propose. This has not yet been approved by the Ontario legislature; it is the report of the committee which is still sitting.

As far as the other provinces are concerned, I quite agree with you that 90 per cent of the acts of New Brunswick and Nova Scotia are the same as ours. The important thing is to get the main features of these acts, particularly those features that differ from the federal act.

British Columbia, for instance, is the only province that has a permanent list and, having a permanent list, they have a whole system of absentee voting, so you might wish to have a look at this. I have a copy of the act but reading it does not have the same value as talking to people who are responsible for either administering the system or who are ruled by the system—namely, the candidates or the members of the B.C. legislature, and so on.

In Alberta at one time they had absentee voting within the context of a list prepared for each election the same as we have. They dropped the system in 1965 because, I

understand, they had very serious problems.

Manitoba also had a restricted form of absentee voting for mariners and fishermen. They had an election yesterday, so it might be interesting to learn what the experience was and the extent of the use made by the electors of that system.

As the Chairman pointed out earlier, Ontario has had a system of proxy voting for years.

Nova Scotia has had proxy voting since 1960. It has had at least two elections on that system, but outside of that their acts do not differ much from ours.

In Quebec, of course, the main thing is the election expenses, although there are a few aspects which are now, by the way, copied by Ontario in that report. It might be interesting to speak with the people, and I am sure many members of the Committee already know the acts of these provinces.

The Chairman: Gentlemen, I ask for a motion to table as exhibits, and distribute to members, the suggestions pertaining to the Canada Elections Act received by the Chief Electoral Officer since 1963, which are photostat copies of correspondence from people requesting changes in the Act. I think some of you have already received some of those photostat copies.

An hon. Member: We have not received any.

The Chairman: Not yet? These will be distributed among members. I ask for a formal motion to approve this.

Mr. Sullivan: I move that letters containing suggestions pertaining to the Canada Elections Act received by the Chief Electoral Officer since 1963 be accepted as an exhibit (*Exhibit VI*).

Motion agreed to.

Mr. Jerome: Mr. Chairman, do we have a motion empowering you to set up subcommittees to gather information during the summer? Do you have that now, or do you require it?

The Chairman: The only way in which we can operate is through this reduced quorum to hear evidence.

Mr. Jerome: That presupposes an actual meeting of the Committee with a smaller quorum, but what about having subcommittees?

The Chairman: Right now the only way to proceed is to call on members and say that we will sit at such and such a place, and if we are five or six we will hear evidence.

Mr. Jerome: But it is not possible for you as well to empower a subcommittee or two subcommittees to sit in different places at the same time?

• 1220

The Chairman: I think the steering committee already has power to sit anytime they please. We do not need any authority for that.

Mr. Jerome: I was just curious about whether, if you wanted, for example one part of the Committee to go to one place in the summer and one to another, you needed a special motion to that effect, or whether you feel that you have the power to do that already.

The Chairman: The only problem for the Chairman would be to get those members to be part of this subcommittee. It could be difficult for me to select members from among you for this subcommittee. I think it would be better if we relied on the steering committee system to make the decision; are there any other points you would like to have raised? **Mr. Jerome?**

Mr. Jerome: Before we adjourn, Mr. Chairman, I have a couple of points to bring up. If you are contemplating gathering some information during the summer there are two provinces that have been mentioned that would seem obvious points of interest for this Committee. Firstly, British Columbia because it has a permanent electoral list and, therefore, absentee voting and so on. Secondly, aside from the study that was done in Ontario, of course, there was some mention of changes in New Brunswick that might be interesting. I am not sure if I followed the discussion closely, but certainly Mr. Hamel noted some very, very great differences in the system in British Columbia which I think would be a point of very great interest to the Committee.

Mr. Hamel: The other place I mentioned was Saskatchewan where for four elections they had a form of absentee voting without a permanent list.

Mr. Jerome: That is right, without a permanent list.

Mr. Hamel: They dropped the system in 1965. Manitoba still has a form of absentee voting for a restricted group—a small group of electors—and then you have Ontario, of course, with this work here.

Mr. Howe: I move we adjourn.

The Chairman: Would you wait for just a few more minutes?

The Clerk has informed me that we need a motion from this Committee even if we receive the authority. This motion can be made in advance, dependent upon whether or not the authority is given by the House. May I have a motion that in the event we receive authority to sit from place to place in Canada, your steering committee is empowered to decide where we will go. By doing this we will not have to call the whole Committee for a decision. Would this be agreeable?

Some hon. Members: Agreed.

Mr. Trudel: If you will allow me, Mr. Chairman, I would like to raise one more point.

Mr. Chairman: Yes, Mr. Trudel.

Mr. Trudel: Do we have a provision to replace a member of the Committee during the recess if this were necessary? Is there any provision that would enable the steering committee to do so?

The Chairman: This is the general rule.

Mr. Trudel: When the House is sitting there is no problem, but I wondered about when the House is not sitting which could cause a problem.

The Chairman: It could be done through the Clerk and the Whip's office.

Mr. Trudel: It will not cause any problem?

The Chairman: No.

Mr. Trudel: That is fine. Thank you, Mr. Chairman.

The Chairman: The meeting is adjourned.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

First Session

Première session de la

Twenty-eighth Parliament, 1968-69

vingt-huitième législature, 1968-1969

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

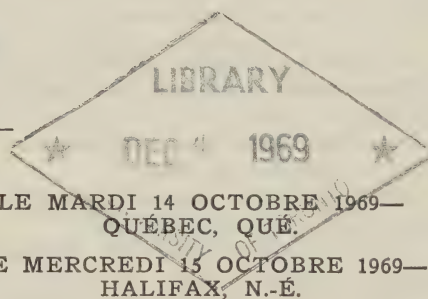
M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 12



TUESDAY, OCTOBER 14, 1969—
QUEBEC, QUE.

LE MARDI 14 OCTOBRE 1969—
QUÉBEC, QUÉ.

WEDNESDAY, OCTOBER 15, 1969—
HALIFAX, N.S.

LE MERCREDI 15 OCTOBRE 1969—
HALIFAX, N.-É.

THURSDAY, OCTOBER 16, 1969—
FREDERICTON, N.B.

LE JEUDI 16 OCTOBRE 1969—
FREDERICTON, N.-B.

Canada Elections Act

La Loi électorale du Canada

WITNESSES

TÉMOINS

(See Minutes of Proceedings)

(Voir les procès-verbaux)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman
and Messrs.

M. Ovide Laflamme
Mr. James Jerome

Président
Vice-président
et MM.

Alkenbrack,
Benjamin,
Cafik,
Carter¹,
Côté (*Richelieu*)²,
Forest,

Forrestall³,
Fortin,
Francis⁴,
Howard (*Skeena*),
Gibson⁵,
Lefebvre⁶,

Macquarrie⁷,
Marceau,
Murphy,
Paproski⁸,
Peddle,
Trudel—(20).

(Quorum 11)

Le greffier du Comité,
Edouard Thomas,
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),

¹Mr. Carter replaced Mr. Valade on October 10, 1969.

²Mr. Côté (*Richelieu*) replaced Mr. Sullivan on October 9, 1969.

³Mr. Forrestall replaced Mr. Thomas (*Moncton*) on October 10, 1969.

⁴Mr. Francis replaced Mr. Richard on October 9, 1969.

⁵Mr. Gibson replaced Mr. Kaplan on October 9, 1969.

⁶Mr. Lefebvre replaced Mr. MacGuigan on October 9, 1969.

⁷Mr. Macquarrie replaced Mr. Howe on September 2, 1969.

⁸Mr. Paproski replaced Mr. Code on October 10, 1969.

Suivant l'article 65(4)b) du Règlement,

¹M. Carter remplace M. Valade le 10 octobre 1969.

²M. Côté (*Richelieu*) remplace M. Sullivan le 9 octobre 1969.

³M. Forrestall remplace M. Thomas (*Moncton*) le 10 octobre 1969.

⁴M. Francis remplace M. Richard le 9 octobre 1969.

⁵M. Gibson remplace M. Kaplan le 9 octobre 1969.

⁶M. Lefebvre remplace M. MacGuigan le 9 octobre 1969.

⁷M. Macquarrie remplace M. Howe le 2 septembre 1969.

⁸M. Paproski remplace M. Code le 10 Octobre 1969.

MINUTES OF PROCEEDINGS

TUESDAY, October 14, 1969.
(13)

[Text]

The Standing Committee on Privileges and Elections met *in camera* this day at 11:00 a.m., in Quebec City, the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Benjamin, Carter, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Paproski, Peddle (13).

Witness: Mr. François Drouin, Chief Returning Officer, Province of Quebec.

In attendance: Mr. J. M. Hamel, Chief Electoral Officer of Canada; Mr. E. Giguère, Deputy Chief Returning Officer, Province of Quebec.

The Committee discussed the Canada Elections Act and the Election Act of the Province of Quebec.

At 12:45 p.m., the Committee adjourned to 2:30 p.m. this same day.

AFTERNOON SITTING (14)

The Standing Committee on Privileges and Elections met *in camera* this day at 2:40 p.m., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Benjamin, Carter, Forest, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Marquarrie, Marceau, Peddle (13).

Witness: Same as at morning sitting.

The Committee discussed the Canada Elections Act and the Election Act of the Province of Quebec.

PROCÈS-VERBAUX

Le MARDI 14 octobre 1969.
(13)

[Traduction]

Le Comité permanent des privilèges et élections se réunit à huis clos à 11 h. du matin dans la ville de Québec sous la présidence de M. Ovide Laflamme.

Députés présents: MM. Benjamin, Carter, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Paproski, Peddle (13).

Témoin: M. François Drouin, président général des élections de la province de Québec.

Aussi présents: M. J.-M. Hamel, directeur général des élections du Canada; M. E. Giguère, vice-président général des élections, province de Québec.

Le Comité entreprend l'étude de la Loi électorale du Canada et de la Loi électorale de la province de Québec.

A 12 h. 45 le Comité suspend ses travaux jusqu'à 14 h. 30.

SÉANCE DE L'APRÈS-MIDI (14)

Le Comité permanent des privilèges et élections se réunit à huis clos à 14 h. 40 sous la présidence de M. Ovide Laflamme.

Députés présents: MM. Benjamin, Carter, Forest, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Peddle (13).

Témoin: M. François Drouin.

Le Comité poursuit l'étude de la Loi électorale du Canada et de la Loi électorale de la province de Québec.

A motion of Mr. Howard (*Skeena*),
—“That at the adjournment of today’s meeting, the Committee return to Ottawa to reassess the procedure to be followed in receiving evidence” was negatived—

For 5; Against 6 (including the Chairman’s vote).

At 5:30 p.m., the Committee adjourned to 2:00 p.m. the next day following.

WEDNESDAY, October 15, 1969.
(15)

The Standing Committee on Privileges and Elections met this day at 2:00 p.m. in Halifax, N.S., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Benjamin, Carter, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Peddle (12).

Witnesses: From the Province of Nova Scotia: Mr. I. C. McDermaid, former Chief Electoral Officer; Mr. H. F. Muggali, Deputy Provincial Secretary; Mr. A. J. Hickey, Assistant Chief Electoral Officer, Mr. J. R. McLennan, Deputy Returning Officer.

In attendance: Mr. J. M. Hamel, Chief Electoral Officer of Canada.

The Committee questioned the witnesses concerning the Canada Elections Act and the Election Act of the Province of Nova Scotia.

At 4:12 p.m., the Committee adjourned to 1:00 p.m. the next day following.

THURSDAY, October 16, 1969.
(16)

The Standing Committee on Privileges and Elections met this day at 1:05 p.m. in Fredericton, N.B., the Chairman, Mr. Ovide Laflamme, presiding.

Members present: Messrs. Benjamin, Carter, Forrestall, Francis, Howard

M. Howard (*Skeena*) propose:
—Qu’après l’ajournement de la séance de ce jour, le Comité retourne à Ottawa afin de réévaluer la procédure à suivre lors de l’audience des témoins.

La motion est rejetée.

Pour, 5 voix; contre, 6 voix (y compris la voix du président).

A 17 h. 30 le Comité suspend la séance jusqu’à 14 h. le lendemain.

Le MERCREDI 15 octobre 1969.
(15)

Le Comité permanent des privilèges et élections se réunit aujourd’hui à 14 h. à Halifax, Nouvelle-Écosse, sous la présidence de M. Ovide Laflamme.

Députés présents: MM. Benjamin, Carter, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Peddle (12).

Témoins: De la province de la Nouvelle-Écosse: M. I. C. McDermaid, ex-directeur général des élections, M. H. F. Muggali, sous-secrétaire de la province; M. A. J. Hickey, adjoint au directeur général des élections, M. J. R. McLennan, sous-directeur général des élections.

Aussi présent: M. J.-M. Hamel, directeur général des élections du Canada.

Le Comité pose des questions aux témoins en ce qui a trait à la Loi électorale du Canada et à la Loi électorale de la province de Nouvelle-Écosse.

A 16 h. 12 le Comité suspend sa séance jusqu’à 13 h. le lendemain.

Le JEUDI 16 octobre 1969.
(16)

Le Comité permanent des privilèges et élections se réunit à 13 h. 05 à Fredericton, Nouveau-Brunswick, sous la présidence de M. Ovide Laflamme.

Députés présents: MM. Benjamin, Carter, Forrestall, Francis, Howard (*Skeena*),

(*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Peddle (12).

Witness: Mr. J. Donald Whalan, Chief Electoral Officer, Province of New Brunswick.

In attendance: Mr. J. Vaughn, M.L.A.; Mr. J. M. Hamel, Chief Electoral Officer of Canada.

The Committee questioned the witness concerning the Canada Elections Act and the Elections Act of the Province of New Brunswick.

Moved by Mr. Howard (*Skeena*), and

Agreed,—That, with respect to this Committee's further visits, arrangements be made to give interested groups an opportunity to appear before the Committee.

At 3:07 p.m., the Committee adjourned.

Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Peddle (12).

Témoïn: M. J. Donald Whalan, directeur général des élections de la province du Nouveau-Brunswick.

Aussi présents: M. J. Vaughn, M.L.A.; M. J.-M. Hamel, directeur général des élections du Canada.

Le Comité questionne le témoin en ce qui a trait à la Loi électorale du Canada et à la Loi des élections de la province du Nouveau-Brunswick.

M. Howard (*Skeena*) propose et,

Il est convenu,—Que, en ce qui a trait aux prochaines visites du Comité, des arrangements soient pris afin de permettre aux groupements intéressés de venir témoigner devant le Comité.

Le Comité s'ajourne à 15 h. 07 de l'après-midi.

Le greffier du Comité,
Edouard Thomas,
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Wednesday, October 15, 1969

The Chairman: Gentlemen, we have a quorum. Gentlemen from Nova Scotia, we appreciate your meeting with us this afternoon on the special subject of reviewing our own Elections Act. For the benefit of our members I would like to introduce our witnesses here this afternoon. To my right is Mr. MacDermaid, the former Chief Electoral Officer of the Province of Nova Scotia; next is Mr. Hickey, the Assistant Chief Electoral Officer; beside him is the Deputy Provincial Secretary, Mr. Muggah, and to his right is Mr. MacLellan, one of the returning officers of the Province of Nova Scotia.

I do not know if some of you, have any suggestions but I believe to begin it would be of great interest to us to discuss the differences between the existing Elections Act of Nova Scotia and the Canada Elections Act with regard to the fair application of a system of proxy voting. I think we should begin with this and I believe some of the witnesses would like to comment on the bill recently approved by the legislature of Nova Scotia.

Mr. MacDermaid, have you any comments to make first?

Mr. Howard (Skeena): Mr. Chairman?

The Chairman: Yes.

Mr. Howard (Skeena): Before Mr. MacDermaid begins could I ask one question relating to what we dealt with yesterday; namely, the cost of getting here and the value of our meetings as a committee to serve our purpose. Yesterday the Committee was advised, I think you said, that three, perhaps two, but in any event some, of the officials of the provincial electoral offices had refused to come to Ottawa which was partly the reason for our coming to the provinces. Could I ask whether Mr. MacDermaid or any of the other gentlemen was one of those to whom you referred who refused to come to Ottawa?

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mercredi 15 octobre 1969

Le président: Messieurs, nous avons quorum. Nous sommes très heureux de rencontrer des citoyens de la Nouvelle-Écosse pour discuter tout spécialement cet après-midi de la révision de notre Loi électorale. Pour le bénéfice de nos membres, j'aimerais présenter les témoins. Il s'agit à ma droite de M. MacDermaid, ancien président général des élections de la province de la Nouvelle-Écosse; le suivant, M. Hickey, président général adjoint des élections; à ses côtés, M. Muggah, sous-secrétaire provincial et à sa droite, M. MacLellan, un des directeurs du scrutin de la province de la Nouvelle-Écosse.

Je ne sais pas si vous avez quelques propositions à faire, mais en guise d'introduction, il serait dans notre intérêt de discuter des différences qui existent entre les Lois électorales actuelles de la Nouvelle-Écosse et la Loi électorale du Canada au sujet de la juste application d'un système de vote par procuration. C'est à mon avis cette question que nous devrions commencer à examiner et je crois que quelques témoins aimeraient apporter des commentaires sur le bill qui a été approuvé récemment par la législature de la Nouvelle-Écosse.

Monsieur MacDermaid, auriez-vous quelques commentaires à apporter en premier?

M. Howard (Skeena): Monsieur le président?

Le président: Oui.

Mr. Howard (Skeena): Avant que monsieur MacDermaid ne présente son exposé, puis-je poser une question sur l'objet de notre discussion d'hier, à savoir les frais de notre voyage et l'utilité des réunions du comité. Hier, on a rapporté au comité que trois, peut-être deux, mais en tout cas quelques présidents généraux des élections avaient refusé de venir à Ottawa, ce qui explique notre présence dans les provinces. Puis-je vous demander si monsieur MacDermaid ou quelque autre personne présente a refusé de venir à Ottawa?

[Text]

The Chairman: I personally believe that is not an accurate question, Mr. Howard, and perhaps you could reserve these comments.

Mr. Howard (Skeena): Mr. Chairman, I will ask you then.

The Chairman: Yes.

Mr. Howard (Skeena): Yesterday I think you said three chief electoral officers refused to come to Ottawa. You mentioned this partly in justification or in explanation of the expenditure we are making which is going to run to \$9,000 or \$10,000 just for this visit to the three provinces of Quebec, Nova Scotia and New Brunswick. Could I ask whether you received a negative response to the invitation to come to Ottawa from the Province of Nova Scotia?

The Chairman: We did not receive a negative response from any of the people here.

Mr. Howard (Skeena): All right, thank you.

Mr. I. M. MacDermaid (Former Chief Electoral Officer, Province of Nova Scotia): Mr. Chairman, I believe you all have in front of you the Elections Act of Nova Scotia originally passed in 1962. This Act resulted from the Royal Commission on Elections to study our election machinery and procedures. Basically our Act quite closely follows the federal act. We studied the various acts across Canada and introduced some new principles as the Chairman has mentioned, one of them being proxy voting. If you look at Section 93, this is the section that establishes proxy voting in our province. It is available for certain classes of electors, particularly fishermen, mariners, patients in hospitals, servicemen and unmarried students, and patients in nursing homes. These are people who may find it difficult to vote on election day and proxy voting was brought in with this limited class as a start. I might say that the ballots cast by proxy are cast on the same day as everybody else casts their ballots and they are counted in the same way and at the same time. Do you have any particular questions?

Mr. Lefebvre: Yes. Is there a limit to the number of proxies a person can walk into the polling booth with?

Mr. MacDermaid: Yes, you can only vote one proxy unless it is for a member of your household in which case you can vote more than one. If you take a look at paragraph (iv) of subsection (1) f Section 94, it says:

The proxy voter has not been previously appointed a proxy for any other elec-

[Interpretation]

Le président: Je ne crois pas que ce soit une question de bon goût, monsieur Howard, et il me semble que vous pourriez vous garder de passer de tels commentaires.

M. Howard (Skeena): Monsieur le président, puis-je vous demander alors?

Le président: Faites.

M. Howard: Vous avez dit hier je crois que trois présidents généraux des élections avaient refusé de venir à Ottawa, pour expliquer en partie les dépenses de l'ordre de \$9,000 ou \$10,000 qu'entraîne notre déplacement au Québec, en Nouvelle-Écosse et au Nouveau-Brunswick. Puis-je vous demander monsieur le président, si vous avez reçu une réponse négative des témoins de la Nouvelle-Écosse.

Le président: Nous n'avons reçu de réponse négative d'aucun de ces messieurs.

M. Howard (Skeena): Très bien. Merci monsieur le président.

M. I. M. MacDermaid (ancien président général des élections, Nouvelle-Écosse): Vous avez tous sous les yeux la loi électorale de la Nouvelle-Écosse qui a été adoptée en 1962. Cette loi découle d'une Commission royale d'enquête qui a examiné les méthodes et procédures électorales. Notre loi suit de près la Loi fédérale. Nous avons étudié les différentes lois du Canada et y avons introduit quelques nouveaux principes, notamment le vote par procuration à l'article 93. Ce vote est offert à certaines catégories d'électeurs, en particulier les pêcheurs, les marins, les personnes hospitalisées, les membres des Forces armées et les étudiants célibataires et les malades dans les maisons de convalescence. Comme ces personnes peuvent difficilement voter le jour de l'élection, on a inauguré le vote par procuration. Je dois dire que le vote par procuration se fait le même jour que le vote ordinaire et que les votes sont comptés de la même manière et au même moment. Y a-t-il des questions bien précises à ce sujet?

M. Lefebvre: Y a-t-il un nombre limité de votes par procuration qu'une personne peut présenter au bureau de scrutin?

M. MacDermaid: Si vous avez la procuration d'un membre de votre famille, vous pouvez voter plus d'une fois. En examinant l'alinéa (iv) du paragraphe (1) de l'article 94, on remarque que le voteur par procuration n'a pas été nommé à ce titre pour un autre électeur, autre qu'un électeur qui est un

[Texte]

tor, other than for an elector who is a child, grandchild, brother, sister, parent, grandparent, husband, or wife of the proxy voter.

So that is the only exception. You can just have the one proxy vote unless it is for a member of your household in which case you can vote more than one.

The Chairman: Mr. Francis?

Mr. Francis: No questions, Mr. Chairman.

The Chairman: Mr. Hamel.

Mr. J. M. Hamel (Chief Electoral Officer, Government of Canada): I believe also that the proxy voter has to be on the same list.

Mr. MacDermaid: That is correct.

Mr. Forrestall: From the same polling division?

Mr. MacDermaid: That is right.

Mr. Forrestall: This has been in operation how long, Mr. Chairman?

Mr. MacDermaid: Since 1962 and I believe we have had two general elections since then.

Mr. Forrestall: Could you tell the Committee briefly what has been the experience of the province with regard to this proxy voting?

Mr. MacDermaid: Are you thinking of numbers, Mr. Forrestall?

Mr. Forrestall: I am thinking of numbers and the general applicability. Does it meet the purpose for which it was included in the Act? Has there been any difficulty with it? If so, what has been the nature of the difficulties?

Mr. MacDermaid: I do not know what earlier studies were done. I have not been with the government for five years. I know Mr. Hickey checked a couple of electoral districts this morning. In the last provincial election in the electoral district of Lunenburg Centre where most of our fishing fleet is located, there were some 60 persons who voted this way. In addition he took a look at Halifax-Cornwallis which is the south end of Halifax and mainly a residential area. There were some 20 people who voted by proxy there. I would take a guess that the number would be something like 3,000, perhaps, but that would require a detailed count from all of the poll books because this information does show up in the poll books.

[Interprétation]

enfant, petit-fils, frère, sœur, parent, grand-parent, mari ou épouse du voteur par procuration. Il s'agit vraiment de la seule exception. Vous ne pouvez voter par procuration que pour un membre de votre famille, et dans ce cas, vous pouvez voter plus d'une fois.

Le président: Monsieur Francis?

M. Francis: Aucune question, monsieur le président.

Le président: Monsieur Hamel.

M. J.-M. Hamel (Directeur général des élections): Je crois aussi que le voteur par procuration doit figurer sur la même liste.

M. MacDermaid: C'est juste.

M. Forrestall: Du même arrondissement de vote?

M. MacDermaid: Oui.

M. Forrestall: Depuis quand, monsieur le président?

M. MacDermaid: Depuis 1962. Nous avons eu deux élections générales depuis lors, je crois.

M. Forrestall: Pouvez-vous dire brièvement au Comité quelle expérience a connue votre province dans l'application de cet article de la loi?

M. MacDermaid: Pensez-vous au nombre?

M. Forrestall: Et aussi à l'application générale. Cette disposition répond-elle aux besoins qui l'ont vue naître? A-t-on rencontré des difficultés; dans le cas de l'affirmative, de quelle nature?

M. MacDermaid: Je ne connais pas les études précédentes dans ce domaine. Je ne suis pas fonctionnaire depuis 5 ans. Je sais que M. Hickey a vérifié une couple d'arrondissements électoraux ce matin. Aux dernières élections provinciales, dans le district de Lunenburg-Centre où se trouve la plus grande partie des flottes de pêche, 60 personnes ont voté de cette façon. Il a aussi examiné le quartier Halifax-Cornwallis, situé à la pointe sud de la ville. Il s'agit d'un quartier résidentiel. Environ 20 personnes ont voté par procuration. J'oserais dire qu'environ 3,000 personnes auraient voté par procuration, mais il faudrait un examen des livres de scrutin, car c'est vraiment le seul instrument de décompte.

[Text]

Mr. Forrestall: Has it been expensive to implement?

Mr. MacDermaid: No, the only actual expenses are the forms used in connection with the proxy voting.

Mr. Forrestall: Is it something that is now, or was, readily understood by the people?

Mr. MacDermaid: Certainly I have not run into any problems with it. Perhaps Mr. MacLellan who is the returning officer and has been right on the spot issuing these proxy papers could say whether there have been any difficulties in that regard.

Mr. Forrestall: I wonder, Mr. Chairman, if any of the other witnesses would care to comment on my brief questions because this is an area of concern to most of us.

Mr. J. R. MacLellan (Returning officer, Province of Nova Scotia): Thank you, Mr. Chairman. We had proxy voting in two provincial elections and in Halifax Needham, which is the north end of the City of Halifax we had approximately 25.

The Chairman: Mr. MacLellan, could you speak up a little louder.

Mr. MacLellan: More applications had been given out than that but a lot of them were not completed in time or did not have the proper signatures and did not qualify for voting. I would say in each election we had between 20 and 25.

Mr. Forrestall: In your riding?

Mr. MacLellan: A lot more application forms were given out.

Mr. Forrestall: Is there something wrong with the present form, do you think?

Mr. MacLellan: No, I think it serves the purpose. Sometimes the form has to be mailed to a voter to be signed and it is not back in time.

Mr. Forrestall: What is the form number, Mr. MacLellan? Do you know that?

Mr. MacLellan: Forms 39 and 40.

Mr. Forrestall: On what page is that?

Mr. MacDermaid: On page 148 is the appointment of proxy voter form and Form 40 is the actual proxy paper which the proxy

[Interpretation]

M. Forrestall: Est-ce que l'application de cette disposition a entraîné beaucoup de frais?

M. MacDermaid: Non, comme seules dépenses, il y a l'impression des bulletins de vote par procuration.

M. Forrestall: La population comprend-elle ou a-t-elle bien compris cette notion?

M. MacDermaid: Je ne me suis heurté à aucune difficulté. M. MacLellan, le directeur du scrutin qui s'est occupé de l'émission des bulletins de vote par procuration peut nous dire s'il a connu des difficultés?

M. Forrestall: Est-ce qu'un autre témoin pourrait nous donner des explications au sujet de cette question qui nous intéresse beaucoup.

M. J. R. MacLellan (Directeur du scrutin, Nouvelle-Écosse): Merci, monsieur le président. Il y a eu des votes par procuration, lors des deux élections provinciales. Dans Halifax-Needham, situé à l'extrémité nord de la ville d'Halifax, il y a eu environ 25 votes de ce genre.

Le président: Monsieur MacLellan, pourriez-vous parler un peu plus fort?

M. MacLellan: On a envoyé plus de formules, mais plusieurs d'entre elles n'ont pas été remplies à temps ou n'avaient pas les bonnes signatures, de sorte qu'elles ne répondaient pas aux exigences du vote. Dans chaque élection, il y en a eu entre 20 et 25.

M. Forrestall: Dans votre circonscription?

M. MacLellan: Mais nous avons envoyé un plus grand nombre de formules.

M. Forrestall: Est-ce que la formule actuelle comporte des lacunes?

M. MacLellan: Non, je crois qu'elle répond à la situation. Quelquefois, la formule doit être envoyée à un voteur pour qu'il la signe, mais elle ne revient pas à temps.

M. Forrestall: Quel est le numéro de la formule M. MacLellan?

M. MacDermaid: Formule 40.

M. MacLellan: Formules 39 et 40.

M. Forrestall: A quelle page cela se trouve-t-il?

M. MacDermaid: A la page 148 se trouve la formule de la nomination du voteur par procuration et la formule 40 est en fait le docu-

[Texte]

voter takes to the polling station.

Mr. Forrestall: What is the weakness in this system? I gather from what you are saying that it is useful, that it does service something in the order of 3,000 people approximately. Has it been useful? What is wrong with the form if anything? Are there any plans to change or modify it?

Mr. MacDermid: Since it was brought in it was modified to include patients in nursing homes. That is the only modification that has been made.

Going back to Mr. MacLellan's remarks, there is one little problem with it. Sometimes a serviceman, if he is not in the province and does not have himself put on the list, cannot vote this way. In other words, he has to be put on the list first and that does create some problems. On the other hand I feel this is a matter that the army has not given us sufficient information on, which they attempt to do in each election.

Mr. Macquarrie: Why do students have to be unmarried because there are a great many married students today.

Mr. MacDermid: The reason is that under the laws of Nova Scotia an unmarried student is resident in his home town and not the university where he is, but he may not be home to vote. That is different from the federal Act as I understand it. In the federal Act I think he has a choice, he can vote at the university.

Mr. Macquarrie: But I am wondering why the fact that he was married would...

Mr. MacDermid: A different rule applies if he is married. He can vote at the university if he is married because his residence would be there.

Mr. Macquarrie: In Nova Scotia?

Mr. MacDermid: Yes. The unmarried student from Yarmouth who is at Dalhousie University under our rules is resident in Yarmouth. If the election is called while he is at Dalhousie in Halifax, he may have difficulties going home to vote but he can vote by proxy.

Mr. Macquarrie: I see. So if he is married he is a resident at the university and if he is single he is a resident at his home?

Mr. MacDermid: Right.

[Interprétation]

ment de procuration que le voteur apporte au bureau de scrutin.

M. Forrestall: Quelles sont les faiblesses du système? D'après ce que vous dites, environ 3,000 personnes ont pu voter par procuration? Le système a-t-il été utile? Qu'est-ce qui fait défaut dans la formule? Est-ce que vous avez l'intention de changer de formule ou de la modifier?

M. MacDermid: Depuis qu'on l'a adoptée, on l'a modifiée pour inclure les patients des maisons de convalescence, la seule fois en fait.

Pour revenir aux propos de M. MacLellan, il y a un petit problème à ce sujet. Parfois, un militaire qui n'est pas dans la province et qui n'est pas inscrit sur la liste électorale ne peut pas voter de cette façon-là. Il faut d'abord être inscrit sur la liste, c'est ce qui a entraîné certaines difficultés. D'autre part, cela provient du fait que l'année ne nous a pas fourni suffisamment de renseignements même s'ils essaient de le faire à chaque élection.

M. Macquarrie: Pourquoi les étudiants doivent-ils être célibataires? Il y a pourtant un grand nombre d'étudiants mariés de nos jours.

M. MacDermid: En vertu de la loi de la Nouvelle-Écosse, l'étudiant célibataire a comme lieu de résidence la ville qu'habite ses parents et non pas où se trouve l'université, mais il est possible qu'il ne soit pas à la maison. C'est différent par rapport à la loi fédérale. Dans la loi fédérale, je crois que l'étudiant peut choisir. Il peut voter là où il étudie.

M. Macquarrie: Mais je me demande pourquoi le fait d'être marié pourrait...

M. MacDermid: S'il est marié, il tombe sous le coup d'une autre loi. Il peut voter à l'université, parce que c'est son lieu de résidence.

M. Macquarrie: En Nouvelle-Écosse.

M. MacDermid: L'étudiant célibataire qui vient de Yarmouth étudie à l'université Dalhousie réside à nos yeux, à Yarmouth. S'il y a élection alors qu'il étudie à Halifax, il peut avoir des difficultés pour aller voter à Yarmouth, c'est pourquoi il peut voter par procuration.

M. Macquarrie: Je vois. S'il est marié, son domicile c'est l'université et s'il est célibataire, c'est le lieu de résidence de ses parents?

M. MacDermid: C'est cela.

[Text]

Mr. A. J. Hickey (Assistant Chief Electoral Officer, Province of Nova Scotia): I think, if I may intervene, Mr. Chairman, there was some attempt to get uniformity in the rules relating to residence as applied to hospital insurance, medical insurance and so on. The concept generally has been that the married student is resident at the place where he and his wife have their home, their household; whereas, the unmarried student who ordinarily is living at home inbetween university terms does not change his residence. He does not take up a permanent or even a semipermanent type of residence. It was partly an endeavour to get some uniformity in residence qualifications or requirements for all purposes so that you would not have residence in one place for purposes of hospital insurance and in another place for purposes of voting and so on.

Mr. Macquarrie: Yes, thank you.

The Chairman: Mr. Carter.

Mr. Carter: I have only one or two questions. Perhaps Mr. MacDermaid can tell us if there is an advance poll here in Nova Scotia?

Mr. MacDermaid: Yes, very definitely. We changed that at the same time to say that anybody who expects to be absent from the polling division on election day could go to the advance poll by making a declaration to that effect.

Mr. Carter: I notice this proxy voting is aimed primarily at fishermen, I think, people who would be away from the polls on voting day, is it not?

Mr. MacDermaid: It is aimed primarily at people who will be away, right.

Mr. Carter: Would not the advance poll serve the same purpose?

Mr. MacDermaid: It might not. You might have somebody out fishing for a week. The advance poll in Nova Scotia is not that far advanced from polling day. It is the Friday and Saturday before polling day which is usually on Tuesday, the fourth and third days before. So if a fishing boat is out for a week the fishermen might miss the vote, or somebody in hospital and so on.

Mr. Carter: Thank you very much.

The Chairman: Mr. Jerome.

Mr. Jerome: Mr. Chairman, I expressed concern yesterday about the Quebec system involving people in hospitals. While they do something about it, as a rule, federally, we do

[Interpretation]

M. A. J. Hickey (Président général adjoint des élections, Nouvelle-Écosse): Monsieur le président, on a cherché à uniformiser les dispositions régissant le domicile aux fins de l'assurance-hospitalisation, assurance médicale et autres. De façon générale, on accepte que l'étudiant marié réside à l'endroit où sa femme et lui-même habitent, tandis que l'étudiant célibataire a comme domicile la maison de ses parents. L'université ne représente pas pour lui un domicile permanent ni semi permanent. On a cherché à obtenir une certaine uniformité dans les dispositions relatives au domicile, aux fins de l'assurance-hospitalisation, de la votation et autres.

M. Macquarrie: D'accord, merci.

Le président: Monsieur Carter.

M. Carter: Est-ce qu'il y a un vote anticipé en Nouvelle-Écosse?

M. MacDermaid: Oui. Nous avons tout changé en même temps. Aussi la personne qui prévoit s'absenter le jour des élections peut voter à l'avance en faisant une déclaration à cet effet.

M. Carter: J'ai remarqué que ce vote par procuration visait surtout les pêcheurs, enfin les personnes qui seraient absentes le jour de votation, n'est-ce pas?

M. MacDermaid: Cela vise surtout les personnes qui seront éloignées de leur lieu de résidence le jour des élections.

M. Carter: Est-ce que le bureau de scrutin anticipé ne servirait pas aux mêmes besoins?

M. MacDermaid: Non, un pêcheur peut s'absenter pendant une semaine. En Nouvelle-Écosse, le jour du scrutin anticipé se trouve le vendredi et le samedi, soit trois ou quatre jours avant le jour des élections qui ont toujours lieu le mardi. Si les pêcheurs sont partis en mer pour une semaine ou si quelqu'un est hospitalisé, ils ne pourraient pas voter.

M. Carter: Merci.

Le président: Monsieur Jerome.

M. Jerome: Je me suis inquiété hier des personnes hospitalisées au Québec. Règle générale, au niveau fédéral, il n'y a pas de dispositions prévues pour les personnes hospitali-

[Texte]

not have any provision for people in hospitals voting if they are confined. At least, let me say that I am not satisfied with the federal provisions for people in hospital. I note this section specifically includes patients in hospitals. I wonder if we hear about the experience of the province respecting the use of this section by people who are in hospitals and get some enlightenment on whether or not they have to be absolutely sure to be confined on the polling day or whether some time in advance is sufficient and things of that nature.

Mr. MacDermaid: I am sorry, I am afraid I just do not know the experience with the hospitals in this regard.

Mr. Jerome: Does anybody have any idea of whether or not there has been very widespread use of this section in the last couple of elections for people in hospitals? Do you have the evidence or not?

Mr. MacLellan: Yes, there would be some use.

Mr. Forrestall: I could confirm that there has been.

Mr. Jerome: There has been? It seems to be a very simple solution to the problem for people who are going to be in hospital.

Could I get some information, Mr. Chairman, about the approximate percentage of ballots cast by proxy in a general election.

Mr. MacDermaid: Roughly 406,000 names were on the list and 312,000 people voted.

Mr. Jerome: That is, 312,000 people voted by proxy?

Mr. MacDermaid: No, no, that is the total number.

Mr. Jerome: I am sorry, but you said something earlier about 3,000.

Mr. MacDermaid: I took a guess at 3,000.

Mr. Jerome: About 1 per cent of the total vote?

Mr. MacDermaid: I think Mr. Hickey probably could get that information for you if you require it.

Mr. Jerome: Would 1 per cent be a reasonably accurate guess?

Mr. MacDermaid: I would say probably 1 per cent.

Mr. Jerome: It operates, so far as you can say, fairly free of problems?

[Interprétation]

sées qui sont alitées. Permettez-moi au moins de dire que je ne suis pas satisfait des dispositions fédérales à leur sujet. J'ai remarqué que cet article de la Loi de la Nouvelle-Écosse comprend les patients hospitalisés. Est-ce que ces messieurs pourraient nous parler de l'application de cet article par les personnes hospitalisées et nous dire s'ils doivent être certains que la personne sera alitée le jour des élections ou s'il ne faut qu'un bref délai pour l'avertissement.

M. MacDermaid: Je ne connais pas les faits recueillis à propos du vote des personnes hospitalisées.

M. Jerome: Avez-vous une idée si cette décision a été bien utilisée lors des dernières élections par les patients des hôpitaux? En avez-vous la preuve?

M. MacLellan: Oui. On s'en serait servi.

M. Forrestall: Je puis confirmer que tel a été le cas.

M. Jerome: Oui? Ceci me semble une solution très simple pour les gens hospitalisés.

Puis-je obtenir un pourcentage approximatif du nombre de votes par procuration dans une élection générale?

M. MacDermaid: 406,000 personnes étaient inscrites sur la liste et 312,000 ont voté.

M. Jerome: 312,000 personnes ont voté par procuration?

M. MacDermaid: Non, il s'agit du total des votes.

M. Jerome: Je m'excuse, mais vous avez parlé plus tôt d'environ 3,000 personnes.

M. MacDermaid: Enfin, j'ai dit à peu près 3,000.

M. Jerome: Soit environ 1 p. 100 des votes.

M. MacDermaid: Je crois que M. Hickey pourrait vous procurer ces renseignements si vous le désirez.

M. Jerome: 1 p. 100 serait-il la proportion à peu près exacte?

M. MacDermaid: Je disais peut-être ce chiffre.

M. Jerome: Cela fonctionne pour ainsi dire sans difficulté?

[Text]

Mr. MacDermaid: Certainly we did not encounter too many problems with it. There are seven offences in connection with it which pretty well tie up anything that anybody could do.

Mr. Jerome: I was concerned about the security, because certainly the form seemed to be simple enough and in comparison with other election regulations, fairly wide open. I was wondering about the enforcement of any penalties. Have there been any infractions or any prosecutions for infractions?

Mr. MacDermaid: No, no prosecutions that I am aware of at all.

Mr. Macquarrie: Have any of the potential voters encountered difficulties in that the period, I take it 15 days, was not sufficiently long? I wonder if it might not have a broader effect if it were more than 15 days?

Mr. MacDermaid: I am sorry.

Mr. Macquarrie: I am looking at 94(1). Do I take it that it is only in the last 15 days you can start working on a proxy certificate?

Mr. MacDermaid: The proxy voter has two weeks to get this from the returning officer.

Mr. Macquarrie: Would it not possibly give more opportunity if they had four weeks, say. I can think of young people going to the North or what have you.

Mr. MacDermaid: One of the problems is that we do not have the lists until that point so you do not know if these people are on the list and that is one of the requirements, that they must be on the list for the polling division.

Mr. Macquarrie: So your list is not ready until the fifteenth day before voting?

Mr. MacDermaid: Right.

Mr. Macquarrie: Certainly you could not do otherwise.

The Chairman: Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, I gather from looking through this that a person can choose anyone as a proxy.

Mr. MacDermaid: Anyone who is on this list.

Mr. Howard (Skeena): Yes, I mean anyone, related or not.

[Interpretation]

M. MacDermaid: Nous avons pour ainsi dire pas eu de difficulté. Il n'y a eu que sept délits reliés à ce vote.

M. Jerome: Je m'inquiétais au sujet de la sécurité parce que la formule semblait assez simple et par rapport à d'autres règlements assez larges. Je me demandais s'il y avait eu des peines ou poursuites pour toute infraction.

M. MacDermaid: Non, à ma connaissance, on n'a pas porté de plainte devant les tribunaux.

M. Macquarrie: Est-ce que des électeurs ont eu des difficultés, pour lesquels la période de 15 jours n'aurait pas été assez longue? Est-ce que les dispositions n'auraient pas plus d'effet si le délai était prolongé?

M. MacDermaid: Pardon.

M. Macquarrie: J'examine le paragraphe (1) de l'article 94(1).

En fait, y a-t-il seulement 15 jours pour décider d'obtenir un permis de vote par procuration?

M. MacDermaid: Le voteur par procuration a deux semaines pour se procurer le permis auprès du directeur du scrutin.

M. Macquarrie: Ne serait-il pas mieux qu'il y ait un délai de quatre semaines. Je pense aux jeunes qui se rendent dans le Nord ou autres?

M. MacDermaid: Nous n'avons pas la liste électorale avant ce moment. On ne sait donc pas si ces gens sont inscrits sur la liste électorale. Il s'agit là d'une exigence. Ils doivent figurer sur la liste pour l'arrondissement de votation.

M. Macquarrie: Votre liste n'est donc pas prête avant 15 jours avant le jour des élections?

M. MacDermaid: C'est cela.

M. Macquarrie: Vous ne pourriez sûrement pas faire autrement.

Le président: Monsieur Howard.

M. Howard (Skeena): A la lumière de ces explications, une personne peut choisir n'importe qui pour voter par procuration.

M. MacDermaid: Toute personne qui figure sur la liste.

M. Howard: Oui, n'importe qui, qu'il soit parent ou non.

[Texte]

Mr. MacDermaid: Yes.

Mr. Howard (Skeena): Ontario, as I understand it, had, or has, a proxy voting system for mariners. I think it was confined to mariners. Did you look at the Ontario law?

Mr. MacDermaid: Oh, yes, very definitely. There are references to the Ontario provisions in this report of the Royal Commission.

Mr. Howard (Skeena): Could I ask whether the system of enumeration for preparing the voters' lists is comparable to that contained in the federal Act?

Mr. MacDermaid: Actually we made quite a change in the preparation of voters' lists and it is a departure from the federal procedure. One of the reasons we did it was to cut down the length of time necessary to have an election. As a result, we can have an election here in 36 days and that includes preparing the lists. The change we made was that in urban areas we did not list the voters geographically, we listed them alphabetically, the same as we did formerly with the rural areas and as you do for rural areas. This had rather beneficial effects because it meant that we just had the one form which we used alphabetically. Also we cut out the revision that the registrars carried out in the rural areas and we left that up to the revising officers as was done in urban areas and this made quite a difference in the time necessary to prepare the lists.

Mr. Howard (Skeena): Perhaps I will put in a little more detail what I am getting at. As I understand it, under our federal law there is no requirement that anybody discovers or determines before the person's name is put on the lists whether or not he is eligible to vote. There can be people on the voters lists who really are not in fact eligible to vote and this problem can be put to the test by a challenge on polling day. This is what I am trying to get at about the assuredness that the person who is in fact registered is an individual eligible to vote before he starts putting in proxies.

Mr. MacDermaid: You always encounter some difficulties because you have 2,000 enumerators and some of them may not be quite as perfect as other ones. The rules of residence are set right out in the face of this little book they fill in. In rural areas I cannot see where there would be a problem at all because everybody is known to everybody else. If somebody does get on the list that should not be on there, the parties can take

[Interprétation]

M. MacDermaid: Oui.

M. Howard: Si je comprends bien, l'Ontario possède ou possédait un système de vote par procuration pour les marins. Avez-vous examiné la loi ontarienne?

M. MacDermaid: Oui. La Commission royale d'enquête fait allusion aux dispositions de l'Ontario dans son rapport.

M. Howard (Skeena): Le système d'énumération destinée à préparer la liste des électeurs est-elle comparable à la méthode contenue dans la loi fédérale?

M. MacDermaid: Nous avons apporté bien des changements à la préparation de la liste électorale. Cela nous a éloignés de la manière de procéder du gouvernement fédéral. Nous l'avons fait notamment pour supprimer le temps nécessaire pour une élection. Nous pouvons avoir ainsi une élection dans 36 jours avec la préparation de la liste. Dans les régions urbaines, nous n'avons pas énuméré les gens géographiquement, mais par ordre alphabétique comme ce que nous avons fait et ce que vous faites dans les régions rurales. Cela donne de bons résultats, car nous n'avons qu'une formule alphabétique. Nous avons également supprimé la révision du greffier dans les régions rurales et nous nous en sommes remis aux réviseurs comme cela se fait dans les régions urbaines. Cela change beaucoup le temps nécessaire à la préparation des listes électorales.

M. Howard (Skeena): Il voudrait peut-être mieux que je précise ce que je désire savoir. Dans le cadre de la loi fédérale actuelle, aucune disposition n'exige qu'une personne voit ou détermine avant que le nom de la personne soit inscrit sur la liste, si celle-ci a le droit de voter. Il est possible que le nom de certaines personnes figure sur la liste électorale et que cette personne n'ait pas le droit de voter. On peut toutefois le vérifier le jour de l'élection. J'aimerais m'assurer que la personne dont le nom est inscrit sur la liste électorale a le droit de voter avant qu'elle demande à voter par procuration.

M. MacDermaid: On rencontre toujours des difficultés car sur 2,000 énumérateurs, il s'en trouve toujours quelques-uns qui ne sont pas aussi parfaits que d'autres. Les règles de résidence sont établies en face de ce petit livret qu'ils remplissent. Dans les régions rurales, je ne puis voir où il y aurait des problèmes parce que tous les gens se connaissent. Si quelqu'un est inscrit par erreur sur une liste, les parties peuvent s'opposer auprès du révi-

[Text]

objection before the revising officer and if the objection is valid then have them struck off the list.

Mr. Howard (Skeena): Yes, but in the sense of a person becoming registered then the system is comparable to the federal Act.

Mr. MacDermaid: Yes.

Mr. Howard (Skeena): Apart from the preparation of the lists the actual process of a name getting on the list is comparable?

Mr. MacDermaid: Yes, it is exactly the same.

Mr. Jerome: Could I ask a supplementary question, Mr. Chairman? Can you tell us something about the powers of scrutineers at the polls respecting proxy voting. Are they able to challenge the whole proxy system if they have any suspicion that there may be something amiss or require an oath to be taken in that regard?

Mr. MacDermaid: I will have to take a look at the Elections Act to give you the answer to that one.

Mr. Jerome: Because of the question Mr. Howard just raised, it occurs to me that the powers of the scrutineer in this regard, if they are not specifically spelled out in the Act, might be something worth considering.

Mr. MacDermaid: You are thinking more of challenging somebody on election day and saying that they are not qualified as a proxy voter.

Mr. Jerome: Exactly. I mean you can take an oath of the person who shows up now in most jurisdictions to say "I challenge your right to vote", and the person has to take an oath and say that he is the person and he is qualified and so on. I wonder if such a provision exists respecting proxies to be able to say "I challenge your right to vote as well by proxy" and require...

Mr. MacDermaid: No, there is no such provision. It might be worth considering.

Mr. Forrestall: The challenge has only to do with the representation of the individual that is before the clerk as to his name and the other qualifications set out for any ordinary elector. I do not know how you could establish challenge of a proxy. That is a communication between two other people, is it not?

Mr. MacDermaid: Well, we would expect that the parties would examine these docu-

[Interpretation]

seur et si l'objection est valable, on supprime le nom de ces personnes de la liste.

M. Howard: Pour la personne dont le nom figure sur la liste, il s'agit d'un système comparable à celui de la loi fédérale.

M. MacDermaid: Oui.

M. Howard: A part la préparation des listes, la méthode suivie pour inscrire le nom d'une personne sur une liste est comparable à celle de la loi fédérale.

M. MacDermaid: C'est exactement la même chose.

M. Jerome: Pourrais-je poser une question complémentaire, monsieur le président? Pourriez-vous nous parler du pouvoir des scrutateurs aux bureaux de scrutin au sujet des votes par procuration. Peuvent-ils mettre en doute la procuration s'ils soupçonnent quelque irrégularité ou peuvent-ils exiger que la personne prête serment?

M. MacDermaid: Je devrai consulter la Loi électorale pour vous répondre.

M. Jerome: La question de M. Howard me fait penser que si les pouvoirs du scrutateur à cet effet, s'ils ne sont pas précisés dans la Loi devraient faire l'objet d'une étude.

M. MacDermaid: Vous pensez plus à mettre en doute une personne le jour des élections et dire qu'elles ne remplissent pas les conditions d'un voteur par procuration.

M. Jerome: C'est cela. Vous pouvez assermenter la personne qui se présente en vertu de toutes les juridictions en mettant en doute le droit de vote de la personne. La personne doit être assermentée et dire qu'elle est véritablement cette personne, qu'elle a le droit de voter et ainsi de suite. Je me demande si une disposition de la loi prévoit la mise en doute possible d'un voteur par procuration...

Mr. MacDermaid: Il n'existe aucune disposition de ce genre. Il serait bon d'examiner cette question.

M. Forrestall: On ne peut que mettre en doute le nom et les qualités de la personne qui se présente devant le greffier. Je ne sais pas comment vous pourriez établir la contestation de la procuration. Il s'agit d'une communication entre deux autres personnes, n'est-ce pas?

M. MacDermaid: Nous pensons que les intéressés examineraient les documents au quar-

[Texte]

ments at the returning officers' headquarters during the period that he is issuing them because they are on public display at that time.

The Chairman: Mr. Francis.

Mr. Francis: Mr. Chairman, how late can a proxy certificate be issued prior to actual voting? I no ice there is a reference here to the Saturday before voting day. What is the ordinary voting day?

Mr. MacDermaid: Tuesday. That is the third day before ordinary polling day.

Mr. Francis: Now, that is the absolute limit of the issuing, and these proxy certificates must be retained by the deputy returning officer, is it, or by the returning officer?

Mr. MacDermaid: They are in the returning officers possession from the fifteenth day before election day until the third day.

Mr. Francis: I am trying to think of a process by which a party, say a political party, had reason to be concerned about the number of proxies that might be issued. I am thinking again of the hospital problem in particular, because the number of patients in hospitals who lose votes on election day is a concern to all of us. Where could a political party go to inspect the proxy certificates? There is a section of your Act here, which is Section 95(b), apparently dealing with it. Does this mean that he could go to the office of the returning officer for that riding, for that constituency, and be able to see in one place all the proxy certificates that have been issued?

Mr. MacDermaid: For that electoral district.

Mr. Francis: And they would have to make their checks up until the Saturday night.

Mr. MacDermaid: Right.

Mr. Francis: Then, let us look at the situation with people in hospitals, who are in fairly substantial numbers and who are disfranchised every federal election, which gives us concern. There would be, I would think, in any particular day in the province many more than 3,000 patients, otherwise eligible to vote, in hospitals. Would there not?

Mr. MacDermaid: There would be approximately 3,500 people in hospital in Nova Scotia at any one time.

Mr. Francis: And the overwhelming majority of these would presumably be qualified to vote, I would think—otherwise qualified.

[Interprétation]

tier-général des officiers rapporteurs au moment de la délivrance, parce que les documents sont affichés à ce moment-là.

Le président: Monsieur Francis.

M. Francis: A quel moment, avant le vote, peut-on délivrer un certificat de procuration? Je vois qu'on fait allusion ici au samedi avant le jour du vote. Quel est le jour normal de vote?

M. MacDermaid: Mardi. Le troisième jour avant le vote.

M. Francis: Ce serait la limite absolue de la délivrance, et ces certificats doivent être conservés par le sous-officier rapporteur, ou l'officier rapporteur?

M. MacDermaid: Les officiers rapporteurs les gardent du quinzième jour, avant les élections jusqu'au troisième jour.

M. Francis: Je songe à un procédé par lequel un parti, disons un parti politique, aurait des raisons d'être préoccupé par le nombre des certificats de délégation de pouvoir qui serait émis. Je pense encore au problème des hôpitaux en particulier, parce que le nombre de patients qui perdent des votes le jour des élections nous préoccupe tous. Où un parti politique pourrait-il s'adresser pour inspecter les certificats. Je vois ici l'article 95 b) de votre loi qui en traite. Cela veut-il dire qu'il pourrait s'adresser au bureau de l'officier rapporteur de cette circonscription et voir en un seul endroit tous les certificats qui ont été délivrés?

M. MacDermaid: Pour ce district électoral.

M. Francis: Et ils devraient faire leur vérification jusqu'au samedi soir.

M. MacDermaid: Exactement.

M. Francis: Maintenant, pour les malades dans les hôpitaux qui sont passablement nombreux, et qui perdent leur droit de vote à chaque élection fédérale. Je pense qu'il y aurait bien davantage que 3,000 malades dans les hôpitaux de la province, qui autrement pourraient voter, n'est-ce pas?

M. MacDermaid: Environ 3,500 hospitalisés en Nouvelle-Écosse.

M. Francis: Et la grande majorité de ces personnes auraient vraisemblablement les qualités voulues pour voter.

[Text]

Mr. MacDermaid: Well, I wonder if the reason might be that the people who are actually using this are the people who are incapacitated, not the people who are in only for an appendix operation or something like that and can vote right in the hospital.

Mr. Francis: This is the next question, then, and it is possibly my misunderstanding of your Act. Is there usually a place to vote in a general hospital? Normally, in federal elections there would not be a place to vote in a general hospital; there would be in a T.B. sanatorium or possibly a mental wing, an active treatment section of a mental wing, where there are stays of long duration. But we would not normally have a polling booth in an acute hospital. Is it your practice to have them there?

Mr. MacDermaid: Yes, we do, and also, voting may be suspended during election day and the ballot box taken to bedside.

Mr. Francis: That, Mr. Chairman, opens up another section which will be of interest, I am sure, to the Committee. But I feel I have pursued the proxy voting regulations quite enough for now, for which I want to thank you.

Mr. MacDermaid: You are welcome.

The Chairman: Mr. Jerome.

Mr. Jerome: I will not carry this on if we are going to discuss this business of hospital voting later, but if this is the last time we are going to cover it I would like to get the run down on this business of voting in hospitals. I do not know what the will of the Committee is.

Mr. Francis: I would think other members would be interested in this section of the Act.

Mr. Jerome: One subject that has been raised is the ability of the patient to vote in hospital, and it would appear to me that it is possible for people in hospital to vote notwithstanding the fact that they are there from several different constituencies at the same time. I am interested to know whether or not that is in fact the case in Nova Scotia and if it is, how it is done.

Mr. MacDermaid: How is it done? It is done by making them residents at the institution if they have been there for a certain length of time.

Mr. Francis: At what date?

Mr. MacDermaid: Ten days preceding the date of the writ.

[Interpretation]

M. MacDermaid: Je me demande si la raison est que les personnes sont des invalides et non pas des gens qui sont là simplement pour se faire enlever l'appendice, par exemple, et qui peuvent voter à l'hôpital.

M. Francis: Voici ma prochaine question. Est-ce que d'habitude il y a un endroit où les gens peuvent voter dans un hôpital général? D'habitude, pour les élections fédérales, il n'y a pas d'endroit où les gens peuvent voter. Il y en aurait dans un sanatorium ou dans un hôpital psychiatrique où les gens restent très longtemps. Mais, d'habitude, nous n'avons pas d'urne dans un hôpital. Est-ce que vous en avez généralement?

M. MacDermaid: Oui, et aussi on suspend les votes le jour des élections et on amène les urnes de scrutin au lit des malades.

M. Francis: Voilà, monsieur le président, qui ouvre un autre article qui, j'en suis sûr intéressera le Comité. Mais je crois m'être suffisamment étendu sur la question des règlements pour l'instant, et je vous remercie.

M. MacDermaid: Vous êtes le bienvenu.

Le président: Monsieur Jerome.

M. Jerome: Si nous discutons cette question du vote à l'hôpital plus tard, je n'y reviendrais pas, mais si c'est la dernière fois que nous abordons la question, j'aimerais en parler. Qu'en pense le Comité?

M. Francis: Je pense que d'autres députés sont intéressés par cet article de la loi.

M. Jerome: Une question qui a été soulevée est la possibilité pour les hospitalisés de voter à l'hôpital, et il me semble qu'ils pourraient voter bien qu'ils viennent de circonscriptions différentes. J'aimerais savoir si c'est la situation en Nouvelle-Écosse et comment cela se fait.

M. MacDermaid: Comment ce vote se fait? Parce que l'institution devient la résidence de l'hospitalisé, s'il a été là pendant un certain temps.

M. Francis: A quelle date?

M. MacDermaid: Dix jours avant l'ordonnance.

[Texte]

Mr. Francis: So, if they are resident in an acute hospital and they are admitted ten days preceding the issuance of the writ, that would be their place of enumeration and place of voting, even if they are returned to their constituency between that time and voting day. Is that right?

Mr. MacDermaid: No, as a matter of fact we had to put in an amendment to cover the point that you are making, that if they go home in the meantime, they can vote at home. That is Section 28 subsection (2).

Mr. Francis: I am sorry, Mr. Chairman, for anticipating. It may not be the wish of the Committee to go into it, but I find that the proxy section leads into one that gives me concern, and that is the right to vote in hospital. I am particularly interested in the provisions here.

The Chairman: These are really related subjects.

Mr. Francis: As long as the members of the Committee do not think I am abusing in pursuing this.

Mr. MacDermaid: Under Section 28(2A) it says that if the person mentioned in the two foregoing subsections returns home to his ordinary residence after the date of the writ, then he can vote there.

Mr. Francis: Then he would have to be stricken off the list of those in hospital otherwise eligible to vote. Is that right? Is there a provision to strike off?

Mr. MacDermaid: No, there is not.

Mr. Forrestall: There is provision for application on the part of a third party, I think, to have names struck off, but whether it is applicable I do not know. Does the Act deny that to the enumerated people in a poll located in an institution or a hospital?

Mr. MacDermaid: I am not quite sure how it would work.

Mr. Francis: Is it an advanced poll for the hospital?

Mr. MacDermaid: No, not especially for the hospitals. There are usually one, two, or three advanced polls for each electoral district.

Mr. Francis: That is conceivably one solution to the problem of the voter enumerated in hospital and discharged prior to election day. They could vote in the advanced poll for the hospital on that list, or they could vote in their own constituency. There would be many choices apparently open to them.

[Interprétation]

M. Francis: Donc, s'ils résident à l'hôpital et qu'ils sont admis dix jours avant l'ordonnance, l'hôpital deviendrait leur lieu de résidence, même s'ils retournent dans leur circonscription entre-temps?

M. MacDermaid: Non, s'ils rentrent à la maison entre-temps, ils peuvent voter à la maison. Nous avons fait une modification. Voyez l'article 28, paragraphe 2).

M. Francis: Je regrette d'anticiper, mais il me semble que l'article sur la procuration m'entraîne à parler du droit de voter à l'hôpital. Ces dispositions m'intéressent tout particulièrement.

Le président: Ce sont des sujets connexes.

M. Francis: Du moment que les membres du Comité ne croient pas que j'abuse si je continue dans cette voie.

M. MacDermaid: En vertu de l'article 28 (2a), il est dit que si la personne citée dans les deux paragraphes suivants retourne chez elle après la date de l'ordonnance, elle peut voter dans sa circonscription.

M. Francis: Elle serait donc radiée de la liste de ceux qui sont hospitalisés et qui auraient le droit de voter. Est-ce exact? Y a-t-il une disposition qui prévoit la radiation?

M. MacDermaid: Non.

M. Forrestall: Il y a une disposition prévoyant l'application, de la part d'un tiers parti, de la radiation des noms, mais j'ignore si elle s'applique. La loi nie-t-elle cela aux gens inscrits à un bureau situé dans une institution ou un hôpital?

M. MacDermaid: Je ne sais au juste comment cela fonctionnerait.

M. Francis: S'agit-il d'un vote anticipé pour l'hôpital?

M. MacDermaid: Non, pas spécialement pour les hôpitaux. Il y a généralement un, deux ou trois pour chaque district électoral.

M. Francis: Il y a sans doute une solution au problème du votant inscrit à l'hôpital et libéré avant le jour de l'élection. Il peut voter au scrutin anticipé pour l'hôpital, ou voter dans sa propre circonscription. Il semble bien que beaucoup de choix s'offrent à lui.

[Text]

Mr. MacDermaid: Well, they would certainly have to get up and leave the hospital to cast their advanced votes...

Mr. Francis: Yes.

Mr. MacDermaid: ...but if they are still in hospital that day, it would be getting pretty close to election day.

Mr. Francis: But the average stay in a hospital, in an acute general hospital, is what, about 10 or 12 days? This would be the average length of stay. I know there is a gentleman here who has worked in hospital positions, whom I have known in another capacity, but it seems to me that this is not an academic kind of problem; it would be a situation involving a very substantial number of those enumerated in hospital that far in advance of the voting day. I would say that the majority of patients in any acute treatment institution would be discharged prior to election day.

Mr. MacDermaid: Yes, well, the revising officer, of course, can strike off his name if he is made aware of the fact that he is on the list and no longer resident there.

The Chairman: Mr. Lefebvre?

Mr. Lefebvre: If I understand your explanations correctly, if the person is in hospital ten days prior to the declaration of the election, you have a choice. He may get out of hospital before election day; he could end up walking into the polling booth in his own proper poll; he could vote by proxy from the hospital or he could vote right in his bedroom in the hospital. I mean, there is no way a hospital patient can have his vote removed in Nova Scotia. In other words, he cannot miss.

Mr. MacDermaid: Well, it is pretty hard to miss.

Mr. Lefebvre: You have covered just about everything. But from the experience you have had, have you had any complaints about attempts at voting twice or any of these things?

Mr. MacDermaid: No, the only complaints I had were under that offences section. I am going back to proxy voting. I am sorry I am slipping back.

Mr. Lefebvre: yes.

Mr. MacDermaid: We added three more offences there to our original section, which are things that cropped up during one of the elections, people signing these proxy certificates in blank and things like that.

[Interpretation]

M. MacDermaid: Oui, il doit pouvoir quitter l'hôpital pour voter à l'avance . . .

M. Francis: Oui.

M. MacDermaid: . . . mais s'il est encore à l'hôpital ce jour-là. Il serait très près du jour des élections.

M. Francis: Mais la moyenne d'un séjour à l'hôpital général est de 10 ou 12 jours. Je connais un monsieur ici qui a travaillé dans les hôpitaux, et que j'ai connu ailleurs, mais à mon avis ce n'est pas une question hypothétique. C'est une situation qui porte sur un nombre très considérable de gens inscrits dans les hôpitaux avant le jour du scrutin. Je dirais que la majorité des patients dans les hôpitaux de traitement actif peuvent être libérés avant les élections.

M. MacDermaid: Naturellement, le responsable peut radier son nom de la liste s'il sait qu'il est sur la liste et qu'il ne réside plus là.

Le président: Monsieur Lefebvre?

M. Lefebvre: Si je vous comprends bien, si la personne est à l'hôpital dix jours avant la déclaration de l'élection, il peut y avoir un choix. Il peut sortir de l'hôpital avant le jour de l'élection, il peut marcher pour se rendre à un bureau de vote, voter par procuration ou alors voter depuis son lit à l'hôpital. Un patient ne peut absolument pas perdre son droit de vote en Nouvelle-Écosse. Autrement dit, il ne peut manquer son coup.

M. MacDermaid: Ce serait difficile.

M. Lefebvre: Vous avez abordé à peu près tout. Mais d'après votre expérience, avez-vous eu des plaintes concernant des tentatives de voter deux fois?

M. MacDermaid: Non, les seules plaintes ont été sur les délits. Je retourne au vote par procuration. Excusez-moi.

M. Lefebvre: Oui.

M. MacDermaid: Nous avons ajouté trois nouveaux délits à l'article d'origine qui se sont révélés au cours d'une élection, des gens qui signaient un certificat de procuration en blanc et autres choses analogues.

[Texte]

Mr. Lefebvre: Yes. If I understood you correctly, also on proxies, now that you mention it, all the proxies that have been sent in to the returning officer in one voting county or electoral district are in his office from—what time did you say? Fifteen days before the election?

Mr. MacDermaid: Right.

Mr. Lefebvre: Until the third day before.

Mr. MacDermaid: Right

Mr. Lefebvre: Now where do they go?

Mr. MacDermaid: He still maintains those, but he sends a copy along to the deputy returning officer at the poll where the elector appears on the list as well.

Mr. Lefebvre: But I as a candidate, or my agent, could go to the returning officer's office and ask to see the total number of proxy forms that have been officially filled in for my riding.

Mr. MacDermaid: Right.

Mr. Lefebvre: And after the third day before the election, when are they cut off again?

Mr. MacDermaid: They are cut off that third day before the election.

Mr. Lefebvre: So if I want to see the complete list, I would have to make sure I would see it that third day before the election.

Mr. MacDermaid: Right.

An hon. Member: I think you could see them at any time.

Mr. Lefebvre: No, but what I am getting at is, how do I know? Supposing I am a scrutineer or a poll clerk. Do I ask for identification for every fellow who comes in to vote by proxy?

Mr. MacDermaid: Well, a copy of it has gone to the poll.

Mr. Lefebvre: But I cannot challenge him at the polling station.

Mr. MacDermaid: No, not unless you challenge him for some other reason, that he is not qualified or something like that.

Mr. Macquarrie: On Mr. Francis' point, could I ask for your practice in reference to these hospitals? I see that your Act does use the expression "chronic hospital" in Section

[Interprétation]

M. Lefebvre: Oui. Si j'ai bien compris, à propos de la procuration, toutes les procurations qui ont été envoyées à l'officier rapporteur dans un district électoral sont à son bureau—15 jours avant les élections, avez-vous dit?

M. MacDermaid: C'est exact.

M. Lefebvre: Jusqu'au troisième jour avant?

M. MacDermaid: C'est exact.

M. Lefebvre: Où sont-elles envoyées après?

M. MacDermaid: Il les garde, mais il en envoie une copie au sous-officier rapporteur du bureau sur la litse duquel le commettant figure.

M. Lefebvre: Mais moi-même, en tant que candidat, ou mon agent pouvons demander au bureau de l'officier rapporteur de voir le nombre total des formules de procuration qui ont été officiellement remplies dans ma circonscription.

M. MacDermaid: Oui.

M. Lefebvre: Et après le troisième jour avant les élections, on les arrête?

M. MacDermaid: Oui.

M. Lefebvre: Si je veux voir la liste complète je dois la voir ce troisième jour avant les élections?

M. MacDermaid: C'est juste.

Une voix: Je crois que vous pourrez les voir n'importe quand.

M. Lefebvre: Non, mais ce que je veux dire, c'est comment puis-je le savoir? A supposer que je sois scrutateur ou énumérateur, est-ce que je demande une pièce d'identité à toute personne qui vient voter par procuration?

M. MacDermaid: Une copie a été envoyée au bureau de votation.

M. Lefebvre: Je ne peux pas le contester au bureau de votation.

M. MacDermaid: Non, à moins que ce soit pour d'autres raisons, parce qu'il ne remplit pas les conditions voulues etc....

M. Macquarrie: A propos de la question de M. Francis, que faites-vous pour ces hôpitaux. Je vois que dans la loi, vous avez l'expression «hôpitaux de malades chroniques», à l'article

[Text]

28(2). Would that include the Victoria General Hospital?

Mr. MacDermaid: I am sorry, was your question: could a poll be in the Victoria General Hospital?

Mr. Macquarrie: Yes.

Mr. MacDermaid: The answer is yes. What you are looking at here is the question of establishing residence.

Mr. Macquarrie: You would have a poll in the Victoria General, and it would be regarding these people as chronic hospital patients. Now, I see you are getting them through the proxy, but I was wondering if you were getting them in a different way through the hospitals, as Mr. Francis was pursuing.

Mr. MacDermaid: This residence rule does make reference to chronic hospitals and I would think that Victoria General would come within that definition.

Mr. Macquarrie: I am no expert on what is acute and what is chronic, but it would look unlikely.

An hon. Member: I would say that the Victoria General is not a chronic hospital; it is an active treatment hospital.

The Chairman: Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, I wonder if there have been any representations, and from whom and to what extent, from others than those who are now eligible to cast proxy votes. Has there been any sort of pressure develop for other groups to be included?

Mr. MacDermaid: Certainly while I was Chief Electoral Officer there was no suggestion from anybody that we expand the classes.

Mr. Howard (Skeena): For arguments sake, apart from fishermen you do not have an economic situation that has workers migrating or transient to any large extent then, or do you?

Mr. MacDermaid: Nothing that has come to our attention. Certainly the royal commission suggested that this class could be expanded if it worked out okay.

Mr. Howard (Skeena): Thank you.

An hon. Member: The fishermen seem to be the ones most interested.

Mr. Howard (Skeena): I am thinking of course—and I am very partial to this idea,

[Interpretation]

28(2). Est-ce que ceci inclut le Victoria General Hospital?

M. MacDermaid: Voulez-vous savoir s'il pourrait y avoir un bureau à cet hôpital?

M. Macquarrie: Oui.

M. MacDermaid: La réponse est oui. Ce que vous examinez ici est la question de la résidence.

M. Macquarrie: Vous auriez un bureau de votation au Victoria General Hospital et il viserait ces patients en tant que malades chroniques. Je vois qu'ils peuvent voter par procuration, mais est-ce qu'ils peuvent voter autrement, comme M. Francis vous l'a demandé?

M. MacDermaid: La règle concernant la résidence s'applique aux hôpitaux de malades chroniques et je pense que cela s'applique à l'hôpital Victoria.

M. Macquarrie: Je ne sais pas exactement faire la différence entre une maladie aiguë ou une maladie chronique, mais cela semble improbable.

Une voix: L'hôpital Victoria est plutôt un hôpital de traitement actif.

Le président: Monsieur Howard.

M. Howard (Skeena): Je me demande s'il y a eu des démarches, de qui et dans quelle mesure, émanant d'autres personnes que celles qui peuvent maintenant voter par procuration. Est-ce qu'il y a eu des pressions pour inclure d'autres groupes?

M. MacDermaid: Lorsque j'étais Directeur général des élections, personne n'a demandé qu'on augmente les catégories.

M. Howard (Skeena): A part les pêcheurs, vous n'avez pas de situation économique qui fait que les travailleurs sont très mobiles?

M. MacDermaid: Pas que nous sachions. La Commission royale disait que cette classe pouvait être agrandie si tout marchait bien.

M. Howard (Skeena): Merci.

Une voix: Les pêcheurs semblent être ceux qui sont les plus intéressés.

M. Howard (Skeena): Cette idée me touche tout particulièrement, mais je crois que si

[Texte]

this concept—that if we apply it at the federal level then we are involved all across Canada with all sorts of economic situations and movements of people that may not be applicable in any particular part of the country. Thank you, Mr. Chairman.

The Chairman: Mr. Gibson.

Mr. Gibson: Concerning eligible people, Section 28(4) provides that:

where a person is serving on full time service with the Naval, Army or Air Forces of Canada, he is ordinarily resident on the date of the writ.

And there are the provisions of subsections (4) (a) and (4) (b). I am wondering whether there is any reason why people serving in the Department of External Affairs or at the United Nations and other fairly fixed and determinable areas where Nova Scotians reside, could not be included under this provision.

Mr. MacDermaid: Certainly I have never heard any suggestion of that either, but there is always the possibility.

Mr. Gibson: I noticed at the United Nations that the officials there were very resentful if they did not have a federal vote, and it seemed to me particularly applicable that Nova Scotians should have their vote as well. I thought I would draw that out.

Mr. MacDermaid: At least with the serviceman you have him tied down if he has made a declaration under the rules, which you would not have with your chap of External Affairs.

Mr. Gibson: Of course, some of these people have been in the service for many years. I was thinking of those cases.

Mr. MacDermaid: That would certainly be something for the government to consider.

Mr. Gibson: One other point comes to mind. You have provided very well, it seems to me, for people in hospitals. Would it be stretching things too far to cover people who are aged or infirm and unable to walk to the polls? Can they be covered in some way? There are many thousands of these people.

Mr. MacDermaid: We do have one provision here that there must be one polling station within the electoral district that must provide easy access for people in wheelchairs and this type of thing. That is in Section 84.

Mr. Gibson: But let us face it: there are many thousands of people who just

[Interprétation]

nous l'appliquons au niveau fédéral, nous nous attaquons alors, dans tout le Canada, à toutes sortes de situations économiques et à une mobilité de main d'œuvre qui peuvent ne s'appliquer à aucune région du pays. Merci, monsieur le président.

Le président: Monsieur Gibson.

Mr. Gibson: A propos des personnes admissibles, l'article 28 4) stipule que: lorsqu'une personne sert à plein temps dans les forces armées, la marine ou l'aviation du Canada, elle est d'ordinaire résidente le jour de l'ordonnance. Il y a aussi les dispositions des paragraphes 4) a) et 4) b). Pourquoi les personnes travaillant au ministère des Affaires extérieures ou aux Nations Unies et qui ont un domicile relativement stable ne pourraient-elles pas être incluses dans ces dispositions?

Mr. MacDermaid: Personne n'en a jamais parlé, mais c'est une possibilité.

Mr. Gibson: J'ai remarqué aux Nations Unies que les hauts fonctionnaires avaient des sentiments très amers du fait qu'ils n'avaient pas le droit de vote, et il m'a paru tout à fait approprié que les habitants de la Nouvelle-Écosse devraient aussi avoir le droit de voter.

Mr. MacDermaid: Du moins avec le militaire, s'il a fait une déclaration en vertu des règlements, il est prisonnier, ce qui n'est pas le cas pour un membre du corps diplomatique.

Mr. Gibson: Naturellement, certains d'entre eux ont été dans le service pendant de nombreuses années. C'est à eux que je pensais.

Mr. MacDermaid: Le gouvernement devrait certainement étudier cela.

Mr. Gibson: Une autre question. Vous avez très bien prévu toutes les conditions pour les hospitalisés. Est-ce que vous ne pourriez pas aller plus loin et inclure les vieillards et les infirmes, ceux qui ne peuvent pas marcher jusqu'au bureau de votation? Est-ce que vous ne pouvez pas prévoir quelque chose pour eux? Il y a des milliers de ces gens.

Mr. MacDermaid: Nous avons prévu qu'il doit y avoir un bureau de votation dans chaque district électoral qui doit permettre un accès facile aux paraplégiques. Il s'agit de l'article 84.

Mr. Gibson: Regardons les choses en face: il y a bien des milliers de personnes qui ne

[Text]

cannot go to the polls, and if we could trust our system well enough—I think the average Canadian is a straight shooter, and Nova Scotians too—is it not possible that we should explore that and take another step?

Mr. MacDermaid: Also, we do have a provision for people who are infirm to transfer to another polling division. Those are the two things that we do have, but that is not as broad as you are suggesting.

Mr. Lefebvre: A supplementary question. Do you mean people who are confined to a wheelchair, say. Even if they are in poll number 30 but they have to go up five steps, you would transfer them to a polling station which had an easy access for a wheelchair?

Mr. MacDermaid: Right, and give them a transfer certificate to accomplish this transfer.

Mr. Lefebvre: But probably it would mean an expense for those people. I am thinking of my riding which is a couple of hundred miles long. If they had to travel 100 miles to get to that particular polling booth, this would add quite a bit of expense to their right to vote.

Mr. MacDermaid: Well, it is up to the returning officer in each electoral district to have one or more.

Mr. Lefebvre: One or more.

Mr. MacDermaid: Yes. So if he knows of a particular situation, he can certainly have more than one. And these are very well advertised as well.

Mr. Lefebvre: Do you have these polling booths in the homes for the aged also?

Mr. MacDermaid: Yes.

Mr. Lefebvre: If you had 100 old people in a home, would they have a polling booth right there?

Mr. MacDermaid: Yes.

The Chairman: When are the proxy votes registered, counted?

Mr. MacDermaid: They are counted on the same day as the rest of the votes. In other words, on election night.

The Chairman: Does this delay the final results?

Mr. MacDermaid: Oh, no, it does not affect the final result and there is no delay at all; they are counted at the same time.

[Interpretation]

peuvent aller voter et, si nous pouvons avoir suffisamment confiance en notre système—je crois que le Canadien moyen et l'habitant de la Nouvelle-Écosse sont des gens directs—ne pourrait-on pas étudier cela et prendre d'autres mesures?

M. MacDermaid: Nous avons aussi une disposition concernant les infirmes pour les transférer à un autre bureau de votation. Ce sont les deux choses que nous devons faire, mais ce n'est pas aussi vaste que vous le suggérez.

M. Lefebvre: Une question supplémentaire. Voulez-vous dire, par exemple, un paraplégique? Même s'il vote au bureau 30, mais qu'il doit monter cinq marches, vous le transféreriez à un autre bureau où il est plus facile à un paraplégique de pénétrer?

M. MacDermaid: Oui, et nous lui donnerions un certificat de transfert à cette fin.

M. Lefebvre: Mais ceci impliquerait sans doute des dépenses pour ces gens. Je pense à ma circonscription qui a deux cent milles de long. S'il doit faire 100 milles pour se rendre à ce bureau, cela augmenterait beaucoup ses frais.

M. MacDermaid: Il incombe à l'officier rapporteur de chaque district électoral d'en avoir un ou davantage.

M. Lefebvre: Un ou davantage.

M. MacDermaid: Oui. S'il est au courant d'une situation particulière, il peut décider d'avoir plus d'un bureau. D'ailleurs, l'existence de ces bureaux est rendue publique.

M. Lefebvre: Avez-vous de ces bureaux de votation dans les hospices aussi?

M. MacDermaid: Oui.

M. Lefebvre: S'il y a une centaine de vieillards dans un hospice, est-ce qu'il y aura un bureau de vote?

M. MacDermaid: Oui.

Le président: Quand est-ce qu'on compte les bulletins des votes par procuration?

M. MacDermaid: Le même jour que les autres votes, soit le soir des élections.

Le président: Cela retarde-t-il le résultat définitif?

M. MacDermaid: Non, ceci ne touche et ne retarde pas les résultats définitifs. Ils sont tous comptés en même temps.

[Texte]

An hon. Member: They are not counted separately?

Mr. MacDermid: No.

Mr. Howard (Skeena): They go into the same box.

Mr. MacDermid: The same box, yes.

Mr. A. J. Hickey (Assistant Chief Electoral Officer, Nova Scotia): They are recorded on a different sheet in the pool book. There is a separate sheet in the poll book for proxy voters.

Mr. Forrestall: That elector number so and so voted.

Mr. Hickey: That is right.

Mr. Forrestall: His vote, or we will say franchise, was exercised by elector so and so via form such and such.

Mr. Hickey: That is right.

Mr. MacDermid: During one of our elections, one of the returning officers set up a special poll for the infirm rather than incorporate it with another polling station as he is supposed to do. It turned out that one person voted in that election, and everybody knew what his vote was.

Mr. Forrestall: Could we move for a moment, Mr. Chairman, to the area of conformity as between this Act and the federal Act, and might I ask the witnesses orally if any of them would care to comment on any apparent difficulties that come up from time to time either in writing acts such as this or in their execution as it would relate one to the other? Does the presence of the federal Act—I know that certainly it is a guide—hinder the writing of an act like this?

Mr. MacDermid: I think basically speaking, the royal commission followed the federal Act where it could and streamlined it where it thought it was best streamlined. There is no great conflict of which I am aware between the two acts.

Mr. Forrestall: What is the practice in Nova Scotia with regard to constituency boundaries, as to provincial constituency boundaries within federal boundaries, and as to polling division boundaries within both?

Mr. MacDermid: Well, basically, you do not run into a problem there. Of the 2,000 polling divisions, probably about 1,900 are exactly the same as the federal ones, and with the other ones you have to use your

[Interprétation]

Une voix: Ils ne sont pas comptés séparément?

M. MacDermid: Non.

M. Howard (Skeena): Ils vont dans la même urne?

M. MacDermid: Oui.

M. A. J. Hickey (Adjoint du Directeur général des élections de Nouvelle-Écosse): Ils sont enregistrés sur une feuille distincte dans le registre du scrutin. Il y a une feuille spéciale dans ce registre pour les votes par procuration.

M. Forrestall: Que l'électeur numéro tant a voté.

M. Hickey: Oui.

M. Forrestall: Que son vote, ou, disons, son droit, a été exercé par tel électeur suivant telle forme.

M. Hickey: C'est exact.

M. MacDermid: Au cours d'une de nos élections, un de nos officiers rapporteurs a établi un bureau spécial pour les infirmes au lieu de l'intégrer à un autre bureau, comme il devait le faire. Il est arrivé qu'une personne vota à cette élection, et tout le monde connu son vote.

M. Forrestall: Pouvons-nous passer à la question de la conformité entre cette loi et la loi fédérale? Pourrais-je demander aux témoins s'ils veulent nous donner des explications sur les difficultés qui sont apparues de temps en temps dans la rédaction ou l'application de cette loi dans le mesure où elles ont des relations communes? Est-ce que la loi fédérale,—je sais que c'est un guide—gêne la rédaction d'une telle loi?

M. MacDermid: Je crois que, fondamentalement, la Commission royale d'enquête a suivi la loi fédérale lorsque c'était possible et l'a amélioré lorsqu'il était approprié de le faire. A ma connaissance, il n'y a pas de grand conflit entre les deux lois.

M. Forrestall: Que fait-on, en Nouvelle-Écosse, à propos des limites des circonscriptions, en fonction des limites des circonscriptions provinciales à l'intérieur de limites fédérales, et des limites des divisions de votation au sein de deux?

M. MacDermid: Au fond, il n'y a pas de problème. Sur 2,000 divisions de votation, environ 1,900 correspondent aux divisions fédérales, et pour les autres, vous devez faire preuve d'imagination lorsqu'elles dépassent

[Text]

imagination where they cross boundary lines. But basically speaking, the provinces followed the federal ones because they were more up to date than our own.

Mr. Forrestall: That is a deliberate thing that is done.

Mr. MacDermaid: Yes.

Mr. Forrestall: And the Province of Nova Scotia would find that useful.

Mr. MacDermaid: Well, we find the federal boundaries useful, yes. We do have provision for revising them on our own under the Act, but we try to keep them similar if we can because it prevents confusion.

Mr. Forrestall: Are there any areas that come to your mind where conformity could be further sought in connection with our own Act, our own provincial Act?

Mr. MacDermaid: No, I do not think so. Generally speaking, we certainly get very good co-operation from the Chief Electoral Officer in Ottawa, and he helps us in certain spots. There is no great conflict, I think, that needs to be resolved.

Mr. Forrestall: It is probably an unfair question to ask you, Mr. MacDermaid, because I know you are not directly associated any longer. But from what you have said I would assume that you would not feel that there might be any need for any kind of a national forum to be developed in which questions of conformity could be discussed. Would that be an accurate assumption?

Mr. MacDermaid: Well, certainly I do not think it hurts the Chief Electoral Officer in Nova Scotia to know what his counterpart in Quebec and elsewhere is doing. I think it is an excellent idea. Certainly when the royal commission worked on this report here, they consulted with all the electoral officers across Canada, and I think it would be useful if they could get together, yes.

Mr. Forrestall: Is there any move in Nova Scotia, officially or otherwise, to do anything such as the lowering of the voting age, which might give rise to some difficulties, for example in terms of polling division boundaries?

Mr. MacDermaid: I think Mr. Muggah should reply to that.

Mr. H. E. Muggah (Deputy Provincial Secretary, Province of Nova Scotia): I have heard nothing official on it. I have heard, or I

[Interpretation]

les limites. Mais, en principe, les provinces ont suivi les limites fédérales parce qu'elles sont plus à point que les nôtres.

M. Forrestall: C'est une chose faite délibérément.

M. MacDermaid: Oui.

M. Forrestall: Et la province de Nouvelle-Écosse trouve cela utile.

M. MacDermaid: Les délimitations fédérales nous sont utiles. Nous avons des dispositions pour les reviser en vertu de notre loi, mais nous tâchons de les garder semblables pour éviter la confusion.

M. Forrestall: Y a-t-il des régions où la conformité pourrait être améliorée à l'égard de notre propre loi provinciale?

M. MacDermaid: Je ne pense pas. De façon générale, nous obtenons une excellente collaboration du Directeur général des élections d'Ottawa, et il nous aide. Il n'y a pas de grand conflit à résoudre.

M. Forrestall: Il est probablement injuste de vous poser cette question, car je sais que vous ne travaillez plus dans ce domaine. Mais d'après ce que vous avez dit, je présume que vous ne pensez pas qu'il serait nécessaire d'établir une tribune nationale où l'on pourrait aborder les questions de conformité. Ai-je raison?

M. MacDermaid: Il est certainement très bon que le Directeur général des élections de la Nouvelle-Écosse sache ce que fait son homologue du Québec et ailleurs. Je crois que c'est une excellente idée. Lorsque la Commission royale d'enquête a travaillé à son rapport ici, elle a consulté tous les directeurs d'élection au Canada, et il serait très bon qu'ils se réunissent.

M. Forrestall: Est-ce qu'en Nouvelle-Écosse, on a un plan, officiel ou autre, pour abaisser l'âge du droit de vote, ce qui pourrait soulever des difficultés, par exemple pour ce qui est des délimitations des arrondissements électoraux.

M. MacDermaid: Je crois que M. Muggah devrait vous répondre. Je n'ai rien entendu d'officiel à ce sujet.

M. Muggah (Sous-secrétaire de la Nouvelle-Écosse): J'ai lu des rapports de différents groupes, demandant l'abaissement de l'âge

[Texte]

have read reports of groups in the community who felt, that the voting age should be lowered, but I am probably not as familiar with the public, or do not have my hand as closely on the public pulse as you have, Mr. Forrestall.

Mr. Forrestall: I am committed to it being lowered; there is no question about that. But I was trying to find some way of getting into the area of the necessity today of keeping elections short. One of the ways that this can best be done, I would think, is through the maximum amount of conformity as between federal and provincial acts. Would the lowering of the voting age to 18 present, in your opinion any serious difficulties?

Mr. MacDermid: No, there would be absolutely no difficulties at all.

Mr. Forrestall: What is the average number of electors within the terms of the Act, in each polling division?

Mr. MacDermid: Electoral district or polling division?

Mr. Forrestall: Polling division.

Mr. MacDermid: It is 300 in our Act and it is 350 in yours, I believe.

Mr. Forrestall: The addition of 10 per cent, more or less, would not make any difference then.

Mr. MacDermid: You can always divide the poll, anyway.

Mr. Macquarrie: I am not nit-picking but I notice that the qualifications for electors include the expression "is a Canadian citizen or other British subject." And the qualifications for a candidate, the expression "as a British subject by birth or naturalization." Is this just an accident or something the lawyers forgot?

Mr. MacDermid: An accident, sir. I assume we followed your Act but we may have dropped a couple of words.

The Chairman: Mr. Jerome.

Mr. Jerome: Mr. Chairman, I was interested in the statement earlier that the system in this province now permits election campaigns to be as short as 36 days.

Mr. MacDermid: Yes.

Mr. Jerome: I am very interested in pursuing that matter further to ascertain whether or not there are certain modifications in Nova Scotia in which we should be interested for

[Interprétation]

donnant le droit de vote, mais je ne suis pas d'aussi près de l'opinion publique que vous monsieur Forrestall.

M. Forrestall: C'est indiscutablement une question que j'ai à cœur. Mais j'essayais de revenir à la question de diminuer la période des élections. Une des meilleures façons est d'intensifier la conformité entre les lois fédérales et provinciales. Est-ce que cet abaissement de l'âge de vote entraînerait des difficultés?

M. MacDermid: Aucune difficulté, non.

M. Forrestall: Quel est le nombre moyen d'électeurs fixé par la loi dans les arrondissements de votation?

M. MacDermid: Parlez-vous du district électoral ou de la division de votation?

M. Forrestall: De la division de votation.

M. MacDermid: 300 dans notre loi, et 350 dans la votre, je crois.

M. Forrestall: L'addition de 10 p. 100 ne ferait donc pas de différence.

M. MacDermid: On peut toujours réduire le nombre des votants.

M. Macquarrie: Je ne veux pas fendre les cheveux en quatre, mais je remarque que les exigences comme électeur comprennent l'expression «est un citoyen canadien ou autre sujet britannique» et que les exigences comme candidat comportent l'expression «sujet britannique de naissance ou par naturalisation». Est-ce une erreur ou un oubli des avocats?

M. MacDermid: Un accident, monsieur. Nous avons suivi votre loi, mais nous avons peut-être oublié quelques mots.

Le président: Monsieur Jerome.

M. Jerome: Monsieur le président, j'aimerais revenir au système dans cette province qui permet de raccourcir les campagnes électorales à aussi peu que 36 jours.

M. MacDermid: Oui.

M. Jerome: J'aimerais savoir si certaines des positions qui existent en Nouvelle-Écosse pourraient permettre de raccourcir les campagnes électorales fédérales. Pourriez-vous nous

[Text]

the purpose of shortening federal election campaigns. Could you elaborate on just exactly how it can be accomplished in that short space of time.

Mr. MacDermid: I think one of the big reasons that we were able to shorten it was the fact that all the lists, whether urban or rural, are prepared on an alphabetic basis.

Mr. Francis: Not by streets.

Mr. MacDermid: No. In urban areas it is alphabetical as well. This lends itself to great simplicity and also the cutting out of the revision which is held by your rural registers under your Federal Act, which takes up time as well. From the completion of this alphabetical book it goes directly to the printer and the list is mailed out. But we seem to do it in a much shorter length of time than you people do. For instance, you appoint your enumerators 49 days before an election; we can appoint them 31 days before the election and still carry the election out.

Mr. Jerome: Thirty-one?

Mr. MacDermid: Yes. That is the day enumeration starts. Yours start 49 days before an election, and that is a difference of about three weeks?

Mr. Jerome: Eighteen days.

Mr. MacDermid: Eighteen days, yes.

Mr. Jerome: And how long does it take you to complete your enumeration?

Mr. MacDermid: We run or enumeration the same length of time as you do.

Mr. Jerome: Your timesaving then is between the completion of the enumeration and the publication of the voters' lists?

Mr. MacDermid: Our lists are printed 17 days before the election and yours are printed 26 days before.

Mr. Jerome: Now the gap is down to nine days. We have lost 10 days some place.

The Chairman: Mr. Hamel, could you comment on the differences.

Mr. J. M. Hamel (Chief Electoral Officer, Government of Canada): I do not want to comment too extensively on this but perhaps I should mention that under the Canada Elections Act we conduct a general election in the Northwest Territories in 45 days. The main difference is that I have seven returning officers to do the job of one returning officer at a

[Interpretation]

expliquer comment tenir des élections dans une aussi courte période de temps.

M. MacDermid: Je crois qu'une des raisons qui nous permette de raccourcir les campagnes est que toutes les listes, urbaines ou rurales, sont préparées par ordre alphabétique.

M. Francis: Non par rues.

M. MacDermid: Non. Dans les régions urbaines, les listes sont alphabétiques. C'est un système très simple qui permet de réduire les délais de revision qui sont faits suivant les registres ruraux en vertu de la loi fédérale et qui prennent beaucoup de temps. Une fois la liste établie elle est envoyée à l'imprimeur et ensuite expédiée par la poste. Cette méthode exige beaucoup moins de temps que l'autre. Par exemple, vous nommez, vous, un énumérateur 49 jours avant l'élection; nous, nous les nommons 31 jours avant l'élection et c'est suffisant.

M. Jerome: 31 jours?

M. MacDermid: Oui. Vous avez besoin de 49 jours, ce qui fait une différence de trois semaines?

M. Jerome: 18 jours.

M. MacDermid: Oui, 18 jours.

M. Jerome: Combien de temps vous faut-il pour terminer votre énumération?

M. MacDermid: Le même temps que vous.

M. Jerome: Vous réussissez donc votre économie de temps entre la fin de l'énumération et la publication des listes d'électeurs?

M. MacDermid: Nos listes sont imprimées 17 jours avant l'élection et les vôtres, 26 jours avant.

M. Jerome: Ceci réduit l'écart à 9 jours. Il manque 10 jours quelque part.

Le président: Monsieur Hamel, pourriez-vous nous expliquer les différences?

M. J.-M. Hamel (directeur général des élections, Gouvernement du Canada): Je ne veux pas m'étendre trop longuement là-dessus, mais je pourrais peut-être mentionner qu'en vertu de la Loi canadienne sur les élections, nous menons une élection générale dans les Territoires du Nord-Ouest en 45 jours. La différence est que j'ai sept présidents d'élec-

[Texte]

general election. In Nova Scotia I believe you have 26 or 27 returning officers.

Mr. MacDermaid: Oh, no we have 43.

Mr. Hamel: Well, I have 11 for exactly the same population. That question was raised yesterday at Quebec. The largest electoral district in Quebec is 57,000 square miles. We have 14 electoral districts in excess of 50,000 square miles, so I do not think that the problem is quite the same.

Mr. Jerome: In the Northwest Territories we have several electoral districts that must be larger than the Province of Nova Scotia.

Mr. Hamel: In the Northwest Territories?

Mr. Jerome: Yes. My own is larger than the Province of Nova Scotia.

Mr. Hamel: That is correct. I think you have nine electoral districts in excess of 100,000 square miles.

Mr. Jerome: Yes.

Mr. Hamel: If I may come back to this question of lists, for instance, 43 returning officers means that there are 43 printers printing his lists while, in my case, I have 11 returning officers dealing with 11 printers to deal with 11 sets of lists. I think the problem is not quite the same.

Mr. Jerome: Do you in fact use a different printer for each electoral list or does one printer do it all?

Mr. MacDermaid: We might use three or four; it just depends on how competent and how large the printer is.

Mr. Jerome: You might use three or four.

Mr. MacDermaid: For one electoral district, if necessary.

Mr. Jerome: Mr. Hamel, is the preparation of the lists the area in which we require so much more time?

Mr. Hamel: No, not necessarily. We require more time before the enumeration, in fact, because at the moment we run an election between 58 and 60 days and since we start the enumeration on the forty-ninth day it means we have roughly between eight to 10 days to get all the machinery in motion. It is very seldom that the writs are issued and we find all the returning officers ready to start.

[Interprétation]

tions pour faire le travail d'un seul lors d'une élection générale. Je crois qu'en Nouvelle-Écosse vous en avez 26 ou 27.

M. MacDermaid: Non, nous en avons 43.

M. Hamel: J'en ai 11 pour exactement la même population. Le point a été soulevé hier pour le Québec. La plus grande circonscription électorale au Québec est de 57,000 milles carrés. Nous avons 14 circonscriptions électorales supérieures à 50,000 milles carrés; le problème n'est donc pas le même.

M. Jerome: Dans les Territoires du Nord-Ouest, nous avons plusieurs circonscriptions électorales qui sont beaucoup plus grandes que la province de la Nouvelle-Écosse.

M. Hamel: Dans les Territoires du Nord-Ouest?

M. Jerome: Oui. La mienne est beaucoup plus grande que la province de la Nouvelle-Écosse.

M. Hamel: C'est exact. Je crois que nous avons 9 circonscriptions électorales qui dépassent 100,000 milles carrés.

M. Jerome: Oui.

M. Hamel: Pour revenir à la question des listes, il y a 43 présidents d'élections qui travaillent avec 43 imprimeurs qui impriment leurs listes tandis que, dans mon cas, j'en ai 11 qui travaillent avec 11 imprimeurs qui impriment 11 jeux de listes. Je crois que le problème est différent.

M. Jerome: Avez-vous un imprimeur différent pour chaque liste électorale ou un imprimeur fait-il tout le travail pour une élection?

M. MacDermaid: Nous en employons 3 ou 4; tout dépend de l'importance des installations de l'imprimeur.

M. Jerome: Vous en utilisez 3 ou 4.

M. MacDermaid: Pour une circonscription électorale, au besoin.

M. Jerome: Monsieur Hamel, est-ce la préparation des listes qui absorbe une si grande partie de notre temps?

M. Hamel: Non, par nécessairement. Nous prenons plus de temps avant l'énumération, en fait, parce qu'il nous faut de 58 à 60 jours pour faire une élection. Quand nous commençons l'énumération le 49^e jour nous disposons d'environ 8 à 10 jours. Il arrive très rarement que tout soit imprimé et que tous les présidents d'élection soient prêts à commencer. A chaque élection, nous en avons au

[Text]

At every election we always have at least half a dozen who have to be replaced because they have died, were involved in car accidents, were in Europe or Mexico, and so on. Furthermore, we have to allow political parties time to nominate their urban enumerators, and when you deal with a large urban electoral district with 150 to 200, and at times 300 polling divisions, it means that each party has to nominate 300 enumerators, the returning officer has to appoint 600 enumerators, brief them, because he does not have time to train them, and concurrently he has to find office accommodation. At one meeting of the Committee somebody mentioned, and quite rightly so, that some of the returning officers did not have adequate office accommodation. They have no more than 24 to 48 hours to find this accommodation, have two, three or four, telephones installed, have the proclamation printed and everything in motion.

If you are interested in looking at the possibility of cutting the period for an election I would suggest that we look at each operation and find out where it is possible to cut. But I would like you to keep in mind the fact that if you take together all the returning officers for the whole of Canada at the provincial level you have 560-odd returning officers while at the Federal level I have 264 to cover exactly the same area. If I had only the southern part of the country—let us exclude the northern part of the country—we could run elections as they do in Ontario, in 37 days, quite easily, but we cannot go any faster than where communications are the worst. I believe this is the crux of the problem.

Mr. MacDermid: The point I was really trying to make was that because of the way we prepare our lists, with the changes we have made, we are able to run an election in an eight to 10 day shorter period of time.

Mr. Jerome: Eight to 10 days shorter than you used to run it.

Mr. MacDermid: Than we used to run it.

Mr. Jerome: All right. You say one of the important changes was an alphabetical listing of the electorate.

Mr. MacDermid: Of the urban ones, which had always been done geographically before.

Mr. Jerome: Had you always done your rural electors by alphabetical order?

Mr. MacDermid: Yes, we have used the same procedure.

[Interpretation]

moins une demi-douzaine qui doivent être remplacés parce qu'ils sont morts, qu'ils ont eu un accident d'automobile, qu'ils sont en Europe ou au Mexique, et ainsi de suite. De plus, nous devons accorder aux partis politiques le temps nécessaire pour nommer leurs énumérateurs urbains. Dans une grande circonscription électorale urbaine, il peut y avoir de 150 à 200 et même jusqu'à 300 arrondissements ce qui veut dire que chaque parti doit nommer 300 énumérateurs, que le président doit nommer 600 énumérateurs, leur faire un exposé sommaire de leurs fonctions et, en même temps, trouver des locaux. A une réunion du Comité, quelqu'un a mentionné que certains des présidents n'avaient pas de locaux adéquats. Ils n'ont pas plus que 24 à 48 heures pour trouver des locaux, faire installer 2, 3 ou 4 téléphones, faire imprimer la proclamation et mettre le tout en branle.

Si vous désirez réduire la période nécessaire à l'organisation d'une élection, je vous proposerais d'examiner chaque opération et de trouver le moyen de réduire le temps nécessaire pour la compléter. Cependant il ne faut pas oublier que les provinces comptent un total d'environ 560 présidents d'élection alors que le fédéral en compte 264 pour couvrir exactement le même territoire. Si je n'avais que la partie sud du pays, je pourrais faire des élections en 37 jours, comme c'est le cas en Ontario, mais nous ne pouvons pas le faire dans tout le pays parce que, dans certains endroits, les moyens de communication sont mauvais. Je crois que c'est là que gît le problème.

M. MacDermid: Le point que je voulais souligner est que notre façon de préparer nos listes avec les changements que nous y avons apportés, nous permet de faire une élection dans 8 à 10 jours.

M. Jerome: 8 à 10 jours de moins qu'auparavant.

M. MacDermid: C'est exact.

M. Jerome: Très bien. Vous dites que l'un des changements importants touche l'établissement de listes alphabétiques des électeurs?

M. MacDermid: Des listes urbaines, qui étaient établies géographiquement auparavant.

M. Jerome: Vos listes d'électeurs ruraux avaient-elles toujours été établies par ordre alphabétique?

M. MacDermid: Oui, nous avons employé le même processus.

[Texte]

Mr. Jerome: How is it that this is such a dramatic time-saver?

Mr. MacDermaid: We have got away from preliminary lists, typing of lists, and different forms. This book here has actually cut down the time.

Mr. Jerome: In other words, by using the alphabetical system you were able to go directly from the book without a further tabulation of the list, right to the printer.

You were mentioning that this was in conjunction with other changes that you had made which enabled you to cut down the time by eight or 10 days. Could you tell us what the other changes are?

Mr. MacDermaid: I do not know if I made that statement but I cannot recall anything else. This is the major thing that enabled us to shorten the period of time.

Mr. Jerome: Your enumeration then is now carried out in such a way that your enumerators can make entries directly in that book at the door?

Mr. MacDermaid: At the door, right.

Mr. Jerome: They make entries directly in the book and then the book goes directly to the printer.

Mr. MacDermaid: Yes, but there is something in between there: one copy goes to each political party, one copy remains in the returning officer's office, and one copy goes to the printer.

Mr. Lefebvre: I have a supplementary, Mr. Chairman. How can the enumerator do it alphabetically as he goes along.

Mr. MacDermaid: There is no problem because it is all lettered A, B, C, D, E, F, G—right down to Z. There are three or four unlettered pages at the end, the same as your own rural registrar's book. In other words, it is not strictly alphabetical but all the A's are together.

Mr. Hamel: In our case we are only one day on the actual transcription. In other words, the enumerators complete their enumerations on Saturday and they have to have the list in the hands of the returning officer by Monday. So the only time that this may be exceeded is in rural areas to allow time for the list to travel to the office of the returning officer.

[Interprétation]

M. Jerome: Comment réalisez-vous donc cette grande économie de temps?

M. MacDermaid: Nous avons éliminé les listes préliminaires, la dactylographie des listes et diverses formules. Ce livre nous permet d'éliminer les pertes de temps.

M. Jerome: Autrement dit, le système actuel vous permet de passer directement du livre à l'imprimeur, sans étape intermédiaire.

Vous avez dit que ceci était un des changements que vous aviez fait pour raccourcir le délai de 8 à 10 jours. Pourriez-vous me parler des autres changements?

M. MacDermaid: Je ne me souviens pas vous avoir dit cela. Le changement dont je viens de vous parler est le changement principal qui nous permet de raccourcir les délais nécessaires.

M. Jerome: Votre système d'énumération permet donc à vos énumérateurs de faire l'inscription directement dans le livre, à la porte?

M. MacDermaid: A la porte, c'est exact.

M. Jerome: Ils font leurs inscriptions directement dans le livre et le livre est ensuite envoyé directement à l'imprimeur.

M. MacDermaid: Oui, mais il y a quelque chose d'autre; une copie est envoyée à chaque partie politique, le président en garde une copie et une copie est envoyée à l'imprimeur.

M. Lefebvre: J'aurais une question supplémentaire, monsieur le président. Comment un énumérateur peut-il établir une liste alphabétique?

M. Macdermaid: Il n'y a pas de problème, parce que les pages sont marquées en majuscules, A, B, C, D, E, F, G, jusqu'à Z. Il y a trois ou quatre pages non marquées à la fin comme dans votre propre livre d'inscription rurale. Autrement dit, la liste n'est pas strictement alphabétique, mais tous les A sont ensembles.

M. Hamel: Dans notre cas, nous ne passons qu'une journée à la transcription. Autrement dit, les énumérateurs terminent leur énumération le samedi et ils doivent remettre leur liste au président le lundi. Le seul temps perdu dans les régions rurales est donc le temps nécessaire pour que la liste provienne au bureau du président.

[Text]

May I ask one question. Is your urban enumeration done by one enumerator.

Mr. MacDermaid: Oh no, two.

Mr. Hamel: How are they appointed?

Mr. MacDermaid: The same way yours are.

Mr. Hamel: Are your returning officers permanent?

Mr. MacDermaid: Oh, yes, very definitely.

Mr. Hamel: They are appointed. Do they receive some remuneration between elections?

Mr. MacDermaid: No, they do not.

Mr. Hamel: Just if they are called upon to do some work.

Mr. MacDermaid: That is all.

Mr. Hamel: Such as a revision and that kind of thing.

Mr. MacDermaid: As a matter of fact, they went around and registered everybody for Medicare. They used the same book. We got 98 per cent of the population.

Mr. Francis: Have we finished with this subject now, Mr. Chairman? I wanted to raise another one.

The Chairman: You can do so, if you wish.

Mr. Francis: I am interested in the provisions for candidates' representatives in the polls on election day.

Mr. MacDermaid: Yes.

Mr. Francis: I presume a candidate is permitted to have a representative in each of the deputy returning officers polling districts.

Mr. MacDermaid: That is correct, yes.

Mr. Francis: Is there provision for a candidate to have a representative in the office of the returning officer during election day?

Mr. MacDermaid: No. The only provision in our Act having to do with the headquarters of the returning officer is that he must be there at certain times, but if somebody wants to look at the proxy papers or some other papers...

Mr. Francis: But if the candidate, for reasons that he judged proper, made an official

[Interpretation]

Puis-je poser une question? Votre énumération urbaine est-elle faite par un énumérateur?

M. MacDermaid: Non, deux.

M. Hamel: Comment sont-ils nommés?

M. MacDermaid: De la même façon que les vôtres.

M. Hamel: Vos présidents sont-ils permanents?

M. MacDermaid: Oui.

M. Hamel: Ils sont nommés. Reçoivent-ils une rémunération entre les élections?

M. MacDermaid: Non, ils n'en reçoivent pas.

M. Hamel: Seulement lorsqu'ils travaillent.

M. MacDermaid: C'est exact.

M. Hamel: Comme une revision, et ainsi de suite.

M. MacDermaid: Ils ont été utilisés pour faire l'inscription de tout le monde pour Medicare. Ils ont utilisé le même livre. Ils ont atteint 98 p. 100 de la population.

M. Francis: Est-ce tout sur ce sujet, monsieur le président? J'aimerais passer à un autre.

Le président: Vous pouvez le faire, si vous le désirez.

M. Francis: J'aimerais en savoir plus long sur les dispositions régissant la présence des représentants des candidats aux bureaux de scrutin, le jour des élections.

M. MacDermaid: Oui.

M. Francis: Je crois qu'un candidat peut avoir des représentants dans chacun des bureaux de scrutin?

M. MacDermaid: C'est exact.

M. Francis: Y a-t-il une disposition permettant à un candidat d'avoir un représentant dans le bureau du président le jour des élections?

M. MacDermaid: Non. La seule disposition dans notre loi traitant du bureau principal du président est qu'il doit s'y trouver à certains temps, mais si quelqu'un veut examiner les documents de procuration ou quelque autre document...

M. Francis: Mais si le candidat, pour des raisons qu'il juge valables, fait une demande

[Texte]

request to the returning officer that he would like to have an agent there during election day, would that request be refused?

Mr. MacDermaid: Oh, heavens, no.

Mr. Francis: I know in the Federal Act there is no provision because, as a candidate, I made a very specific request and I was very specifically refused. I would hope that when this Committee makes a report it would take this into consideration.

Mr. MacDermaid: As a matter of fact, I should correct myself because in cities we brought in a provision whereby you are allowed to swear on, as you do in rural areas, if you are not on the list by appearing before the revising officer on election day, who must sit at the headquarters of the returning officers. So certainly the opposition or the party in power would be entitled to have people there to hear these applications.

Mr. Francis: Then in fact it would be quite impossible for one party to have any advantage on election day through partisan conduct of a returning officer because it would be open to any candidate to request that an agent be present and he would be permitted to do so.

Mr. MacDermaid: Certainly if there is anything of a partisan nature it would be referred to the Chief Electoral Officer and would be dealt with expeditiously.

Mr. Francis: Mind you, on election day it is not always easy to do things. There is the physical problem of time in coping with these things. While the right to go to a Chief Electoral Officer is always there it is not always in fact practicable to do so within the limitations of time.

I feel that there is a serious defect in the Federal Act. I feel any candidate who requests the right to have a representative in the office of the returning officer should have that right. He is specifically barred from having this right, according to an interpretation I received from your predecessor, Mr. Hamel. You may well be aware of that.

Mr. Hamel: Yes.

Mr. MacDermaid: In my opinion, that would be a very reasonable provision to have in your Act.

Mr. Francis: Thank you very much.

The Chairman: Mr. Lefebvre.

Mr. Lefebvre: In rural ridings if you show up at a poll on election day and your name is not on the list—nobody checked it, including

[Interprétation]

officielle auprès du président pour qu'il admette son agent le jour des élections, cette demande sera-t-elle refusée?

M. MacDermaid: Non, certes pas.

M. Francis: Je sais que dans la loi fédérale, il n'y a aucune disposition parce que, en tant que candidat, j'ai fait une demande précise et j'ai reçu un refus précis. J'aimerais que le Comité tienne compte de ce point en faisant son rapport.

M. MacDermaid: J'aimerais corriger ce que j'ai dit, parce que, dans les villes nous avons adopté une disposition par laquelle vous pouvez vous faire assermenter, comme dans les régions rurales, si vous ne figurez pas sur la liste en comparaisant devant le reviseur qui doit se trouver au bureau central du président le jour de l'élection. Le parti au pouvoir ou l'opposition pourrait certainement avoir là quelqu'un pour vérifier les demandes.

M. Francis: Il serait ainsi impossible pour un parti d'avoir un avantage le jour des élections à cause d'un président partisan parce que tout candidat pourrait avoir un agent qui le représenterait.

M. MacDermaid: Certainement, s'il y avait partisanerie quelconque, la question serait portée à l'attention du président général des élections qui l'étudierait sans délai.

M. Francis: N'oubliez-pas que le jour des élections il faut faire vite et qu'il a beaucoup à faire. Même s'il a le droit d'en appeler au président général des élections, il n'est pas toujours facile de le faire dans des délais si courts.

Je crois qu'il y a une lacune grave dans la Loi fédérale. Je crois qu'on devrait accorder à tout candidat le droit d'avoir un représentant dans le bureau du président. On lui refuse catégoriquement ce droit, suivant l'interprétation que nous a donné votre prédécesseur, M. Hamel. Vous êtes peut-être au courant de cela.

M. Hamel: Oui.

M. MacDermaid: Je crois que c'est une disposition qu'il serait très raisonnable d'avoir dans votre loi.

M. Francis: Merci beaucoup.

Le président: Monsieur Lefebvre.

M. Lefebvre: Dans les circonscriptions rurales, si vous vous présentez au bureau de scrutin le jour des élections, et que votre nom

[Text]

the voter himself—you can be sworn in. Do you have the same thing in your provincial elections?

Mr. MacDermaid: We have the same thing for the rural areas. In the urban areas if you have been left off the list you may appear before the revising officer on election day and get a certificate from him saying that you are qualified to vote, then you go with your voucher and you may be sworn on on election day in the urban areas as well.

Mr. Lefebvre: That is good.

Mr. MacDermaid: We put that little extra precaution in because it is a little harder to check people in the cities.

Mr. Lefebvre: Yes, very much. I do not think too many of the provinces allow voters to be sworn in on election day.

Mr. MacDermaid: In cities.

Mr. Lefebvre: Even in rural districts. In Quebec they cannot. Does Ontario allow it?

Mr. Hamel: Ontario does in both rural and urban areas, but they are recommending now that it be dropped in both rural and urban areas.

Mr. Lefebvre: I hope this Committee does not follow that practice because I think we should do everything possible to make sure that a person wanting to vote has the opportunity of doing so.

Mr. MacDermaid: We sort of nailed them down a bit too by putting a form in the poll book that both the person vouched for and the voucher have to sign—they have to put their "John Henry" right in the poll book—which usually cuts out any abuse of that.

Mr. Lefebvre: Yes.

Mr. Forrestall: Mr. MacDermaid, could you comment on the form of the ballot. We have had some indication that Ontario has recommended the adoption—I think Quebec have adopted it...

Mr. Hamel: No, not yet; it has been recommended.

Mr. Forrestall: The Province of Quebec has already adopted a new form of ballot.

Mr. MacDermaid: This is what the Royal Commission wanted here, based on the system.

[Interpretation]

ne figure pas sur la liste, personne ne l'ayant vérifié, y compris l'électeur lui même, vous pouvez être assermenté. Avez-vous le même système dans vos élections provinciales?

M. MacDermaid: Oui, nous avons le même système pour les régions rurales. Dans les régions urbaines, si votre nom n'apparaît pas sur la liste, vous pouvez vous présenter chez le reviser le jour d'élection et obtenir de lui un certificat qui dit que vous êtes qualifié pour voter. Vous vous présentez donc avec votre certificat et vous pouvez être assermenté le jour de l'élection dans les régions urbaines également.

M. Lefebvre: Très bien.

M. MacDermaid: Nous sommes un peu plus prudents parce qu'il est un peu plus difficile de vérifier dans des villes.

M. Lefebvre: Oui, en effet. Je crois qu'il n'y a pas beaucoup de provinces qui permettent aux électeurs d'être assermentés le jour des élections.

M. MacDermaid: Dans les villes.

M. Lefebvre: Même dans des circonscriptions rurales. Dans le Québec, ce n'est pas permis. Le permet-on en Ontario?

M. Hamel: En Ontario, c'est permis dans les régions rurales et urbaines, mais on voudrait l'abandonner.

M. Lefebvre: J'espère que ce Comité ne prendra pas une telle décision, parce que je crois qu'on devrait faire tout ce qui est possible pour permettre à une personne qui veut voter de le faire.

M. MacDermaid: On a décidé d'être plus exigeant en insérant dans le livre une formule que la personne qui a obtenu le certificat et celle qui l'a délivré doivent signer. Leur signature doit figurer dans le livre, ce qui réduit les abus.

M. Lefebvre: Oui.

M. Forrestall: Monsieur MacDermaid, pourriez-vous nous parler du bulletin de vote lui-même. Je crois que l'Ontario a recommandé l'adoption du nouveau bulletin de vote et je crois que le Québec l'a fait.

M. Hamel: Non, pas encore; on l'a recommandé.

M. Forrestall: La province de Québec a déjà adopté un nouveau bulletin de vote.

M. MacDermaid: C'est ce que la Commission royale voulait.

[Texte]

Mr. Forrestall: Could you tell us why it was rejected.

Mr. MacDermaid: I cannot tell you why it was rejected because I was not present when they were deliberating what they were going to adopt. They tried to simplify it so there would be only one place to put your "X" and it could not be rejected. There are quite a few rejected ballots in each election.

Mr. Forrestall: Would there be one per poll?

Mr. MacDermaid: I could tell you how many there are. We had 2,700 in the last election.

Mr. Forrestall: How many polling divisions are there?

Mr. MacDermaid: There are 2,000.

Mr. Forrestall: So it is better than one per roll—1.5 per poll.

An hon. Member: Mr. Chairman, is party affiliation shown on the ballot?

Mr. MacDermaid: No. I am sorry; it is now, under an amendment passed this year.

Mr. Francis: What does appear on the ballot? The name and the party affiliation appears. Is there anything else?

Mr. A. J. Hickey (Assistant Chief Electoral Officer, Nova Scotia): The address.

Mr. MacDermaid: The name, the party's address, and the name of his party, if he has one—if not, the word "independent".

Mr. Francis: No occupation?

Mr. MacDermaid: No. That is not quite in force yet; at the end of this month that will be in force.

Mr. Francis: Yes, but we are interested.

Mr. Carter: And the names will appear alphabetically?

Mr. MacDermaid: Yes, alphabetically. If there are two people to be elected in the one constituency they can agree to an arrangement of their names other than alphabetically. We have three constituencies here where, such is the case. I do not think you have any anymore?

Mr. Carter: No, but ordinarily it would be alphabetically?

Mr. MacDermaid: That is right.

[Interprétation]

M. Forrestall: Pourriez-vous me dire pourquoi on l'a rejeté.

M. MacDermaid: Je ne puis pas vous dire pourquoi on l'a rejeté parce que je n'étais pas présent aux délibérations. Ils ont essayé de le simplifier en prévoyant un endroit pour mettre le «X» afin qu'il ne soit pas rejeté. Il y a, en effet, un nombre imposant de bulletins rejetés à chaque élection.

M. Forrestall: Y en aurait-il un par bureau de scrutin?

M. MacDermaid: Je pourrais vous dire combien il y en avait. Il y en a eu 2,700 à la dernière élection.

M. Forrestall: Combien y avait-il de bureaux?

M. MacDermaid: Il y en avait 2,000.

M. Forrestall: Il y en avait donc plus d'un par bureau, 1.5 par bureau.

Une voix: Monsieur le président, indique-t-on les partis sur les bulletins de vote?

M. MacDermaid: Non. Je suis désolé, oui, en vertu d'une modification adoptée cette année.

M. Francis: Que voit-on sur le bulletin? Le nom du candidat et le parti qu'il représente y figurent. Y a-t-il quelque chose d'autre?

M. A. J. Hickey (Président général adjoint des élections, Nouvelle-Écosse): L'adresse.

M. MacDermaid: Le nom, l'adresse du parti, et le nom du parti s'il en a un; s'il n'en a pas, le mot «indépendant».

M. Francis: Pas la profession?

M. MacDermaid: Non. Ce n'est pas encore en vigueur, mais cela le sera à la fin de ce mois-ci.

M. Francis: Cet aspect nous intéresse.

M. Carter: Et les noms figureront par ordre alphabétique?

M. MacDermaid: Oui, par ordre alphabétique. Deux candidats d'une même circonscription peuvent se mettre d'accord sur une disposition de leur nom autre qu'alphabétique. Nous avons deux ou trois circonscriptions où un tel accord existe. Je n'en connais pas d'autre.

M. Carter: Non, mais ordinairement, c'est par ordre alphabétique?

M. MacDermaid: C'est exact.

[Text]

Mr. Carter: Would an independent get the same privilege or would he be put on the bottom of the ballot?

Mr. MacDermid: No, he would be listed alphabetically.

Mr. Lefebvre: That is different than Quebec, where the independent does not get on the alphabetical portion.

The Chairman: Mr. Gibson.

Mr. Gibson: Do you have any provision for two candidates with the same name and initials, say "W. F. Anderson"?

Mr. Forrestall: We have that problem in Cape Breton with "MacDonald" in municipal elections.

Mr. MacDermid: There is really nothing in our Act. We would expect the returning officer to use some discretion when accepting the nomination paper. People are described by the names that they are known by in the community and there would be some distinction. Mind you, there is a distinction now with the party being listed on the ballot, but that is not quite the same thing.

The Chairman: It seems that you abide by the same order as used in Quebec for the recognized parties. You put them on the ballots.

Mr. Muggah: Yes, that is correct.

We had the Royal Commission that Mr. MacDermid refers to and then we had another a year or so ago which recommended fairly substantial changes, including the recognition of parties and the payment or reimbursement of parties and candidates for their expenses. A substantial part of these amendments followed very closely the Quebec provisions.

Mr. Lefebvre: On page 3 of the amendments they talk about a recognized party having at least 10 official candidates. I note that you have taken it for a new party that was formed also.

Mr. MacDermid: Yes. If they expect to field 10 candidates they call the Chief Electoral Officer and he grants them the same privileges.

Mr. Lefebvre: Yes.

The Chairman: Mr. Francis.

Mr. Francis: Mr. Chairman, I would like to open the question of election expenses, which is one of considerable interest. I note that in the 1969 amendments, Section 164B on page

[Interpretation]

M. Carier: Un candidat indépendant jouit-il du même privilège ou son nom figure-t-il au bas du bulletin?

M. MacDermid: Non, il est inscrit dans l'ordre alphabétique.

M. Lefebvre: C'est différent du Québec, où le candidat indépendant ne figure pas dans l'ordre alphabétique.

Le président: Monsieur Gibson.

M. Gibson: Y a-t-il une disposition dans le cas de deux candidats ayant les mêmes initiales, mettons «W. F. Anderson»?

M. Forrestall: Nous avons eu ce problème aux élections municipales, au Cap Breton, à cause du nom «MacDonald».

M. MacDermid: Il n'y a rien dans la loi à ce sujet. Nous nous fions au jugement du président quand il reçoit les mises en candidature. Les gens sont décrits par les noms sous lesquels ils sont connus dans leur milieu. Il y aurait une différence d'inscription dans le parti qu'ils représentent, mais ceci est une autre question.

Le président: Je crois que vous suivez le même ordre que celui qui est utilisé au Québec pour les partis reconnus. Vous les inscrivez sur les bulletins.

M. Muggah: Oui, c'est exact. Nous avons eu la Commission royale dont M. MacDermid parlait, et, ensuite, il y en a eu une autre, il y a environ un an, qui a recommandé des changements assez importants, y compris la reconnaissance des partis et le paiement ou le remboursement de leurs frais aux partis et aux candidats. Une partie importante de ces amendements ressemblait étroitement aux dispositions du Québec.

M. Lefebvre: A la page 3 des amendements, on parle de reconnaître les partis qui ont au moins 10 candidats officiels. Je crois que ceci s'applique également aux partis nouvellement formés.

M. MacDermid: Oui. S'ils croient pouvoir présenter 10 candidats, ils communiquent avec le président général des élections qui leur accorde les mêmes privilèges.

M. Lefebvre: Oui.

Le président: Monsieur Francis.

M. Francis: Monsieur le président, j'aimerais attaquer la question des dépenses électorales, qui en est une de grand intérêt. Je note que, dans les modifications de 1969, l'article

[Texte]

10, there is provision for payment to the candidate who is declared elected or who has received not less than 15 per cent of the valid votes cast up to 25 cents for each elector.

Other than failure to be reimbursed, what penalty applies to an unsuccessful candidate for failing to file his statement of election expenses?

Mr. MacDermaid: There is a section dealing with that, if I can find it.

Mr. Francis: I am thinking of a candidate who has failed and who does not make a claim for election expenses.

Mr. MacDermaid: It says here in Section 164E—

Mr. Francis: I am sorry but I have not had a chance to read them all as carefully as I should.

Mr. MacDermaid: —that he shall “be disqualified from sitting or voting in the House of Assembly.”

Mr. Francis: I noticed that. But if he is not successful?

Mr. MacDermaid: If he is not successful and does not file?

Mr. Francis: Yes. There would be no penalty, I presume, in that case. But presumably it is the carrot rather than the stick, the carrot being that you get reimbursement up to 25 cents per voter if you file within the prescribed period and have in excess of 15 per cent of the valid votes cast. Is that a fair summary of the provision?

Mr. MacDermaid: That is my understanding of it. I am just about as familiar with it as you are.

Mr. Muggah: I thought that to fail would come under the general offence provisions, which would lead to the possibility of prosecution, a summary conviction matter, and probably a relatively small fine.

Mr. Francis: Is there any record of prosecutions for failing to present a statement of election expenses?

Mr. MacDermaid: I do not think it has ever . . .

Mr. Francis: In the previous Act were there any such records? Presumably there was a similar provision for failure to file prior to these amendments.

[Interprétation]

164B, à la page 10, il y a une disposition relative au paiement, au candidat qui est déclaré élu et qui a reçu non moins de 15 p. 100 des votes acceptés, d'une somme allant jusqu'à 25 cents pour chaque électeur.

Quelle peine, autre que le non-remboursement, prévoit-on pour un candidat battu qui n'envoie pas la déclaration de ses dépenses électorales?

M. MacDermaid: Il y a un article là-dessus, si je puis le trouver.

M. Francis: Je parle d'un candidat qui a été battu et qui ne réclame pas le remboursement de ses dépenses électorales.

M. MacDermaid: Il y a l'article 164E...

M. Francis: Je suis désolé, mais je n'ai pas eu l'occasion de les lire tous, comme j'aurais dû.

M. MacDermaid: . . . qui dit qu'il ne pourra pas siéger ou voter à l'Assemblée.

M. Francis: Je le sais. Mais, s'il est battu?

M. MacDermaid: S'il est battu et s'il ne produit pas de déclaration?

M. Francis: Oui. Il n'y aurait pas de punition, je crois, dans ce cas. Il peut obtenir le remboursement jusqu'à 25 cents par électeur s'il produit sa déclaration dans la période prévue et s'il a obtenu plus de 15 p. 100 des votes acceptés. Est-ce un bon résumé des dispositions?

M. MacDermaid: Je le crois. Je ne connais pas les dispositions plus que vous.

M. Muggah: Je croyais qu'un tel candidat tomberait sous le coup des dispositions régissant les infractions d'ordre général et qu'il serait passible de poursuite, d'une conviction sommaire et probablement d'une légère amende?

M. Francis: Connaissez-vous des cas de poursuite contre un candidat qui n'aurait pas produit une déclaration de ses dépenses électorales?

M. MacDermaid: Non, je ne pense pas...

M. Francis: La loi précédente contenait-elle une disposition semblable, quand on ne faisait pas de rapports.

[Text]

The Chairman: Under the previous Act you were only required to file if one of the other parties demanded it. As far as I can see nobody ever demanded a statement of election expenses. However, if you say you did not do it, then you would be liable to the offence section of the general Act.

Mr. Francis: But the situation now is that: failure to file deprives you of the right to claim up to 25 cents per voter, which is a fair way of approaching the problem. If a statement is filed which does not report all of the expenses, what penalty is applied?

Mr. MacDermid: It says that you are then guilty of a corrupt practice.

Mr. Francis: Which means?

Mr. Muggah: The fine is not more than \$2,000 or imprisonment for a term not exceeding two years, or both.

Mr. Francis: Fine. Thank you, Mr. Chairman.

Mr. MacDermid: There is also an additional penalty here for it being a corrupt practice under Section 186 of the Act. You are not allowed to sit in the House for five years, and so on.

Mr. Francis: In other words, there would be a fairly substantial penalty for an incorrect statement and the incentive to file, really, is to be reimbursed?

Mr. MacDermid: Yes.

Mr. Francis: That in fact is a reasonable summary of the provisions. Thank you, Mr. Chairman.

The Chairman: Mr. Benjamin?

Mr. Benjamin: Mr. Chairman, a recognized party, if they have filed a list of their officers and leader, and their addresses and the addresses of their provincial headquarters, and so forth, while they may be a recognized party in an election they could not qualify for reimbursement of election expenses unless they nominate 10 candidates. Is that correct? I was looking at the section on official agents on page 7, which reads:

The Chief Electoral Officer shall not accept an appointment of official agent unless the party had at least ten candidates at the last election or it is shown to him that it will have that number during the current general election...

I presume that is only for the purposes of being reimbursed for election expenses. Is that correct?

[Interpretation]

Le président: En vertu de la loi précédente, on ne devait déposer un rapport que si une des parties, l'exigeait. Mais si vous ne l'avez pas fait, comme vous le dites, vous tombez sous l'empire de l'article de la loi qui prévoit des sanctions.

M. Francis: Mais si vous ne faites pas de rapport, vous ne pouvez réclamer \$0.25 par votant. Et si le rapport ne contient pas toutes les dépenses, quelle est la sanction?

M. MacDermid: Vous êtes alors coupable de pratique malhonnête.

M. Francis: Ce qui veut dire?

M. Muggah: ...l'amende ne dépasse pas \$2,000, ou une période d'emprisonnement ne dépassant pas deux ans, ou les deux à la fois.

M. Francis: Très bien. Merci monsieur le président.

M. MacDermid: Il y a aussi une autre sanction pour pratique malhonnête, en vertu de l'article 186 de la Loi. Une personne ne peut pas siéger dans la Chambre pendant 5 ans, etc.

M. Francis: Il y aurait donc une sanction assez sévère pour ces deux offenses?

M. MacDermid: Oui.

M. Francis: Merci, monsieur.

Le président: Monsieur Benjamin.

M. Benjamin: Quand un parti reconnu remet la liste de ses agents et de son chef, leurs adresses et celle de leur bureau central, etc. il ne peut obtenir le remboursement de ses dépenses à moins de nommer 10 candidats. N'est-ce pas? Je lisais l'article qui se rapporte aux agents officiels à la page 7:

(3) Le directeur général des élections ne doit pas accepter la nomination d'un agent officiel, sauf si le parti comptait au moins 10 candidats officiels aux dernières élections générales ou s'il lui est démontré que le parti en comptera autant aux élections générales courantes...

Je présume que c'est simplement pour le remboursement des dépenses électorales?

[Texte]

Mr. Muggah: For the purpose of being reimbursed and I think for the purpose of appointing official agents, and perhaps also for the purpose of identification on the ballot.

Mr. Benjamin: Suppose a new party started up. You would be a recognized party by just filing a statement with the Chief Electoral Officer showing the names and addresses of your leader and your officers, and so forth, but for the purposes of being reimbursed for election expenses you would have to field 10 candidates?

Mr. MacDermaid: No, I would not interpret Section 164(d) that way. There is no reference that I can see to "recognized party" in that at all.

Mr. Benjamin: What is that again?

Mr. Muggah: There is reimbursement of both the party and the candidate.

Mr. MacDermaid: Take the case of an independent; is he reimbursed?

Mr. Benjamin: Oh, no. I am thinking of a political party. Let us say they run nine candidates and under the Act they are a recognized party. Does that mean that the party could not be reimbursed for election expenses or that those nine candidates could not be reimbursed for their election expenses?

Mr. Muggah: I should be able to answer that question right off the bat because I worked on the bill. My recollection is that a recognized party—which, as you say, is a party having 10 candidates at the last preceding general election or a party that indicates in advance of nomination day that it expects to have 10 and in fact does have 10 candidates who run—may be treated as a recognized party and may be reimbursed for its election expenses in part, and that a candidate, whether a candidate of a recognized party or an independent candidate, may be reimbursed. So, we get reimbursement of both the party and the candidate, and of the party only if it is a recognized party.

Mr. Benjamin: If you have the 10 candidates?

Mr. Muggah: If you have the 10 candidates, yes.

Mr. Benjamin: If you had 9 candidates the party could not be reimbursed, but could the candidates be reimbursed?

Mr. Muggah: The individual candidates could, yes.

Mr. Benjamin: Right.

[Interprétation]

Mr. Muggah: Pour le remboursement et aussi, je pense, pour la nomination des agents officiels, et peut-être aussi pour l'identification du bulletin de vote, . . .

Mr. Benjamin: Supposons un nouveau parti, serait-il reconnu tout simplement en déposant chez le directeur général des élections une liste des noms et adresses de son chef, du bureau, etc?

Mr. MacDermaid: Non, je n'interprétera pas ainsi la section 164 (d). Je n'y voit pas de dispositions relatives au «parti reconnu».

Mr. Benjamin: Pardon?

Mr. Muggah: Il y a remboursement au parti et au candidat.

Mr. MacDermaid: S'il s'agit d'un indépendant: est-il remboursé.

Mr. Benjamin: Non; je parle d'un parti politique. Disons qu'il présente 9 candidats et qu'il s'agit d'un parti accrédité. Ceci veut-il dire que le parti ne pourrait pas être remboursé de ses dépenses électorales ou que les 9 candidats ne seraient pas remboursés de leurs dépenses électorales?

Mr. Muggah: Je devrais pouvoir vous répondre tout de suite, j'ai aidé à rédiger le bill. Si ma mémoire est bonne, un parti accrédité—soit un parti ayant 10 candidats à l'élection précédente ou celui qui prévient qu'il aura et qui a de fait 10 candidats, qui se présentent—peut être traité comme un parti accrédité et peut être partiellement remboursé de ses dépenses. Le candidat—celui d'un parti reconnu ou un candidat indépendant—peut aussi être remboursé de ses frais. Il y a donc remboursement au parti et au candidat, et s'il s'agit d'un parti reconnu, au parti seulement.

Mr. Benjamin: S'il y a 10 candidats de présentés?

Mr. Muggah: Oui.

Mr. Benjamin: Si vous avez 9 candidats, le parti ne pourrait être remboursé, mais les candidats le pourraient-ils?

Mr. Muggah: Oui, les candidats le pourraient, individuellement.

Mr. Benjamin: Bien.

[Text]

Mr. Muggah: If they qualify otherwise.

Mr. Lefebvre: That holds true for an independent as well?

Mr. Muggah: Oh yes.

The Chairman: If he gets 15 per cent of the votes cast in that riding.

Mr. Muggah: This is Section 16 (b). It is on page 9.

The Chairman: It seems that under this law the percentage of reimbursement of candidates' expenses is a bit higher than it is in Quebec. Could you tell me if there was any reason behind increasing the percentages?

Mr. Muggah: I cannot recall. I have forgotten how long that Quebec provision has been in effect and whether it was simply another example of inflation.

The Chairman: It was in 1965.

Mr. Muggah: In 1965. I was instructed to insert the figures here. I cannot tell you what led to that.

The Chairman: Mr. Jerome?

Mr. Jerome: Is the method of enforcement of the limit on election expenses, on party or candidates' expenses, tied to the statement of expenses that has to be filed when the election is over? Is your enforcement of that section entirely dependent upon the accuracy of that return?

Mr. Muggah: I am afraid, Mr. Chairman, I do not quite understand. The method of enforcement...

Mr. Jerome: Am I correct in assuming that the only way you can really enforce control of election expenses is through the use of the return that is made by the candidate or his party within the terms prescribed by this legislation? In other words, you are stuck by the fact that he tells you in his return, which I take it is a sworn statement, that he did in fact spend certain dollars and therefore conformed with the provisions of Section 16 (a) of this Act. Has there been any instance of those statements being challenged by any other candidates or any other...

Mr. Muggah: No, we have not had any such experience.

Mr. Jerome: But you have not tested it. I see, this is new legislation.

Mr. Muggah: Yes.

[Interpretation]

M. Muggah: S'ils sont éligibles à d'autres points de vue.

M. Lefebvre: Ceci est vrai d'un indépendant aussi?

M. Muggah: Oui.

Le président: S'il obtient 15 p. 100 des votes dans cette circonscription.

M. Muggah: C'est l'article 164 (b), à la page 9.

Le président: Il semble que, en vertu de cette loi, le pourcentage des dépenses remboursées aux candidats est un petit peu plus élevé qu'au Québec: est-ce qu'il y a une raison?

M. Muggah: Je ne me souviens pas. Je ne sais pas depuis quand existe ce règlement au Québec, ou s'il s'agit tout simplement d'un autre exemple d'inflation.

Le président: C'était en 1965.

M. Muggah: En 1965. Non, je ne sais vraiment pas. Je n'ai fait qu'insérer les chiffres qu'on m'a donnés.

Le président: Monsieur Jerome.

M. Jerome: La limite des dépenses électorales frappe-elle le parti ou le candidat et se fonde-t-elle uniquement sur l'exactitude du bilan qui est déposé après l'élection?

M. Muggah: Je crains fort de ne pas très bien comprendre le jeu de cette limite.

M. Jerome: La seule façon de contrôler les dépenses d'élections, c'est en se fondant sur le bilan de dépense présenté par le candidat dans le délai prescrit. Autrement dit, il vous dit dans sa déclaration, le montant de ses dépenses. C'est une déclaration assermentée, je suppose? S'il présente certaines dépenses conformes à la Loi, vous les acceptez? Est-ce qu'il y a eu des cas où ces déclarations ont été contestées?

M. Muggah: Non.

M. Jerome: C'est une nouvelle loi. Merci.

M. Muggah: Oui.

[Texte]

Mr. Forrestall: Mr. Chairman, I wonder if any of the witnesses could tell us how you arrived at the amount of the return for both the party and the candidate? How did you arrive at the particular figures, the amount of money?

Mr. Muggah: As I mentioned earlier, there was a commission of inquiry on this subject and my recollection is that the legislation follows substantially the recommendations of the commission, and the commission in turn was much impressed by the Quebec Act. I do not recall what justification the commission may have had for picking the figures that it did or what reason the government may have had for departing from the figures used in Quebec. They are not exactly the same.

Mr. Forrestall: I suppose it such a new procedure that there is not an established body of direction on the question, is there?

Mr. Muggah: I do not think there was any volume of former election expense returns from which an average could have been reached.

Mr. Forrestall: Does the commission deal with that in their report or do they simply arbitrarily suggest figures?

Mr. Muggah: I am sorry, I do not recall. I think I could give you a copy of that report if you do not already have one. You may have a copy of the green report.

Mr. Hamel: Mr. Chairman, I read the report of the royal commission but I do not remember all of the details. However, there is one point that perhaps should be kept in mind, and this is the fact that under Quebec law each party or each candidate of a recognized party is entitled to a representative in each poll and this representative is paid by the state, and this is not provided in your Act, so under the Quebec Act the maximum expenses allowed are smaller than they are in the Nova Scotia Act, and this is one of the reasons...

Mr. Forrestall: Supplied by the party.

Mr. Hamel: Yes, that is right.

Mr. Forrestall: In Nova Scotia. I wonder, Mr. Chairman, if we could ask the province if they could make on or more copies of the report available to us at their convenience.

The Chairman: Do you have additional copies of the Commission report?

Mr. Hickey: How many would you like to have?

Mr. Forrestall: About 20.

[Interprétation]

M. Forrestall: Monsieur le président, un des témoins peut-il nous dire comment vous avez établi le montant des dépenses du parti et du candidat?

M. Muggah: Comme je l'ai dit tout à l'heure, il y a eu une Commission d'enquête à ce sujet, dont, si je me souviens bien, la Loi suit de près les recommandations. La Commission à son tour a été frappée par la Loi québécoise. Je ne me souviens plus pour quelles raisons la Commission a choisi ces chiffres ou pourquoi le gouvernement s'est départi des chiffres utilisés au Québec.

M. Forrestall: C'est une procédure tellement nouvelle qu'il ne doit pas encore y avoir de règles d'établies?

M. Muggah: Je ne pense pas qu'il y avait autrefois des montants de dépenses d'élections qui auraient pu servir à établir une moyenne.

M. Forrestall: La Commission en parle-t-elle dans son rapport ou si elle suggère simplement un montant?

M. Muggah: Je ne me souviens pas. Je pourrais vous donner un exemplaire de son rapport. Vous avez un exemplaire du rapport vert.

M. Hamel: Monsieur le président, j'ai lu le rapport de la Commission royale, mais je ne me souviens pas de tous les détails. Mais il y a un point à ne pas oublier, c'est qu'en vertu de la Loi québécoise, chaque candidat d'un parti reconnu a droit à un représentant dans chacun des bureaux de votation et ce représentant est payé par l'État—et ceci n'est pas dans votre Loi—le montant maximum permis par la Loi québécoise est inférieur à celui de la Nouvelle-Écosse, et alors—c'est une des raisons...

M. Forrestall: Fourni par le parti.

M. Hamel: Oui.

M. Forrestall: Pourrait-on demander à la province de nous faire parvenir un ou deux exemplaires supplémentaires de ce rapport?

Le président: Avez-vous des exemplaires supplémentaires de ce rapport?

M. Hickey: Combien en voudriez-vous?

M. Forrestall: 20, environ.

[Text]

Mr. Hickey: I have already sent 14 copies to the House of Commons.

The Chairman: We already have 14 copies that were sent by Mr. Hickey.

Mr. Forrestall: That is fine. Presumably when we get back to Ottawa we will have them available to us to look over this fall.

The Chairman: Mr. Hamel?

Mr. Forrestall: If we could go on a bit further, does this absolutely restrict money in every sense? Does it restrict the right of others to spend money on a candidate's behalf or on behalf of a party? I am talking about funds that might be expended other than by the official party, by the candidate, by the party's agent or agents or by the candidate's official agent.

Mr. Muggah: As I recall it, Mr. Chairman, all expenses are to be paid by or through the agent. there is quite a lengthy definition of election expenses, and it excludes the following:

(7A) "election expenses" means all expenses incurred during an election for the purpose of promoting or opposing directly or indirectly the election of a candidate, or a person who becomes or is likely to become a candidate, or the program or policy of a candidate or party and includes expenditures incurred before an election for literature, objects or materials of an advertising nature used during the election for a purpose above referred to, but does not include:

(a) the cost of publication in a newspaper or other periodical of editorials, news, reports or letters to the editor...

(b) the cost of transmission by a radio or television station of a broadcast of news or comment that is made in the same manner and under the same regulations as outside the election period...

(c) the necessary cost of holding a convention...

[Interpretation]

M. Hickey: J'en ai déjà fait parvenir 14 aux Communes.

Le président: Nous avons déjà les 14 exemplaires qui ont été envoyés par M. Hickey.

M. Forrestall: Très bien. Nous les retrouverons probablement à notre retour à Ottawa, et nous les examinerons cet automne.

Le président: M. Hamel.

M. Forrestall: Allons un peu plus loin—ceci restreint-il l'argent dans tous les sens? Ceci restreint-il le droit pour d'autres personnes de dépenser de l'argent pour un candidat ou pour un parti? Je parle des fonds qui peuvent être dépensés par d'autres que par le parti officiel ou par le candidat ou le ou les agents officiels du parti?

M. Muggah: Si je me souviens bien, monsieur le président, toutes les dépenses doivent être payées par l'agent ou par son intermédiaire l'expression «dépenses électorales». On peut y diare. Il y a toute une longue définition de lire ce qui suit:

(7A) «dépenses électorales» désignent toutes les dépenses encourues pendant une élection dans le but de favoriser ou combattre directement ou indirectement l'élection d'un candidat, ou d'une personne qui devient ou peut devenir candidate, ou le programme ou la politique d'un candidat ou d'un parti, et englobent les dépenses encourues avant une élection pour la diffusion de brochures, objets et matériel de nature publicitaire dans le but sus-mentionné, mais n'incluent pas:

(a) le coût de la publication dans un journal ou autre périodique d'éditoriaux, nouvelles, rapports ou lettres à l'éditeur, publiés de la même manière et selon les mêmes règles qu'en temps habituel et gratuitement, sans récompense ou promesse de paiement ou de récompense, si le journal ou autre périodique n'est pas établi dans le but de l'élection et si le rythme et la distribution de la publication ne diffère pas des périodes non-électorales.

(b) le coût de la transmission par une station de radio ou de télévision de la diffusion de nouvelles ou de commentaires organisée de la manière habituelle aux périodes non-électorales, et selon les mêmes règlements, sans paiement, récompense ou promesse de paiement ou de récompense.

(c) les frais nécessaires à la tenue d'un congrès...

[Texte]

Mr. Forrestall: It excludes the cost . . .

Mr. Muggah: The cost of holding a convention.

Mr. Forrestall: Of a convention that nominates a candidate.

Mr. Muggah: It reads:

(c) the necessary cost of holding a convention in respect of an electoral district for the selection of a candidate including the reasonable expenses of the candidates at the convention, the cost of renting a hall and the convening of delegates but not including publicity costs and apart from expenses of candidates other than the candidates selected, shall not exceed one thousand dollars;

It allows up to \$1,000 convention expenses.

Mr. Forrestall: Going back to the restrictions on the newspapers, is there a requirement under the regulations which would imply a legal responsibility on the part of a newspaper not to accept a volunteered ad?

Mr. Muggah: No.

Mr. Forrestall: What if somebody with the best of intentions unwittingly went ahead and simply did something after the fact? Does all a party have to do is say "Oh, gee, look what my friend has gone and done", such as \$4,000 worth of television time or a full page ad in the newspaper. How is that protected against?

Mr. Muggah: I think I would have to check back on that.

Mr. Forrestall: Do you recall if there are regulations that would cover . . .

Mr. Muggah: I do not recall that, no.

Mr. Forrestall: However, the Act does stimulate the responsibility of the candidate and his party for money spent on their behalf?

Mr. Muggah: Yes.

The Chairman: Mr. Francis?

Mr. Forrestall: Perhaps somebody else could pursue more articulately what I am after.

[Interprétation]

M. Forrestall: Cela ne comprend pas le coût . . .

M. Muggah: Le coût nécessaire à la tenue d'un congrès.

M. Forrestall: D'un congrès où un candidat est mis en nomination.

M. Muggah: Le texte se lit comme il suit:

(c) les frais nécessaires à la tenue d'un congrès relatif à une circonscription électorale pour le choix d'un candidat y compris les dépenses raisonnables des candidats au congrès, les frais de location de salle et de réunion des délégués, sans inclure les frais de publicité et, en dehors des dépenses des candidats autres que les candidats choisis, ne devront pas excéder mille dollars;

On alloue jusqu'à \$1,000 pour les dépenses de la tenue d'un congrès.

M. Forrestall: Mais pour revenir aux restrictions imposées aux journaux, n'y a-t-il pas un article en vertu du Règlement qui laisserait entendre qu'un journal a la responsabilité légale de ne pas accepter une annonce bénévole.

M. Muggah: Non.

M. Forrestall: Qu'est ce qui se passe si quelqu'un avec les meilleures intentions du monde, sans le vouloir, agit à l'encontre de ce Règlement. Est-ce que tout ce que le parti peut faire, c'est de dire: «Oh, je regrette; voyez ce que mon ami a fait, mais c'est fait et nous n'y pouvons rien». Par exemple, si on accepte \$4,000 de publicité à la télévision ou d'annonces dans les journaux? Comment peut-on se protéger contre une telle chose?

M. Muggah: Il faudrait que je vérifie cela à nouveau.

M. Forrestall: Vous vous souvenez s'il y a des règlements qui couvriraient . . .

M. Muggah: Non, je ne me souviens pas de cela.

M. Forrestall: La Loi stipule la responsabilité du candidat et de son parti pour l'argent dépensé par eux?

M. Muggah: Oui.

Le président: Monsieur Francis?

M. Forrestall: Quelqu'un pourrait peut-être expliquer plus clairement ce que je veux dire.

[Text]

Mr. Lefebvre: I do not understand this completely, but with respect to reimbursement of election expenses is the reimbursement only made to the candidate or are expenses also reimbursed to the recognized parties as well?

Mr. Muggah: To both.

Mr. Lefebvre: To both?

Mr. Muggah: Yes.

Mr. Lefebvre: That is different than in Quebec, is it not? In Quebec they only pay it to the candidates.

Mr. Francis: What is...

Mr. Lefebvre: I am trying to understand this.

Mr. Muggah: If you will look at Section 164A on page 8 of the amendments, that sets out the limit on the party expenses and then Section 164B deals with the reimbursement of candidates' expenses.

Mr. Lefebvre: Yes. I understand that, but I cannot see where you reimburse the parties.

Mr. Benjamin: It is 40 cents.

Mr. Lefebvre: No, that is the limit of the expenses, not the reimbursement.

Mr. MacDermaid: Pardon me, you are right.

Mr. Lefebvre: You control the party's expenses but you do not reimburse any part of it.

Mr. Benjamin: Is it correct then, for example, in a riding of 10,000 voters that the candidate would be eligible to be reimbursed for a total of \$9,250 and the party would be limited to expanding not more than \$4,000?

Mr. MacDermaid: How many electors did you say there were?

Mr. Benjamin: Say, for example, that there are 10,000 electors, the party is then limited to spending \$4,000, 40 cents a voter, for which there is no reimbursement and the candidate would be eligible to be reimbursed in an amount not exceeding \$9,250, \$5,000 for the first 5,000 voters and \$4,250 for the next 5,000 voters? The party one is out. Do I have that right? Oh, I see, the candidate's expenses cannot exceed \$9,250?

Mr. MacDermaid: Yes.

Mr. Benjamin: That is it. The party can spend up to \$4,000, the candidate can spend

[Interpretation]

M. Lefebvre: A propos de remboursement des dépenses électorales, est-ce que le remboursement n'est fait qu'au candidat ou bien y a-t-il aussi des dépenses qui sont remboursées aux partis reconnus?

M. Muggah: Aux deux.

M. Lefebvre: Aux deux?

M. Muggah: Oui.

M. Lefebvre: C'est différent à Québec n'est-ce pas? Au Québec, on ne rembourse que le candidat.

M. Francis: Qu'est-ce que...

M. Lefebvre: J'essaie de comprendre cela.

M. Muggah: L'article 164A à la page 8 des amendements établit la limite des dépenses du parti et l'article 164B traite du remboursement des dépenses du candidat.

M. Lefebvre: Oui, je comprends cela, mais comment est-ce que vous pouvez rembourser les partis?

M. Benjamin: C'est 40 cents.

M. Lefebvre: Non, cela c'est la limite des dépenses, non le remboursement.

M. MacDermaid: Excusez-moi, vous avez raison.

M. Lefebvre: Vous contrôlez les dépenses du parti, mais vous n'en remboursez aucune partie.

M. Benjamin: Par exemple, est-ce juste de dire que dans une circonscription de 10,000 électeurs, le candidat aurait droit à un remboursement totalisant \$9,250 et le parti ne pourrait pas dépenser plus de \$4,000?

M. MacDermaid: Combien d'électeurs, avez-vous dit?

M. Benjamin: Disons 10,000 électeurs. Le parti est limité à \$4,000 de dépenses, \$0.40 par électeur, une dépense qui n'est pas remboursée et le candidat pourrait avoir un remboursement d'un montant ne dépassant pas \$9,250, \$5,000 pour les 50 premiers électeurs et \$4,250 pour les autres 5,000 électeurs. Le remboursement au parti est exclu. Est-ce que j'ai ce droit? Oh, je vois les dépenses du candidat ne peuvent pas dépasser \$9,250?

M. MacDermaid: Oui.

M. Benjamin: C'est juste. Les partis peuvent dépenser \$4,000; le candidat peut dépenser

[Texte]

up to \$9,250, and then the reimbursement is 25 cents per elector. He could be reimbursed for a maximum of \$2,500.

Mr. MacDermaid: Yes.

Mr. Benjamin: They could have spent \$13,250? I have it now, I think. Then you are not as generous as I thought.

The Chairman: This has not been applied yet.

Mr. Benjamin: No.

The Chairman: Do you have any idea of the cost of the general provincial election in Nova Scotia?

Mr. Hickey: The last general election in 1967 cost \$569,000, in round figures.

The Chairman: \$569,000.

Mr. Forrestall: What was the federal cost?

Mr. Hamel: Our election cost \$1.25 per elector and we had 412,791 electors in Nova Scotia, so it was roughly \$525,000.

Mr. MacDermaid: Ours cost us about \$1.20 or \$1.25, roughly.

Mr. Hickey: I have a breakdown of the enumeration costs if you are interested. The cost of the enumeration was \$170,938; the printing of the voters' lists was \$73,026; returning officer, deputy returning officer, election clerks and poll clerks totalled \$257,290; the revising officers, \$19,413; the forms, the ballot paper, trucking and miscellaneous items cost approximately \$30,000; salaries and additional help, \$10,000; rent for the polling booths and the constables' fees on election day, \$8,345, and rough and ready that totals \$569,000.

Mr. MacDermaid: The province's tariff of fees is practically identical with the federal, and that is why our costs per voter is the same as yours.

Mr. Forrestall: We found it slightly higher in Quebec, did we not, the cost of having a provincial election?

The Chairman: The cost of the provincial election in Quebec included the reimbursement of the election expenses to candidates. This is why it is difficult to make comparisons between the two systems before they apply in both provinces. Do you have any estimated figures on what this amendment is going to cost the province?

[Interprétation]

\$9,250 et le remboursement est de \$0.25 par électeur? Il pourrait être remboursé pour un maximum de \$2,500.

M. MacDermaid: Oui.

M. Benjamin: Ils auraient pu dépenser \$13,250? J'ai compris, Vous n'êtes pas aussi généreux que je le pensais.

Le président: Ceci n'a pas encore été mis en vigueur.

M. Benjamin: Non.

Le président: Avez-vous une idée des frais des élections provinciales de la Nouvelle-Écosse?

M. Hickey: Les dernières élections en 1967 ont coûté \$569,000 en chiffres ronds.

Le président: \$569,000.

M. Forrestall: Quel est le coût d'une élection fédérale?

M. Hamel: Notre élection coûte \$1.25 par électeur et nous avions 412,791 électeurs en Nouvelle-Écosse, ce qui fait environ \$525,000.

M. MacDermaid: La nôtre nous a coûté environ \$1.20 ou \$1.25.

M. Hickey: J'ai fait une ventilation des frais d'énumération. Frais de l'énumération: \$170,938; impression de la liste des électeurs: \$73,026; officiers rapporteurs, leurs adjoints, commis etc.: \$257,290; reviseurs: \$19,413, papier, camionnage, etc.: \$30,000 environ; salaires, traitements, aide supplémentaire, etc.: \$10,000; loyer des bureaux de votation, honoraires des constables: \$8,345, ce qui fait un total de \$569,000.

M. MacDermaid: Les frais des provinces sont à peu près les mêmes; voilà pourquoi le coût par électeur est le même que le vôtre.

M. Forrestall: Dans le Québec, le coût est légèrement supérieur, n'est-ce pas? Le coût de tenir une élection provinciale?

Le président: Le coût des dernières élections fédérales comprenait le remboursement aux candidats. C'est la raison pour laquelle il est difficile de faire des comparaisons entre les deux régimes avant qu'ils n'aient été appliqués dans les deux provinces. Avez-vous une estimation des frais aux provinces à cause de cet amendement?

[Text]

Mr. Hickey: No, I have not completed that yet.

Mr. MacDermaid: It would be one quarter of \$550,000, whatever that works out to.

Mr. Hamel: It is more than that because you have more than one candidate per elector.

Mr. MacDermaid: You are quite right. It is double.

Mr. Hamel: It depends on the number of candidates. You almost have to work on the actual figures of the last election because you may have one candidate who gets 85 per cent of the votes and he is the only one who will be reimbursed. The others do not get anything. However, in another district all the candidates may be reimbursed for the whole amount.

Mr. Chairman, may I ask one further question?

The Chairman: Yes, Mr. Hamel.

Mr. Hamel: It is going back a bit, but what was the percentage of electors on the list who actually voted in the last provincial election?

Mr. MacDermaid: It was 77 per cent, I believe.

Mr. Hamel: It was 77 per cent in Nova Scotia.

Mr. MacDermaid: It is usually higher than that.

Mr. Hamel: It was 82 per cent in the federal election in 1968 in Nova Scotia.

The Chairman: Yes. Mr. Benjamin.

Mr. Benjamin: Going back to this business of the limits on expenses, I notice there is a section here which states:

164A (1) Election expenses of a party during a general election...

It is not specific regarding candidates, it just says:

(3) Election expenses of a candidate shall not exceed...

What is to prevent a party from spending large amounts of money immediately before a general election? Do you have any safeguards or provisions in your legislation that prior to the calling of an election—I presume you are safe enough with your candidate because it just says: "His expenses shall not exceed." It does not say during an election. Yes it does,

[Interpretation]

M. Hickey: Non, je n'ai pas terminé encore.

M. MacDermaid: Ce serait un quart de \$550,000.

M. Hamel: C'est plus que cela car vous avez plus d'un candidat par électeur.

M. MacDermaid: C'est tout à fait juste. C'est le double.

M. Hamel: Cela dépend du nombre de candidats. Il faut vraiment utiliser des chiffres réels de la dernière élection car vous pouvez avoir un candidat qui obtient 85 p. 100 des votes et il sera le seul à être remboursé. Les autres n'obtiennent rien. Néanmoins, dans un autre district tous les candidats peuvent être remboursés pour tout le montant. Monsieur le président, puis-je poser une autre question?

Le président: Oui, monsieur Hamel.

M. Hamel: Je fais un retour en arrière. Quel a été le pourcentage des électeurs qui ont voté aux dernières élections provinciales?

M. MacDermaid: 77 p. 100, je crois.

M. Hamel: 77 p. 100 en Nouvelle-Écosse.

M. MacDermaid: C'est plus que cela ordinairement.

M. Hamel: En Nouvelle-Écosse, pour l'élection fédérale de 1968, le pourcentage était de 82 p. 100.

Le président: Oui. Monsieur Benjamin.

M. Benjamin: Revenons à la question des restrictions des dépenses électorales. Je remarque qu'un article stipule que:

164A(1) Les dépenses d'élection engagées par un parti au cours des élections générales...

En ce qui concerne les candidats, on y trouve rien de précis.

(3) Les dépenses d'élection d'un candidat ne doivent pas excéder ..

Qu'est-ce qui empêche un parti de dépenser de fortes sommes immédiatement avant les élections? Est-ce que vous avez des dispositions dans votre loi qui assurent une certaine sécurité avant le déclenchement d'une élection. Je suppose que vous êtes en sécurité vis-à-vis de votre candidat puisqu'on lit: Les dépenses d'élection d'un candidat ne doivent pas ex-

[Texte]

too, so in both cases either the candidates and the party—would prevent them from expending much greater amounts of money prior to the actual issue of the election writ?

Mr. MacDermaid: Mind you, they would have to be a little careful here because if you look at the definition of “during an election” it includes the period between the dissolution of the House of Assembly or the appearance of a vacancy in consequence of which a writ for election is eventually issued and when a candidate is declared elected. You may have a little period there before you issue your writ, I would assume, under that definition.

Mr. Benjamin: Yes, you might be covered here in a by-election, but in a general election when the House is dissolved...

Mr. MacDermaid: You go right to the polls.

Mr. Benjamin: ... the election is not on the same day and everybody in the province knows there is an election coming any time, so you have no way of overseeing expenditures immediately prior to it.

Mr. Lefebvre: That is a good point. I will have to remember that.

Mr. Benjamin: I am thinking of the parties. They have got lots to spend.

The Chairman: Mr. Francis.

Mr. Francis: Mr. Chairman, I wanted to ask one other question and sort out the answer which, no doubt is very simple, but I just have not been able to find it. Who nominates the Deputy Returning Officer and the Poll Clerk? How are the Deputy Returning Officer and the Poll Clerk named?

Mr. MacDermaid: They are selected by the Returning Officer.

Mr. Francis: Is there any recommendation from any of the official parties in this respect?

Mr. MacDermaid: I would not know.

Mr. Francis: But the Act allows the discretion to the Returning Officer?

Mr. MacDermaid: Right.

Mr. Francis: I understand in Quebec they have this split between the Deputy Returning Officer and the Poll Clerk, the two official

[Interprétation]

céder... Il n'est pas dit au cours des périodes électorales, si oui c'est ce qui est dit, de sorte que pour les candidats aussi bien que pour les partis, dites-moi ce qui les empêche de dépenser des sommes beaucoup plus fortes avant qu'on ait déclaré des élections, avant la parution du «bref» d'élection?

M. MacDermaid: Il faut qu'ils soient très prudents parce que cette période «durant les élections» va depuis le moment de la dissolution des chambres ou la création d'une vacance grâce à laquelle un bref d'élection fait son apparition, jusqu'au moment où le candidat est déclaré élu. En vertu de cette définition, il reste peut-être peu de temps avant la tenue du bref d'élection.

M. Benjamin: Vous pouvez être protégés dans une élection complémentaire mais aux élections générales au moment où la Chambre est dissoute...

M. MacDermaid: Vous prenez directement part au vote.

M. Benjamin: On dissout les chambres dès qu'on déclare des élections. Tout le monde sait qu'une élection aura lieu très prochainement. Vous n'avez aucun moyen de contrôler les dépenses immédiatement avant les élections.

M. Lefebvre: C'est une excellente étude du problème. J'essaierai de m'en souvenir.

M. Benjamin: Je pense aux partis qui ont beaucoup à dépenser.

Le président: Monsieur Francis.

M. Francis: Je voulais poser une autre question et saisir la réponse qui est très simple, sans doute. Je ne parviens pas toutefois à la trouver. Qui nomme le président général des élections et le greffier du bureau de scrutin?

M. MacDermaid: C'est le président général actuel qui les nomme.

M. Francis: Est-ce que les partis officiels ont formulé des recommandations à ce sujet?

M. MacDermaid: Je ne le sais pas.

M. Francis: Mais la loi n'accorde-t-elle pas une certaine latitude au président général?

M. MacDermaid: C'est juste.

M. Francis: Dans le Québec, si je comprends bien, il existe une division entre le président général et les greffiers des deux

[Text]

parties, which seems to me to have some merit because that guarantees two opposite and opposed interests being present to watch each other during election day. Has this been considered in Nova Scotia?

Mr. MacDermaid: No.

Mr. Francis: Thank you, Mr. Chairman.

Mr. Macquarrie: I noticed, Mr. Chairman, you have Tuesday set as the day of election. Is this a long-standing practice in Nova Scotia?

Mr. MacDermaid: No, it was a variable factor before this Election Act came into force.

Mr. Macquarrie: I wonder what prompted the fixation upon Tuesday. Over in Prince Edward Island we had a Royal Commission of which I was a member, I may say. They moved the date from Thursday which it had been for a long long time to Monday believing that that was the best possible day. Why do you have Tuesday? Does anyone recall any particular reason for that?

Mr. MacDermaid: There may be an answer for it in the Royal Commission's report.

Mr. Muggah: What is the cut-off date for radio or television broadcasts?

Mr. MacDermaid: Forty-eight hours.

Mr. Muggah: This gives you two or three days I suppose, Saturday night, Sunday and Monday.

Mr. Macquarrie: Mr. Chairman, the Radio Act—I think this is what the Chief Electoral Officer said on the broadcasting side of things—has cut it down to 24 hours in the federal jurisdiction, whereas the Canada Elections Act still has it at 48 hours. Many people find that this Sabbath calm is literally a God send to candidate, people and everyone else.

Mr. MacDermaid: To go back to your earlier question, Mr. Chairman, on why polling day was on a Tuesday. During recent years, Tuesday has been the most frequently chosen day by the Governor in Council for polling day in their general elections was the main reason they chose it. They noticed that the Canada Elections Act was on Monday, but they felt that that ran into quite a few holidays and those were the two reasons for selecting Tuesday.

Mr. Macquarrie: Thank you.

[Interpretation]

partis officiels. Ceci me semble bon car cela assure une garantie à un des deux adversaires. Ils ont la possibilité de surveiller leur comportement réciproque. A-t-on envisagé une formule semblable en Nouvelle-Écosse?

M. MacDermaid: Non.

M. Francis: Merci, monsieur le président.

M. Macquarrie: Monsieur le président, généralement, vous choisissez le mardi comme jour d'élection. Est-ce une tradition en Nouvelle-Écosse?

M. MacDermaid: Non c'était un facteur variable avant que la Loi électorale ne soit en vigueur.

M. Macquarrie: Je me demande pourquoi vous vous êtes arrêtés au mardi. Dans l'Île-du-Prince-Édouard, une commission royale dont j'ai été membre a passé du jeudi au lundi, le jeudi étant une journée traditionnelle, pensant que c'était la journée la plus avantageuse possible. Pourquoi avez-vous choisi le mardi? Y a-t-il quelqu'un ici qui se souviendrait d'une raison spéciale attachée à ce choix?

M. MacDermaid: Peut-être que le rapport de la Commission donne des justifications.

M. Muggah: A cause de la cessation des rapports? Quel est le délai de la publicité électorale?

M. MacDermaid: Quarante-huit heures.

M. Muggah: Ceci vous laisse le samedi soir, le dimanche et le lundi j'imagine.

M. Macquarrie: Monsieur le président, ce que le président général des élections a dit, je pense, concernant la loi sur la radio et l'aspect de la radiodiffusion est que la loi fixe un délai de 24 heures, alors que la loi des élections fédérales garde toujours le délai de 48 heures. Bien des gens estiment que ce calme sabbatique est très bénéfique aux candidats et aux partis.

M. MacDermaid: Si nous revenons à une question antérieure, monsieur le président, en ce qui a trait à la raison de l'élection du mardi, c'est que le Gouverneur général a choisi ce jour pour les élections générales et nous avons suivi ses pas. Ils ont remarqué que la loi sur les élections fédérales était fixée au lundi, mais ils ont pris conscience que ceci se heurtait à bien des jours de congé. Voilà pourquoi on a proposé le mardi.

M. Macquarrie: Merci.

[Texte]

The Chairman: May we say that the Chief Electoral Officer in Quebec suggested yesterday that one of the three best days for an election was Tuesday.

Mr. MacDermid: One of the things we did do in our new Elections Act and this is apropos of nothing that anybody has brought up, was to reduce the number of people required to sign nomination papers. I notice you have 25 people signing the nomination papers as we used to have, but we reduced it to 5. This is just a little point.

Mr. Macquarrie: We used to have 10 not long ago and then we put it up to 25.

The Chairman: Do you have another point, Mr. Benjamin?

Mr. Benjamin: Mr. Chairman, Mr. Jerome just pointed out what might be the answer. I notice on the first page as he has pointed out to me;

...a candidate or party and includes expenditures incurred before an election for literature, objects or materials of an advertising nature...

I guess that covers you in general elections.

Mr. MacDermid: Yes.

An hon. Member: Is that the definition of election expenses on the first page?

Mr. Benjamin: This leads me then to another question. Is there anyone in the Chief Electoral Office or do Returning Officers monitor literature and advertisements on T.V. and radio? What check do you have in terms of expenditures for literature and the dissemination of advertising on media before an election? Do you do any monitoring or do you envisage doing any monitoring since you have not had any experience with this as yet?

Mr. Hickey: It is all brand new. We have not had any experience with it at all.

Mr. Benjamin: Do you intend to monitor advertising, run a check on printing plants and this sort of thing?

Mr. Muggah: The Commission recommended a full-time chief electoral officer with an adequate staff to scrutinize expense accounts and generally to keep an eye constantly on party activities. I know this is being studied by the government, but they have not yet created an organization. How far that will go I could not say.

[Interprétation]

Le président: On peut dire que le chef général des élections du Québec, disait hier qu'un des trois jours les plus propices pour les élections était le mardi.

M. MacDermid: Un des effets de notre nouvelle loi, effet qui n'a été soulevé par personne ici, fut de réduire le nombre de gens nécessaires pour signer les papiers de mise en candidature. J'ai remarqué que vous avez 25 personnes pour cette fonction et que le nombre a été réduit à 5 personnes.

M. Macquarrie: Nous en avions 10, il n'y a pas très très longtemps, puis nous en avons demandé 25.

Le président: Vous avez un autre point à souligner, monsieur Benjamin?

M. Benjamin: M. Jerome vient de suggérer ce que pourrait être la réponse. Je lis à la page 1, que

la politique d'un candidat ou d'un parti englobe les dépenses encourues avant une élection pour la diffusion de brochures, objets et matériel de nature publicitaire...

Ceci couvre les dépenses des élections.

M. MacDermid: C'est exact.

Une voix: Est-ce la définition des dépenses électorales en première page?

M. Benjamin: Ceci m'amène à poser une autre question, est-ce que quelqu'un du bureau du directeur général des élections ou du bureau du président général, assure une vérification des émissions publiques, des réclames électorales à la TV et à la radio? Du point de vue pécuniaire, quel contrôle exercez-vous sur les moyens publics de diffusion, de renseignements avant l'élection? Est-ce que vous avez une méthode de contrôle? Prévoyez-vous en organiser une si vous n'en avez pas encore fait l'expérience?

M. Hickey: Tout cela est neuf. Nous n'avons aucune expérience dans ce domaine.

M. Benjamin: Avez-vous l'intention d'exercer un contrôle sur la publicité auprès des imprimeries?

M. Muggah: La commission recommandait au directeur général des élections d'avoir suffisamment de personnel pour contrôler les dépenses, veiller constamment sur les activités des partis. Ceci a été examiné par le gouvernement mais il n'y a pas encore une organisation créée à cette fin. Dans quelle mesure, cela ira? Je ne saurais dire.

[Text]

Mr. Benjamin: The other point is where do you draw the line? How do you differentiate between what is election advertising and ordinary political education that any political party might put out before the actual calling of an election, such as the advertising of a political leader and the party's platform two months or one month before an election is called? Could that be construed as election advertising or not? Where do you draw the line?

Mr. Muggah: You might have to have the courts do that. It says:

...during an election for the purpose of promoting or opposing directly or indirectly the election of a candidate, or a person who becomes or is likely to become a candidate, or the program or policy of a candidate or a party...

Mr. Benjamin: This goes on all the time between elections. I mean elections are never over in that sense. All parties put out literature and advertisements, promoting themselves and opposing other parties. Do you not feel that you need some sort of a cut-off date prior to an election being called because even if you intend or plan to do some monitoring, when you have your first experience with these amendments, where do you draw the line?

Mr. Muggah: I do not know that any of us would have the answer. I doubt it. I think probably we had better send our chief electoral officer, when we get one, to Quebec and see how they handle it there.

The Chairman: Are there any more questions?

Mr. Jerome: Mr. Chairman, is it possible—assuming that we are now about to adjourn, which appears likely—if any of the members have private questions or would like discussions will our guests be available for some time this afternoon in the event that there is the possibility of exploring some of these subjects further with informal discussion? I just wanted to find this out.

Mr. MacDermid: Yes.

The Chairman: They said that they will be.

Mr. Jerome: Thank you.

The Chairman: Mr. Carter.

Mr. Carter: Maybe the question was asked during my absence, but I wonder if the Chief

[Interpretation]

Mr. Benjamin: Où est la limite? Comment définissez-vous ce qui est de la publicité électorale ou simplement de la publicité éducative émanant d'un parti ou d'un autre avant le déclenchement d'une élection? La publicité électorale, un mois ou deux avant des élections, peut-elle être considérée comme publicité électorale? Où faut-il établir la ligne de démarcation?

Mr. Muggah: La cour devra peut-être se charger de cela. Le statut dit:

pendant une élection dans le but de favoriser ou combattre directement ou indirectement l'élection d'un candidat, ou d'une personne qui devient ou peut devenir candidate, ou le programme ou la politique d'un candidat ou d'un parti...

Mr. Benjamin: Ceci est constamment entre les élections. Ceci se passe continuellement entre deux élections. La période électorale n'est jamais terminée dans ce sens; chacun des partis diffuse des imprimés pour se mettre en valeur et s'opposer à d'autres partis politiques. N'avez-vous pas besoin d'une ligne de démarcation avant le déclenchement d'une élection même si vous avez l'intention d'exercer une certaine surveillance lorsque vous aurez fait vos premières expériences dans l'application de cet amendement? Où tracez-vous la ligne de démarcation?

Mr. Muggah: Je ne pense pas que nous ayons pour le moment une réponse à ce sujet. Il faudra peut-être prendre conseil du directeur général des élections du Québec pour voir comment ils règlent la question là-bas.

Le président: Avez-vous d'autres questions à poser messieurs?

Mr. Jerome: Monsieur le président, à supposer que nous allons ajourner, ce qui semble très possible, et si les députés ont des questions privées, serait-il possible que nos invités soient à notre disposition pour un peu de temps cet après-midi, pouvons-nous nous entretenir cœur à cœur avec eux? Je voudrais bien savoir si cela est possible?

Mr. MacDermid: Oui.

Le président: Nos invités disent qu'ils y seront.

Mr. Jerome: Je vous remercie.

Le président: M. Carter.

Mr. Carter: Il se peut que cette question ait été posée pendant mon absence. Je me

[Texte]

Electoral Officer, Mr. MacDermaid, could tell us whether or not posters are allowed to be displayed on polling day in or near polling stations?

Mr. MacDermaid: No, not within a certain distance, other than the official ones.

Mr. Carter: Do you have a set limit or distance?

Mr. MacDermaid: It is a limit by distance, in or without the polling station. I will try to find it.

Mr. Benjamin: How far out is it?

Mr. MacDermaid: I think it is 3,000 feet.

Mr. Forrestall: I think it is 500 or 600 feet or something like that.

Mr. Francis: That is a healthy provision and I think it is a good thing.

The Chairman: Is that different, Mr. Hamel, from the Canada Elections Act?

Mr. Hamel: There is no restriction whatsoever in the Canada Elections Act.

The Chairman: There is no restriction?

Mr. Hamel: The only thing we can control is in the poll itself because we rent the place and, therefore, we act not as owner, but as renter, so we take down everything, but there could be a banner or there could be a sign right across the street. The only provision in the Canada Elections Act covers banners, signs on cars and trucks and that kind of thing.

Mr. MacDermaid: This is covered under Section 178 of our Act and it is within 200 feet. Also, the one Mr. Hamel referred to about the loud speakers, flags and so on, is covered under Paragraph (b).

Mr. Carter: Do you allow loud speakers to be used in the cities on polling day by a candidate?

Mr. MacDermaid: No, they are not allowed on election day.

Mr. Carter: Not allowed?

Mr. MacDermaid: No.

Mr. Francis: There would be municipal ordinances regulating that in the cities. In the rural areas it is not usually desirable.

[Interprétation]

demande si le directeur général des élections pourrait nous dire si nous avons le droit d'afficher des placards le jour des élections, près des bureaux de scrutin?

M. MacDermaid: Non, pas à l'intérieur d'une certaine distance, qui est autre que la distance officielle.

M. Carter: Avez-vous une limite fixe ou précise?

M. MacDermaid: C'est une limite imposée par la distance entre ou en dehors des bureaux de vote. Je vais tout faire pour vous renseigner.

M. Benjamin: Quelle serait cette distance?

M. MacDermaid: Je pense que c'est 3,000 pieds.

M. Forrestall: Je pense que c'est 500 ou 600 pieds.

M. Francis: Je crois que c'est une bonne disposition et qu'elle aura d'heureux effets.

Le président: Monsieur Hamel, est-ce différent pour la Loi sur les élections fédérales?

M. Hamel: Aucune restriction à ce sujet dans la loi fédérale.

Le président: Aucune restriction?

M. Hamel: Le seul contrôle que nous pouvons exercer est à l'intérieur du bureau de scrutin parce que nous le louons et dès lors nous n'agissons pas en propriétaire mais en locataire, nous tenons compte de tout, mais il pourrait y avoir banderoles et signes de l'autre côté de la rue.

La seule disposition qui figure dans la loi fédérale régit les oriflammes, les banderoles sur les voitures dans les rues, etc. Les affiches aussi.

M. MacDermaid: Ceci est couvert en vertu de l'article 178 de la loi et il ne permet pas une distance à l'intérieur de 200 pieds. Quant aux haut-parleurs et aux drapeaux monsieur Hamel dit que l'alinéa (b) s'occupe d'eux.

M. Carter: Vous autorisez les hauts-parleurs dans les villes, le jour de l'élection?

M. MacDermaid: Non, nous ne les permettons pas.

M. Carter: Ils ne sont pas permis?

M. MacDermaid: Non.

M. Francis: Dans les villes, il y a normalement des règlements à cet effet. Ce n'est habituellement pas souhaitable dans les régions rurales.

[Text]

Mr. MacDermaid: It has happened and we have stopped it. We also had posters in a polling booth on one occasion and we had them removed.

Mr. Jerome: There is perhaps one final question I would like to ask. Have any representations been made about keeping open drinking establishments and liquor stores in the Province of Nova Scotia? Have any representations been made to any of the gentlemen here in that direction?

Mr. MacDermaid: No.

Mr. Benjamin: Are they closed all day or do you open them after the polls close?

Mr. MacDermaid: I think the bars are allowed to open after the polls close. I have forgotten the exact regulation.

Mr. Forrestall: Mr. MacDermaid, there is an amendment proposed to our federal Act which will make it much easier to accommodate the principle of the utilization of public buildings, such as schools in the location of polling booths. Is this a practice that is prevalent here?

Mr. MacDermaid: Yes, that is very strongly recommended to the returning officers. We do use schools, universities and so on where it is convenient to get a number of polling stations located in the one building. There is a provision in our Act permitting that.

Mr. Forrestall: There has been no trouble arising from that?

Mr. MacDermaid: No, none at all.

Mr. Macquarrie: I am delighted with your sample ballot on which you have a Christmas tree exporter. That is good. I take it that the printer's name is on the back of your ballot?

Mr. MacDermaid: That is correct, that is on the next page.

Mr. Macquarrie: There is the old joke, of course, that when they used to have the printer's name on the front he got a good many votes in the olden days.

Mr. Jerome: Mr. Chairman, does the Province of Nova Scotia retain the requirement of marking the ballot with an "x" or a cross?

Mr. MacDermaid: Yes, with a cross or an "x", but let me check.

Mr. Jerome: Yes, I notice the instructions are for making an "x" and I take it then that

[Interpretation]

M. MacDermaid: C'est arrivé mais on y a mis fin. Nous avons aussi des affiches dans les bureaux de votation et nous les avons fait enlever.

M. Jerome: C'est peut-être la dernière question que je voudrais poser. Est-ce qu'on a demandé que les régies des alcools et les débits de boissons soient ouverts les jours des élections en Nouvelle-Écosse?

M. MacDermaid: Non.

M. Benjamin: Ces établissements sont-ils fermés toute la journée, ou les ouvre-t-on après la fermeture des bureaux de votation.

M. MacDermaid: Je crois que les bars peuvent ouvrir à la fermeture des bureaux de votation. Je ne me souviens pas du règlement exact.

M. Forrestall: M. MacDermaid, on a proposé qu'une modification soit apportée à notre loi fédérale ce qui faciliterait l'utilisation de bâtiments publics comme les écoles pour en faire des bureaux de votation. Cette pratique existe-t-elle ici?

M. MacDermaid: Ceci est recommandé aux présidents d'élection. Nous installons en effet les bureaux de votation dans les écoles, les universités partout où plusieurs bureaux peuvent être installés dans un seul bâtiment. Notre loi comporte une disposition à cet effet.

M. Forrestall: Il n'y a pas eu de problèmes?

M. MacDermaid: Non aucun.

M. Macquarrie: Votre modèle de bulletin me plaît beaucoup. Vous avez un exportateur d'arbres de Noël. Si je comprends bien, le nom de l'imprimeur figure au recto?

M. MacDermaid: C'est exact, à la prochaine page.

M. Macquarrie: Autrefois paraît-il, le nom de l'imprimeur figurait au recto et il obtenait ainsi un grand nombre de votes.

M. Jerome: Est-ce que la province de la Nouvelle-Écosse exige toujours qu'on marque le nom du candidat avec une croix ou un X?

M. MacDermaid: Oui, avec un X ou une croix, permettez-moi de vérifier.

M. Jerome: Les directives demandent que l'on marque un X. Je pense que d'après les

[Texte]

your regulations would require that any two lines which cross one another in the space opposite the candidate's name would be accepted as a properly marked ballot?

Mr. MacDermaid: Yes, it says:

... by making a cross with a black lead pencil within the white space containing the name of the candidate.

Mr. Jerome: Do you require in the Province of Nova Scotia that the elector use the pencil that is provided or can he use a ballpoint pen or any other—

Mr. MacDermaid: No, he has to use the pencil.

Mr. Jerome: Failure to do so results in a spoiled ballot?

Mr. MacDermaid: That is right.

Mr. Jerome: Thank you.

Mr. Benjamin: There is no exception on the mark that is made, it has to be an "x" or a cross?

Mr. MacDermaid: There are various kinds of "x's", as Mr. Hamel knows, which are quite legal. They have been before the courts. As long as it comes within the legal definition of a cross.

Mr. Benjamin: It is limited to that and the matter of what is obviously the voter's intent with some other mark is not allowed.

Mr. MacDermaid: No, for instance, we have had them mark them on the back of the ballot in the exact space where it should go, but that would not be counted.

Mr. Forrestall: Judges of jurisdiction who have presided over recounts, though, have historically been very lenient. Many of them have been very lenient in accepting as a general principle the intention of the voter in the marking of the ballot. We have had some pretty diversified examples here in Nova Scotia of ballots that have been accepted by judges at recounts, including double "x's" and. .

Mr. MacDermaid: The only problem you get into there, Mr. Forrestall, is that it may be a means of identification of the voter that he cast his ballot for the proper party and I could see if you had two "x's" that it might be read that way.

Mr. Forrestall: In many years involved with it I never saw any ballots identified.

[Interprétation]

règlements deux lignes qui se croisent et sont apposées près du nom du candidat seront acceptées?

M. MacDermaid: Le texte est le suivant:

... en faisant une croix avec un crayon à mine noire dans l'espace blanc qui contient le nom du candidat.

M. Jerome: En Nouvelle-Écosse, l'électeur doit-il se servir du crayon fourni ou s'il peut se servir d'un stylo à bille ou d'autre chose?

M. MacDermaid: Non, il doit se servir du crayon.

M. Jerome: Autrement, le bulletin de vote est nul?

M. MacDermaid: C'est exact.

M. Jerome: Merci.

M. Benjamin: Le règlement concernant les marques ne souffre pas d'exception? Il doit s'agir d'un X ou d'une croix?

M. MacDermaid: Comme M. Hamel le sait, divers genres de X sont permis. Le cas a été porté devant les tribunaux. Du point de vue juridique la marque est admissible tant qu'on peut la définir comme étant une croix.

M. Benjamin: Le règlement se limite à cela, on ne tient pas compte de ce que pourrait être l'intention du voteur qui appose toute autre marque.

M. MacDermaid: Par exemple, certains ont marqué au verso du bulletin, à l'endroit même où la marque devait figurer mais cela n'a pas compté.

M. Forrestall: Les juges qui s'occupaient de recompter les votes ont montré beaucoup d'indulgence dans le passé. Ils acceptaient comme principe général l'intention du voteur. Par exemple, en Nouvelle-Écosse, il y a eu des bulletins qui ont été acceptés lors du recompte, alors qu'ils étaient marqués d'une double croix ou de deux traits.

M. MacDermaid: Il n'y a qu'un seul problème, M. Forrestall. Le voteur pourrait indiquer ainsi qu'il vote pour le bon parti. Je pense que les deux X pourraient être interprétés de cette façon.

M. Forrestall: Je m'occupe d'élections depuis des années et je n'ai jamais vu reconnaître l'auteur d'un bulletin de vote.

[Text]

Mr. MacDermaid: You would be amazed how people can identify their ballot.

The Chairman: With this new amendment which dealt with the request to put the recognized party on the ballot, will the ballot be different from the one shown on page 143?

Mr. MacDermaid: Yes, if you cross out the word "barrister" and put in "recognized party" instead, you will see the way it will look.

The Chairman: But you have kept the same form of ballot?

Mr. MacDermaid: Yes, that is right.

Mr. Muggah: We just replaced the occupation by the party name or the independent designation.

Mr. Forrestall: When does this amendment come into effect?

Mr. MacDermaid: Six months after it was passed, October 22.

Mr. Benjamin: Does it apply to any by-elections from here on or only general elections?

Mr. Forrestall: On the 25th day, 6 months hence.

The Chairman: In a few days. Mr. Peddle.

Mr. Peddle: I would like to ask Mr. Hickey a question. Some time ago, not too long ago, there was a statement made by a senator, I think Senator Stanbury, regarding Nova Scotian politics. I wonder if he was referring to the election practices in Nova Scotia?

Mr. Hickey: I did not hear your question. I am sorry.

Mr. Peddle: Yes, Senator Stanbury made a statement a while ago, was he referring to election practices?

Mr. Hickey: Not to my knowledge.

Mr. Francis: Without a direct quotation from the Senator, I do not quite know what the hon. member is referring to.

Mr. Forrestall: A deliberate malicious attack on the Province of Nova Scotia.

Mr. Francis: I am not aware of the problem. I am sure that the hon. member knows that press reports are hardly the basis on which to form an opinion.

[Interpretation]

M. MacDermaid: Vous seriez surpris de voir les moyens que prennent les gens pour faire reconnaître leur bulletin.

Le président: Avec cette modification demandant que les partis admis figurent sur le bulletin, est-ce que cela signifie que le bulletin sera différent de celui qui figure à la page 143?

M. MacDermaid: Oui, si vous supprimez le mot, avocat pour mettre «parti admis» vous verrez de quoi cela aura l'air.

Le président: ... Est-ce que vous conservez le même genre de bulletin? Uniquement remplaçant la profession par le parti.

M. MacDermaid: Oui.

M. Muggah: Nous avons simplement remplacé l'occupation par le nom du parti ou la désignation indépendante.

M. Forrestall: Quand cet amendement est-il entré en vigueur?

M. MacDermaid: Six mois après son adoption, le 22 octobre.

M. Benjamin: Le règlement s'applique-t-il aux élections complémentaires futures, ou seulement aux élections générales?

M. Forrestall: Le 25^e jour dans six mois.

Le président: Dans quelques jours. M. Peddle.

M. Peddle: Je voudrais poser une question à M. Hickey. Il n'y a pas très longtemps, un sénateur, le sénateur Stanbury, je crois, a fait une déclaration à propos de la politique en Nouvelle-Écosse. Est-ce qu'il parlait des pratiques électorales de la Nouvelle-Écosse?

M. Hickey: Je n'ai pas compris la question. Je m'excuse.

M. Peddle: Oui. Dans sa déclaration d'il y a quelque temps, le sénateur Stanbury faisait-il allusion aux pratiques électorales?

M. Hickey: Pas que je sache.

M. Francis: Je ne sais pas ce que le député veut dire, s'il ne cite pas les paroles du sénateur.

M. Forrestall: C'était une méchante attaque contre la province de la Nouvelle-Écosse.

M. Francis: Je ne connais pas le problème. Je suis certain que le député sait que l'on ne peut formuler une opinion personnelle d'après ce que rapportent les journaux.

[Texte]

The Chairman: Order, please.

Mr. Peddle: This was a press statement and I wonder if Mr. Hickey knew if the Senator was referring to election practices in Nova Scotia as being corrupt.

Mr. MacDermaid: As was reported in the paper, it had nothing to do with the operation of the election machinery.

Mr. Peddle: I see.

Mr. Macquarrie: Mr. Chairman, I would like to ask about Section 125, "Time to Employees" and so on. I thought Mr. Peddle would bring this up since he did yesterday. Your section dealing with this seems a bit more detailed than in other acts. Has there been any experience in Nova Scotia that has brought difficulty to employees in getting this hour off?

Mr. MacDermaid: This is a new provision in the Act. I believe we basically copied it from the federal Act.

Mr. Peddle: It is better than in the federal Act, actually.

Mr. MacDermaid: It is a little better; there have been no difficulties with it other than inquiries on what the law is.

Mr. Macquarrie: Yes, I would agree with my colleague, it is better than the other two. I also am glad, considering what happened in Newfoundland during the last election where many things happened, that you clarified what kind of time you are using, whether it is daylight or standard.

The Chairman: Are there any other points?

Mr. Francis: I have a question and it is the last one I have in mind which relates to procedures for the revision of the enumerated list which has always been a bit of a difficulty. Is there a distinction in your revisal procedures between rural and urban polls, to start with?

Mr. MacDermaid: No, it is run in exactly the same way in both areas. The Revising Officer sits for the required number of days.

Mr. Francis: The procedure is somewhat similar, I take it, to the federal Act in the representation before the Revising Officer and so forth?

[Interprétation]

Le président: A l'ordre s'il vous plaît!

M. Peddle: Monsieur le président, il s'agit d'une déclaration qui a été relevée par les journaux. Je voudrais savoir si M. Hickey savait si le sénateur disait que les pratiques électorales de la Nouvelle-Écosse étaient malhonnêtes.

M. MacDermaid: D'après le journal, cela n'a rien à voir avec le mécanisme électoral.

M. Peddle: Je vois.

M. Macquarrie: M. le président je voulais poser une question à propos de l'article 125, «Temps pour voter». Je croyais que M. Peddle en parlerait puisqu'il l'a fait hier. Votre article qui touche à ce sujet semble un peu plus détaillé que dans les autres lois. Est-ce qu'en certaines occasions des employés ont eu, en Nouvelle-Écosse, des difficultés à obtenir cette heure de congé?

M. MacDermaid: C'est une nouvelle disposition dans la Loi. Nous nous sommes fondés sur la loi fédérale.

M. Peddle: En réalité, elle est supérieure à la loi fédérale.

M. MacDermaid: Elle est un peu mieux; nous n'avons pas eu de difficulté à ce sujet sinon des demandes de renseignements sur la teneur de la loi.

M. Macquarrie: C'est vrai, je suis d'accord avec mon collègue; la Loi est supérieure aux deux autres. En vue de ce qui s'est passé à Terre-Neuve aux dernières élections, je suis heureux que vous ayez précisé si l'on doit se servir de l'heure avancée ou de l'heure normale.

Le président: Avez-vous d'autres questions?

M. Francis: Ma question est la dernière qui se rapporte aux procédures de la révision de la liste électorale qui a toujours présenté certaines difficultés; est-ce qu'il y a une distinction entre les électeurs ruraux et les électeurs urbains dans vos procédés de revision?

M. MacDermaid: Non, la révision des listes se fait de la même façon dans les deux régions. Le reviseur des listes électorales siège pendant le nombre de jours requis.

M. Francis: La procédure est semblable à celle de la loi fédérale. Il y a représentation devant le reviseur des listes électorales et ainsi de suite?

[Text]

Mr. MacDermid: It is exactly the same as yours for the urban areas, but ours applies to the rural areas as well.

Mr. Francis: Yes, thank you, Mr. Chairman, that is all.

Mr. Muggah: On that point, Mr. Chairman, in a recent by-election in a fairly large constituency there were two Revising Officers rather than the one. It is possible to have more than one.

Mr. Francis: You have not had any particular difficulty with this feature of the Act?

Mr. MacDermid: No, we would not because in any event if the worst comes to the worst they can swear to it on election day.

Mr. Francis: That they cannot do under the federal Act. It can be done only in a very limited range where there is a proved error and omission between the enumeration and the printing of the list. I think that is the only circumstance under which this can be done with the federal Act, is that not so, Mr. Hamel?

Mr. Hamel: I am sorry I did not get the beginning.

Mr. Francis: The only situation, I believe in which someone could vote on election day if his name were not on the printed list and he had not gone before a Revising Officer would be because of an error in the list and proof of enumeration.

Mr. Hamel: That is correct.

Mr. Francis: I think the only situation is a printing error and omission from the list.

Mr. Hamel: That is correct. If he can prove, in other words, that he actually was enumerated.

Mr. Francis: Yes, with the enumerator's slip.

Mr. Hamel: Yes, if he goes to the Returning Officer's office he will give him a statement or certificate and then he can vote with that.

Mr. Francis: That is the only circumstance in which we permit a person to vote on election day who has not gone through the formal procedure before a Revising Officer. I gather the Nova Scotia procedure is a little different on election day than the federal one.

Mr. Hamel: In urban areas.

Mr. MacDermid: No, your Section 46 is pretty well what we followed. If your name is

[Interpretation]

Mr. MacDermid: La méthode est la même que la vôtre pour les régions urbaines, mais la nôtre concerne aussi les régions rurales.

Mr. Francis: Oui. Merci, M. le président, c'est tout.

Mr. Muggah: A ce sujet, M. le président, lors d'une récente élection complémentaire dans une grande circonscription, il y a eu deux réviseurs au lieu d'un seul. Il est possible d'en avoir plus d'un.

Mr. Francis: Cette disposition de la loi ne vous a pas causé de difficulté?

Mr. MacDermid: Non, parce que si le pire se produit, ils peuvent en jurer le jour des élections.

Mr. Francis: Ils ne peuvent le faire en vertu de la loi fédérale sauf d'une façon très limitée lorsqu'il y a une erreur ou une omission trouvée entre l'impression et la parution de la liste. Au fédéral, la chose ne peut se faire qu'en une circonstance pareille, n'est-ce pas, monsieur Hamel?

Mr. Hamel: Je regrette, je n'ai pas compris le début.

Mr. Francis: Si le nom d'une personne ne figure pas sur la liste imprimée et qu'il n'a pas vu le réviseur, la seule raison qui lui permettrait de voter le jour de l'élection serait une erreur dans la liste et le recomptage des votes.

Mr. Hamel: C'est juste.

Mr. Francis: La seule exception serait une erreur d'impression et l'omission sur la liste.

Mr. Hamel: C'est juste. S'il peut prouver en d'autres mots que son nom avait réellement été porté sur la liste.

Mr. Francis: Oui, avec le bulletin de recensement.

Mr. Hamel: Oui, s'il va au bureau du réviseur, il peut lui donner une déclaration ou un certificat et voter.

Mr. Francis: C'est le seul cas où on autorise une personne à voter le jour des élections s'il n'a pas passé par la procédure normale de révision. Je crois qu'en Nouvelle-Écosse la procédure n'est pas tout à fait la même qu'au fédéral.

Mr. Hamel: Dans les régions urbaines.

Mr. MacDermid: Non, votre article 46 est à peu près le même que le nôtre. Si votre nom

[Texte]

not on the list you can go and be vouched for in a rural area.

Mr. Francis: In a rural area, yes, that is so. I thought we were talking about the urban areas. In the urban areas it is not possible to vote.

Mr. MacDermaid: It is possible to vote in the urban areas with the added precaution that you must go before the Revising Officer on election day to get a certificate from him which you then take along with your voucher so it can be sworn on.

Mr. Francis: But you cannot do this under the federal Act?

Mr. MacDermaid: No.

Mr. Francis: In other words, you have added something of the rural procedures in the federal Act for election day only, but otherwise you followed the urban procedures of the federal Act.

Mr. MacDermaid: Yes.

Mr. Francis: I think that is a fair summary.

The Chairman: Mr. Hamel.

Mr. Hamel: If we find, even on the day before polling day, that a group of people were left out, we could by virtue of subsection 3 of Section 5 extend for that revisal district or that polling division the period of revision.

Mr. Francis: You have done so. I remember one instance where you did.

Mr. Hamel: Oh yes, but we would not do it for one or two people. We would do it for perhaps 10 or 12 people.

Mr. Forrestall: I know of many instances where people have presented themselves at the polls, found their names not on the list and have had to go back to a revising agent, and they get furious.

Mr. MacDermaid: Actually we are giving them something that they did not have before in the urban areas.

Mr. Forrestall: Perhaps this was not dealt with by the Commission in any way but would it not be more useful to have the simplicity of an oath. You said that as an added precaution you require the elector to go to a

[Interprétation]

ne figure pas sur la liste, l'on peut se porter garant de vous dans une région rurale.

Mr. Francis: Il en est ainsi dans les régions rurales. Je pensais que nous parlions des régions urbaines. Dans les régions urbaines, il n'est pas possible de voter.

Mr. MacDermaid: Oui, il est possible de voter à condition que vous voyiez le reviseur le jour de l'élection et qu'il vous remette un certificat que vous apportez lorsque vous prêtez serment avec votre garant.

Mr. Francis: Mais vous ne pouvez pas le faire en vertu de la loi fédérale?

Mr. MacDermaid: Non.

Mr. Francis: Autrement dit, vous avez ajouté quelque chose de la procédure rurale de la loi fédérale pour le jour de l'élection, mais autrement vous vous en tenez aux procédures de la loi fédérale en ce qui concerne les régions urbaines?

Mr. MacDermaid: Oui.

Mr. Francis: Je crois que nous avons là un bon résumé?

Le président: Oui. M. Hamel.

Mr. Hamel: Si nous constatons, la veille même d'une élection que les noms d'un groupe de personnes ont été omis, nous pouvons, en vertu du paragraphe 5 prolonger la période de révision pour ce district ou cette division électorale.

Mr. Francis: Vous l'avez fait. Je me souviens d'une occasion où vous l'avez fait.

Mr. Hamel: Oh oui, mais nous ne l'aurions pas fait s'il s'agissait d'une ou de deux personnes. Nous l'aurions fait peut-être s'il y avait 10 ou 12 personnes.

Mr. Forrestall: J'ai entendu plusieurs cas où des gens se sont présentés aux bureaux de scrutin et ont constaté que leurs noms n'étaient pas inscrits sur la liste et ont dû aller voir l'agent de revision; cette situation les rend furieux.

Mr. MacDermaid: En fait, nous leur fournissons quelque chose qui n'existait pas auparavant dans les régions urbaines.

Mr. Forrestall: Il se peut que la Commission ne s'en soit pas occupée du tout, mais ne serait-il pas préférable de les faire assermenter, tout simplement? Vous avez dit que par mesure de précaution supplémentaire, vous

[Text]

certain place and establish, I suppose, certain evidence. Why would that be required?

Mr. MacDermaid: The reason we put it in is that in the rural areas the population is generally known to the people at the poll, whereas here they are not.

Mr. Forrestall: What is the process at the revising agent's office?

Mr. MacDermaid: It is not the revising agent, it is the revising officer, and he sits during certain hours on election day, when a person may appear before him.

Mr. Forrestall: But it is a simple oath he takes? Does he fill out a form?

Mr. MacDermaid: Yes, form 48; Section 114 is the one that governs it.

Mr. Forrestall: A certification...

Mr. MacDermaid: All that says is that he has to obtain form 48 from the revising officer, so he has to satisfy to the revising officer that he is eligible to vote.

Mr. Forrestall: And he has to appear with another elector, a qualified one, whose name is on the same list?

Mr. MacDermaid: Oh yes, who swears to and signs form 47 in the poll room. So it is an oath.

Mr. Forrestall: It just seems to me to be a cumbersome process which is hotly resented by ..

Mr. MacDermaid: Well, we are giving people something they do not have anywhere else, as far as I am aware, so I think this is a step in the right direction. Maybe we do not require this certificate—I do not know. However they thought that it should go in with this expanded feature of the Act.

Mr. Forrestall: Mind you, I think it is the best Act in Canada.

The Chairman: Have you a count of how many people went to the revising officer to get a certificate?

Mr. MacDermaid: You could ask Mr. MacLellan if he recalls any, because the revising officer must sit in his headquarters.

[Interpretation]

exigez de l'électeur de se présenter à un endroit déterminé et d'établir son identité. Quelle en est la raison?

M. MacDermaid: La raison en est que dans les régions rurales, les gens sont généralement connus des agents, alors qu'ici c'est le contraire.

M. Forrestall: Quelle est la procédure suivie au bureau du reviseur des listes électorales?

M. MacDermaid: Durant certaines heures, le jour de l'élection, il demeure au bureau et rencontre les gens qui peuvent se présenter devant lui pour être assermentés.

M. Forrestall: Mais s'agit-il simplement d'accepter le serment? Est-ce qu'il y a une formule à remplir?

M. MacDermaid: Oui, la formule 48; et c'est l'article 114 qui la régit.

M. Forrestall: La certification.

M. MacDermaid: Tout ce que l'article prévoit, c'est qu'il doit obtenir du reviseur des listes électorales la formule 48 pour qu'il puisse être admis à voter.

M. Forrestall: Et il doit se présenter avec un autre électeur dont le nom est inscrit sur la même liste?

M. MacDermaid: Oh oui, il est assermenté et signe la formule 47 dans le bureau de scrutin. Par conséquent, il s'agit bien d'une assermentation.

M. Forrestall: Il me semble c'est un petit peu compliqué cette façon de procéder.

M. MacDermaid: Eh bien, à mon avis nous leur fournissons quelque chose qui n'existait pas auparavant. Alors, je crois que c'est un pas dans la bonne voie. Nous n'avons peut-être pas besoin de ce certificat, je ne puis l'affirmer. Cependant, ils ont cru bon de l'inclure dans cette disposition de la loi.

M. Forrestall: Je crois que c'est vraiment la meilleure loi électorale que nous ayons au Canada.

Le président: Pouvez-vous nous dire combien de personnes se sont adressées au reviseur des listes électorales pour obtenir un certificat?

M. MacDermaid: Vous pourriez demander cela à M. MacLellan, si toutefois il s'en souvient, car le reviseur doit demeurer dans son bureau.

[Texte]

Mr. MacLellan: I think at the last election there were 55 or 60.

The Chairman: Fifty-five to sixty people.

Mr. MacLellan: In one constituency.

The Chairman: That many in one constituency?

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Mr. Hickey: Oh, yes. The total number of people eligible to vote there would be 100,000.

Mr. MacDermaid: It is amazing the number of people that do not get on the list and do not get to the revising officer. There are quite a few.

The Chairman: And you still have the proxy system?

Mr. MacDermaid: You have to be on the list for that.

Mr. Macquarrie: May I draw upon an interesting personal experience in this connection. I am referring to your qualification for an elector. At the time of the writ he does not have to have the age requirement, he is all right if he is of age on election day. But in respect of citizenship, if he meets that qualification before voting day but after the writ he does not have a chance to vote. I remember a new voter going through great personal anguish over this because he wanted to get his first vote. He had a child who became of age in that period and he became a citizen, but he had the devil's own time to exercise his franchise. In other words, one is projected in the future . .

Mr. MacDermaid: Yes, there is no reason that you should not have the qualifying words in paragraph (b) that you have in paragraph (a).

Mr. Macquarrie: Except that you cannot always be sure. But it is a group of people, and I suppose in a place like Halifax there would be a substantial number of people.

Mr. MacDermaid: Mind you, he could still go to the revising officer on election day and get put on it if he had become a Canadian citizen in the meantime. In such case he is still all right under our Act.

Mr. Macquarrie: There are ways.

[Interprétation]

M. MacLellan: Je pense qu'il y en avait 55 ou 60 lors des dernières élections.

Le président: Cinquante-cinq à soixante personnes.

M. MacLellan: Dans une seule circonscription.

Le président: Tant que ça dans une circonscription?

M. Hickey: Oh, oui. Il y a là 100,000 personnes qui ont le droit de vote.

M. MacDermaid: C'est vraiment surprenant le nombre de gens qui ne figurent pas sur les listes et qui ne s'adressent pas au reviseur. Il y a en a beaucoup.

Le président: Vous avez toujours le système de la procuration.

M. MacDermaid: Oui mais votre nom doit figurer sur la liste.

M. Macquarrie: Permettez-moi de mentionner un cas personnel très intéressant à ce sujet. Il s'agit de l'admissibilité d'un électeur. Au moment de la publication de la tenue de l'élection, l'âge ne joue aucun rôle; il suffit que l'électeur atteigne l'âge voulu le jour des élections. Mais dans le cas de la citoyenneté, s'il remplit cette condition avant le jour de l'élection, mais après la déclaration de la tenue de l'élection, il n'a aucune chance de voter. Je me souviens de l'angoisse qu'a souffert un nouvel électeur à ce sujet car il voulait participer au premier vote. Il y avait un enfant qui venait d'atteindre l'âge requis à ce moment-là et il a obtenu la citoyenneté mais il a éprouvé toutes les difficultés du monde pour se prévaloir de ce droit. Autrement dit on est brutalement projeté dans l'avenir.

M. MacDermaid: Oui, je ne vois pas pourquoi l'on ne devrait pas ajouter à l'alinéa c) les termes d'admissibilité qui se trouvent à l'alinéa a).

M. Macquarrie: Sauf que l'on ne peut pas toujours être sûr. Mais il s'agit d'un groupe de personnes et je suppose qu'à Halifax, il y a certainement pas mal de personnes.

M. MacDermaid: Oui, mais elles peuvent toujours s'adresser au reviseur le jour de l'élection et faire inscrire leur nom si, dans l'intervalle, elles avaient obtenu la citoyenneté. Dans pareil cas, c'est conforme aux dispositions de la loi.

M. Macquarrie: Évidemment il existe d'autres moyens.

[Text]

The Chairman: What about the federal Act on this citizenship question?

Mr. Hamel: Our Act reads almost word for word the same as the Nova Scotia Act but it has been decided by a ruling that provided the elector becomes 21 years of age or a Canadian citizen on or before polling day, he is qualified. Now in a series of amendments I am respectfully suggesting that we clarify this to make it absolutely clear that provided he becomes a Canadian citizen on or before polling day he should be eligible to be put on the list and vote.

The Chairman: Are there any more questions?

Mr. Macquarrie: I have to admit that you have a mighty good Act here.

Mr. Forrestall: The best province is bound to have the best Act.

Mr. MacDermid: The Act works very well from an administrative point of view.

Mr. Forrestall: How long does it take you to wind up after it is all over, Mr. MacDermid?

Mr. MacDermid: We simplified the way we paid everybody. We gave them basically a flat fee, except for the revising and returning officers. So it now works out that we have all enumerators paid before the election, whereas before it took a couple of months after the election. We just give them a flat amount. It would probably take us two months, let us say, to wind it up completely.

Mr. Hickey: Six weeks to two months.

Mr. Forrestall: How would that compare with the federal Act?

Mr. Hamel: First of all, our enumerators are paid a basic pay plus so much per name. And there is a provision in the Act which says that we cannot pay the enumerator until the revision has been completed. So that if we discover that an enumerator has padded his list, for instance, or has neglected to do his work, we could either forfeit his pay or take some action against him.

Mr. MacDermid: We did delete such things as travelling expenses, postage and all this sort of thing, which really adds a lot of work.

[Interpretation]

Le président: Qu'en pensez-vous de la loi fédérale au sujet de cette question de citoyenneté?

M. Hamel: Notre loi est presque la même que celle de la Nouvelle-Écosse mais il a été décidé qu'à condition que l'électeur atteigne l'âge de 21 ans, ou obtienne la citoyenneté le jour des élections... ou avant, il est admissible. Dans le cas d'une série d'amendements, je propose que nous devrions rendre ceci beaucoup plus clair et nous assurer que pourvu qu'un électeur obtienne la citoyenneté avant ou le jour même des élections, il devrait être admissible pour faire inscrire son nom sur la liste électorale et se prévaloir du droit de vote.

Le président: Avez-vous d'autres questions?

M. Macquarrie: Je dois admettre que la Loi est vraiment très bien rédigée.

M. Forrestall: Les meilleures provinces ont les meilleures lois.

M. MacDermid: Oui, du point de vue administratif, la loi donne de très bons résultats.

M. Forrestall: Combien de temps mettez-vous à déterminer tout le processus?

M. MacDermid: Nous avons simplifié la façon de rémunérer tout le monde. Nous leur payons un taux fixe sauf dans le cas du réviser et du président général. De sorte qu'à présent tous les recenseurs sont payés avant l'élection, alors qu'auparavant, cela pouvait durer deux mois après la tenue des élections. Nous leur versons un montant global. Cela nous prendrait probablement deux mois avant de finir tout le travail.

M. Hickey: De six semaines à deux mois.

M. Forrestall: Combien cela se compare-t-il avec ce que nous faisons au gouvernement fédéral?

M. Hamel: Tout d'abord, nos énumérateurs reçoivent un salaire de base, plus tant par électeur. Et la loi prévoit que nous ne pouvons pas payer l'énumérateur avant que la revision soit terminée.

Donc si nous voyons qu'un énumérateur a augmenté par trop sa liste ou a négligé son travail il risque de perdre sa rémunération, ou faire l'objet de sanctions.

M. MacDermid: Nous avons éliminé les frais de déplacement, les frais d'affranchissement, et toutes sortes de choses pour simplifier le travail.

[Texte]

Mr. Hamel: There are always cases pending after the election but the bulk of the work is cleaned up in roughly two months.

The Chairman: Is the function of your returning officer such that he is completely free from political interference? I am referring to his expenses and the decisions he makes.

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Mr. Hamel: I would say so.

Mr. MacDermid: He has pretty wide authority and if the parties do not co-operate with him he can go ahead on his own.

The Chairman: Thank you. On behalf of the members may I thank our witnesses for the information they have given us. This will prove very helpful in our review of our Canada Elections Act. Thank you very much for the co-operation you have shown.

Thursday, October 16, 1969.

The Chairman: I see that we have a quorum. First, I would like to introduce to you the chief electoral officer of the province of New Brunswick, Mr. Whalan.

M. J. Donald Whalan (Chief Electoral Officer of the Province of New Brunswick): Donald Whalan. Glad to know you, sir.

The Chairman: With Mr. Whalan I believe we will have an opportunity to discuss thoroughly the Province of New Brunswick Elections Act and many problems that are related to the Canada Elections Act.

Je crois opportun, au début de cette séance, de signaler aux membres du Comité que, lorsque notre témoin aura terminé, il y aura certaines questions dont nous devrons peut-être discuter ensemble, après cette séance; voilà pourquoi, je demande à tous les députés de demeurer dans la salle afin de poursuivre cette discussion, s'il y a lieu.

Now, Mr. Whalan, I will ask if you have any general comments to make about your views as to the improvements that could be made to your Elections Act and what difficulties you have, or any general comments that you may find fit to bring to the attention of our members.

Mr. Whalan: Not at the moment, Mr. Chairman. Following our 1967 election the provincial election, certain recommendations were made. One of them I stole more or less from

[Interprétation]

M. Hamel: Il y a toujours certaines choses à régler par la suite, mais en général le gros du travail est terminé dans l'espace de deux mois.

Le président: La fonction de président général rend-elle le titulaire libre de toute intervention politique? Je veux dire les frais et les décisions qu'il prend.

M. Hamel: Oui.

M. MacDermid: Il a pas mal de pouvoir et si les partis ne collaborent pas, il peut agir à sa guise.

Le président: Merci. Au nom des membres, je vous remercie d'avoir consacré votre après-midi et de nous avoir fourni tant de renseignements utiles qui nous aideront à revoir la Loi électorale du Canada.

Merci pour votre collaboration.

Le jeudi 16 octobre 1969

Le président: Je vois que nous sommes en nombre. Je voudrais vous présenter tout d'abord le Président général des élections du Nouveau-Brunswick, M. Whalan.

M. J. Donald Whalan (Président général des élections du Nouveau-Brunswick): Donald Whalan. Heureux de vous connaître, monsieur le président.

Le président: Nous aurons la possibilité de discuter à fond la Loi électorale du Nouveau-Brunswick et de nombreux problèmes qui se rapportent à la Loi électorale du Canada.

I think that at the beginning of this meeting, it would be a good thing to point out to the members of the Committee that when we have finished hearing the witness, there will be certain matters that it might be useful to discuss following this meeting. That is why I would ask all the members to stay here so that we can carry on this discussion, if necessary.

Et maintenant, monsieur Whalan, peut-être avez-vous des remarques générales à formuler sur les améliorations qu'il faut apporter à votre Loi électorale et les difficultés auxquelles vous pouvez vous heurter et, en général, toutes les remarques générales que vous croyez pouvoir nous signaler. Nous vous écoutons très volontiers.

M. J. Donald Whalan: Pas pour le moment, monsieur le président. A la suite des élections de 1967 dans notre province, quelques recommandations ont été formulées. L'une d'entre

[Text]

one of Mr. Castonguay's previous recommendations. I do not know whether it was adopted in the federal Elections Act. That was in regard to counting the ballots in advance polls. I believe he had the theory or made the recommendation that in advance polls the ballots should be placed all in one box and then counted as of one box in one electoral riding, in each electoral riding, so that the identity of a few or one vote in any one advance poll would not be disclosed.

We have had the experience here previous to my taking this office whereby, in an attempt to give the electorate every opportunity to vote at an advance poll, we increased the advance polls in Northumberland, for instance. I am thinking of Northumberland County where I came from and which is the largest county in the province, a distance of 135 miles from east to west. They had only two advance polls in the county. Then they tried to set up advance polls at both ends, with the result that there was one vote cast in one advance poll and two in another, which forever alienated the person from the secret ballot. So, I think Mr. Castonguay's recommendation was that these advance poll boxes could be dumped into one box, and counter as one box, and then the secrecy would be contained. I think that is a very important one. I am waiting for the legislature to approve of this recommendation. That is the major one.

The only other item that we are very much concerned with is the item of cost. Elections are very costly and we are trying to evolve some method whereby we can reduce costs. I would like to hear any recommendations that you people, and particularly Mr. Hamel, would have towards mitigating this problem. I think enumeration is the biggest problem in costs and we are not only affected by the provincial election in this same category but as you may know, we conduct a municipal election every two years in this Province. I am municipal electoral officer in charge of that operation, and we have the same problem every two years in addition to the provincial. Those costs are becoming increasingly more difficult. If some other method of enumeration could be devised—another thought, too, would be the method of voting machines.

That is another problem, I think, that should be carefully considered. I think Saskatchewan has that system at the moment and they find it economical, or at least the paper that I have read on it indicated that they could write it off in ten years. Now, true or false, I do not know. I would like to hear. I would like to find out more about it and to that end we are looking into it.

[Interpretation]

elles a en fait été reprise à M. Castonguay. Je ne sais pas si elles ont été incorporées à la Loi électorale du Canada. Elle conserve le compte des votes dans les bureaux de votation M. Castonguay préconisait que les bulletins de vote soient placés dans une urne dans chacune des circonscriptions électorales de sorte que l'identité d'un ou plusieurs votants ne puisse être révélée.

Avant d'entrer en fonction j'ai connu des cas où, pour donner aux électeurs toute la possibilité voulue de voter avant les élections, le nombre de bureaux provisoires ont été augmentés; cela a été le cas au Northumberland, le comté d'où je viens et qui est le plus important de la province, et s'étend à 135 milles à l'Ouest de l'Atlantique. Il n'y avait que deux bureaux provisoires dans le comté. On a créé ensuite des bureaux des deux côtés du comté. Il y a eu un vote dans un bureau et deux dans l'autre, de sorte que le votant n'a plus jamais pu participer à un scrutin secret. Voilà pourquoi il me semble que tous les bulletins devraient être jetés dans une seule urne. C'est très important. J'attends que l'Assemblée législative approuve cette recommandation. C'est la seule recommandation de poids que je formulerai.

Une autre question qui nous occupe est celle des frais. Les élections sont très coûteuses. Nous cherchons à mettre au point une méthode qui nous permettrait de faire baisser le coût. J'aimerais entendre les recommandations que vous, et particulièrement M. Hamel, auraient à formuler à ce sujet. Le recensement occasionne des frais énormes et nous ne devons pas seulement faire des élections provinciales mais aussi des élections municipales tous les deux ans dans la province. Personnellement, je suis directeur des élections au niveau municipal et de tels problèmes se représentent tous les deux ans, en plus des problèmes posés par les élections provinciales. Et les frais augmentent. Il faudrait mettre au point une méthode pour réduire les frais, il faudrait aussi penser à mettre au point une machine à voter.

C'est un autre problème qui devrait être examiné à fond. Je crois que la Saskatchewan se sert de ce système et on le trouve économique. C'est du moins ce que dit le journal que j'ai lu et qu'on pourrait amortir le coût des machines en dix ans. Maintenant, je ne sais pas si c'est vrai ou faux, je voudrais qu'on m'informe. J'aimerais en savoir plus et nous faisons une petite enquête à ce sujet.

[Texte]

I think Mr. Thomas indicated that he was interested in the referendum that was submitted to the electorate in 1967 here in New Brunswick re the voting age, the lowering of the voting age from 21 to 18. They did not meet with much success here, although I see in other provinces they found the legislature has taken it on themselves to make it mandatory. I do not know whether they went to the people with it or not, but here in New Brunswick the government did go to the people and it met with a decisive "no". I have a copy here with a breakdown percentage-wise for rural and urban.

The Chairman: Do you have enough copies for the members?

Mr. Whalan: I think there are enough to go around, yes.

Mr. Lefebvre: Could I ask a question?

The Chairman: Yes.

Mr. Lefebvre: Did you say, sir, that the legislature was about to pass this new clause permitting the advance poll?

Mr. Whalan: No, this is a recommendation that I am making to the provincial secretary's department which has to gain approval from the legislature.

Mr. Lefebvre: I think you brought up a very valid point. There were a couple of advance polls, I believe, in my riding that had only one or two votes cast in them, and there were about six advance polls in the riding. So it would have been quite easy to dump them all in together and count them.

Mr. J. M. Hamel (Chief Electoral Officer, Government of Canada): May I make a comment on this?

The Chairman: Yes.

Mr. Hamel: I believe that particularly at the federal level, we should make a difference between an urban advance poll and a rural advance poll. It is very seldom in urban areas that you have a small number of voters at the advance poll. In fact, our problem at the last general election was just the reverse. We had not provided enough documents and so on.

Mr. Francis: But we have opened up the advance pools ..

Mr. Hamel: That is correct.

Mr. Francis: ...and we have a much broader range of people who vote at them.

[Interprétation]

M. Thomas a dit, je crois, que le référendum présenté à l'électorat en 1967 au Nouveau-Brunswick sur l'abaissement du droit de vote de 21 à 18 ans l'intéressait beaucoup. Ce référendum n'a pas connu un grand succès ici, alors que dans d'autres provinces, l'Assemblée législative a rendu cet abaissement obligatoire. Je ne sais s'ils ont demandé l'avis de la population pour ce faire, mais ici au Nouveau-Brunswick, le gouvernement a consulté la population et le «non» a été formel. Je puis vous fournir le détail en pourcentage pour les populations rurale et urbaine.

Le président: Avez-vous suffisamment d'exemplaires pour les distribuer à tout le monde?

M. Whalan: Oui.

M. Lefebvre: Puis-je poser une question?

Le président: Oui.

M. Lefebvre: Dites-vous que l'Assemblée législative allait adopter la disposition autorisant les bureaux provisoires de votation?

M. Whalan: Non, c'est une recommandation que j'avais faite au secrétariat provincial et que l'Assemblée législative doit encore adopter.

M. Lefebvre: Vous avez soulevé une question très importante. Nous avons eu deux ou trois bureaux provisoires dans ma circonscription, dont l'un ou l'autre n'a eu que deux ou trois bulletins et il y avait environ six bureaux provisoires dans mon comté. Il aurait donc été très facile de verser ces bulletins ensemble.

M. J. M. Hamel (directeur général des élections du gouvernement du Canada): J'aimerais faire un commentaire à ce sujet.

Le président: Oui.

M. Hamel: Surtout au niveau fédéral, je trouve que nous devrions faire une différence entre les bureaux provisoires urbain et rural. Il est très rare que dans les villes on ait peu d'électeurs qui veulent voter d'avance. En fait, il en a été bien autrement lors des dernières élections fédérales. Nous n'avions pas assez de bulletins.

M. Francis: Mais nous avons ouvert les bulletins de vote des bureaux provisoires.

M. Hamel: C'est juste.

M. Francis: ...et nous avons une plus grande variété d'élections.

[Text]

Mr. Hamel: Yes. In the rural areas, so long as the provisions of the law will be what they are now, that we have to open an advance poll in any village or town of 1,000 population or more, we will be faced with this kind of situation wherein you have some advanced polls at which no votes at all are cast, or one vote or two votes.

By the way, the auditor general did criticize this on one or two occasions as being very costly. I do not think Mr. Castonguay ever presented this suggestion to the Committee because he, I believe, had second thoughts afterwards. There is only one problem and that is who is going to assume responsibility for the counting because at an advance poll, there are a deputy returning officer, a poll clerk and party representatives. Now, who are going to preside or look at the actual counting of the votes? If you put three or four boxes together, who is going to be in charge? Who are going to be the representatives? Some people might suspect that there could be some fooling around with the boxes in the meantime. This is the only problem. So it seems to me that it is a question of trying to decide on or to choose the lesser of two evils.

The Chairman: Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, I wanted to inquire as to whether or not Mr. Whalan or someone in his office expressed any objection to coming to Ottawa to meet with the Committee, following upon your statement that two or three chief electoral officers did so refuse.

Mr. Francis: Mr. Chairman, I would like to comment here.

The Chairman: Yes.

Mr. Francis: The first thing is that our witness is not an elected representative. He is a civil servant. He is in a very different category when this type of question is asked. I think I understand quite well what is behind Mr. Howard's question.

We are breaking a pattern for committee work. I personally do not believe our committees should be in the United States style of congressional investigation. We have seen a good deal of this before the television cameras and so on. I think it would be a very grave mistake if we were to follow that pattern.

I personally feel that this type of question is a very proper question for Mr. Howard to put to the parties involved when we get back to Ottawa. I personally would be very reluc-

[Interpretation]

M. Hamel: Dans les régions rurales, tant que les dispositions de la loi seront les mêmes, c'est-à-dire que nous devons ouvrir, je voudrais demander si M. Whalan ou ville dont la population compte 1,000 habitants ou plus, nous aurons parfois des bureaux provisoires où personne ne vote, ou seulement une ou deux. L'auditeur général a critiqué cette pratique en disant qu'elle était coûteuse. Je ne crois pas que M. Castonguay ait jamais présenté cette suggestion au Comité car il s'est ravisé par la suite. La seule question est la suivante: qui assumera la responsabilité du dépouillement, car au bureau provisoire, il y a un scrutateur, un secrétaire d'élection et des représentants des partis. Qui contrôlera le dépouillement des votes? Si vous réunissez les urnes, qui sera le responsable. Quels seront les représentants? Certains pourraient penser qu'on a pu manipuler indûment les urnes. C'est le seul problème. De deux maux, il faut choisir le moindre.

Le président: Monsieur Howard.

M. Howard (Skeena): Monsieur le président, je voudrais demander si M. Whalan ou à quelqu'un de son bureau, a refusé de venir à Ottawa devant le comité, car vous avez dit, monsieur le président, que deux ou trois présidents d'élection avaient refusé.

M. Francis: J'aimerais donner mon avis à ce sujet.

Le président: Oui.

M. Francis: Premièrement, notre témoin n'est pas un représentant élu. Il est un fonctionnaire. Il est dans une catégorie très différente pour répondre à cette sorte de question. Personnellement, je ne crois pas que nos comités devraient se comporter comme les comités sénatoriaux aux États-Unis. Nous avons vu à la télévision comment ils se comportent. Ce serait une grave erreur que de suivre cette ligne de conduite. Personnellement, ce genre de question est une question que M. Howard pourrait très bien poser à Ottawa lorsque nous serons de retour.

Personnellement, je verrais d'un mauvais œil un témoin répondre à une question semblable. Je crois qu'il faudrait tenir note de la présence au Comité. Si un membre est

[Texte]

tant to see a witness requested to answer this line of questioning, this type of questioning, at this time.

I think there should be an attendance record of the Committee. I think if a member is here for 15 minutes, that should be recorded in the minutes of the Committee. But that is going into a subject that does not really involve this witness, and I suggest that this line of questioning is not the kind of thing that I would like to see the Committee undertake with this witness.

Mr. Howard (Skeena): Mr. Chairman, I assume Mr. Francis has raised a point of order, and I would like to express my thoughts about it. Without making reference to the rather slight innuendo in the comments, apart from that the question, Mr. Francis, was posed to Mr. Chairman, because it was the Chairman of the Committee who two days ago volunteered the information to the Committee, without query about it, that one of the reasons why the Committee had to come to Quebec and Halifax and Fredericton to meet only chief electoral officers or their staffs and thus entail a fair amount of expense—and this is one thing I am concerned about—was that two or three chief electoral officers had refused to come to Ottawa. I am simply inquiring of you, Mr. Chairman, not of Mr. Whalan, but of you, whether or not that is the case, and whether your statement that two or three chief electoral officers did refuse to come to Ottawa to meet with the Committee is applicable here in Fredericton.

Mr. Francis: Well, I just think that this is not a line of questioning to which the witness should be subjected. I am going to raise a fundamental point of order. I do not think the witness should be requested by this Committee to answer that question. I am raising it now.

Mr. Howard (Skeena): If I could underline that, Mr. Chairman, I wish Francis would get it clear in his head that I am not asking Mr. Whalan; I am asking the Chairman of this Committee, who volunteered to this Committee the information that two or three chief electoral officers refused to come to Ottawa to meet with the Committee and thus entailed the spending of—I do not know how much—\$9,000. or \$10,000. to meet them in three provincial capitals.

Mr. Francis: I think you have made the point every day in every hearing, Mr. Howard, and I am going to come back and say this...

[Interprétation]

présent pendant 15 minutes, cela devrait être inscrit au compte rendu. Mais le sujet dont nous parlons n'implique pas le témoin et je prétends que des questions de ce genre ne devraient pas être posées.

M. Howard (Skeena): Je suppose que M. Francis a invoqué le Règlement et j'aimerais donner mon opinion à ce sujet. Sans me reporter aux insinuations, la question avait été posée au président du Comité qui, il y a deux jours, nous a donné ces renseignements. Il a dit que la raison pour laquelle le Comité devait venir à Québec et à Halifax et à Fredericton était pour rencontrer le président des élections et leur personnel (ce qui représente de fortes dépenses) et que deux ou trois directeurs des élections avaient refusé de venir à Ottawa. Je voudrais vous demander, monsieur le président, à vous et non à M. Whalan, si c'est bien vrai et si ce que vous avez dit est vrai pour Fredericton.

M. Francis: Je crois que nous ne devrions pas pouvoir poser de telles questions au témoin. J'entends invoquer le Règlement. J'estime que le témoin ne devrait pas être prié de répondre à une question semblable.

M. Howard (Skeena): Je voudrais que M. Francis le comprenne, je demande au président du Comité qui a bien voulu nous informer que deux ou trois présidents généraux des élections avaient refusé de venir à Ottawa. Voilà pourquoi nous dépensons environ \$10,000 pour les rencontrer dans trois capitales provinciales.

M. Francis: Cette question est soulevée à chaque réunion monsieur Howard et je vais dire...

[Text]

Mr. Howard (Skeena): I will say it again, regardless of whether you like it or not.

Mr. Francis: That is fine; I have no doubt...

Mr. Howard (Skeena): What can it be that you are trying to cover up other than the old incompetence of your party?

The Chairman: Order; order, please.

A l'ordre! Je pense que la question de M. Howard devrait m'être posée. J'avais pensé tout simplement pouvoir y répondre à la suite du témoignage de notre témoin, alors que nous discuterons de choses qui concernent le comité lui-même.

J'ai lu certains commentaires et il y a certaines précisions que je veux donner immédiatement pour ne pas être mal interprété; je veux être clairement cité. Personnellement, je n'ai fait aucune démarche directe auprès des présidents d'élection des provinces. Après que le Comité eut décidé d'aller rencontrer les présidents d'élection des provinces, on m'a fait remarquer que nous aurions des difficultés et que certains présidents d'élection de diverses provinces, comme la province de l'Ontario, préféraient que nous allions les rencontrer chez eux. Certains présidents d'élection eux-mêmes ont fait savoir qu'il y avait certaines difficultés à ce qu'ils se rendent à Ottawa pour témoigner et cela, après que le comité eut décidé d'aller les rencontrer sur place.

Ainsi, ce que j'ai dit à Québec n'a pas été une condition ou une raison déterminante du voyage que le Comité a décidé d'entreprendre, mais simplement un incident. A ce sujet, je voudrais dire à mon collègue, M. Howard, que si j'ai pu dire à Québec, dans la langue qui n'est pas la mienne, que la raison pour laquelle nous étions en tournée pour rencontrer les présidents d'élection était simplement que certains d'entre eux ne voulaient pas venir à Ottawa, j'ai l'impression qu'à ce moment-là, j'ai été mal interprété, j'ai été mal compris.

C'est pourquoi, j'exprime clairement et simplement dans ma langue que ces événements m'ont été rapportés après que le Comité eut décidé d'entreprendre le voyage. Le sous-comité de l'ordre du jour et de la procédure s'est réuni et il fut décidé d'entreprendre simplement une partie de ce voyage-là. C'était pour voir de quelle façon le tout pourrait fonctionner et pour voir de quelle façon nous pourrions obtenir les renseignements qui vont nous permettre d'étudier la refonte de notre loi. Quant au reste, je

[Interpretation]

M. Howard: Je vais le répéter, que cela vous plaise ou non.

M. Francis: Très bien, je ne doute pas...

M. Howard (Skeena): Se pourrait-il que vous essayez de dissimuler autre chose que l'incompétence reconnue de votre parti?

Le président: Messieurs, à l'ordre s'il-vous-plait.

The Chairman: Order, please I think Mr. Howard's question ought to be put. I simply thought that I might have been able to answer this after we had listened to this witness, when we would be discussing matters of interest to the Committee itself. I have read certain comments and these are some details that I wish to give immediately so that I will not be misinterpreted. I want to be quoted correctly. Personally, I did not make any direct approaches with respect to the Chief Electoral Officers of the provinces. After the Committee had decided to go and meet the Chief Electoral Officers of the provinces, I was told that we would have difficulties and that some Chief Electoral Officers of various provinces, such as Ontario, would prefer that we meet them in their own provinces. Some Chief Electoral Officers told us that difficulties would arise if they were to come to Ottawa to give evidence, and they told us this after the Committee had decided to go and see them.

Hence, what I said in Quebec City was not a determining condition or reason for the trip which the Committee decided to make, but simply an incident. I wish to tell my colleague, Mr. Howard, in this regard, that if what I said in English which is not my own language, while in Quebec City, was made to sound as though the reason why we were taking the trip to meet the Chief Electoral Officers was simply because some of them did not want to come to Ottawa, then I have the impression that I was not properly interpreted.

That is the reason why I am saying simply and clearly, in my own language, that these events were reported to me after the Committee had decided to make the trip. The Subcommittee on Agenda and Procedure met and it was decided that only part of this trip would be made. I was to see how everything could operate and to see how we could get the information that will enable us to study the revision of the Canada Elections Act. Insofar as the rest is concerned, I shall inform you later on, after having heard the witness.

[Texte]

réserve mes informations pour tout à l'heure, après que nous aurons entendu les témoignages.

Excuse these incidents, witness. Perhaps we should get back to the purpose of our meeting with the present witness. I will call on the members who have questions of the witness. Mr. Jerome?

Mr. Jerome: Mr. Chairman, if I may begin the questioning, I wonder if...

Mr. Howard (Skeena): If you had done that earlier perhaps we would not have got into so much difficulty, with respect.

Mr. Jerome: Mr. Chairman, in my recollection, in our visits to Quebec and to Nova Scotia we have run across a number of differences between their election acts and proceedings and those of the federal government. Could this witness comment on some of these areas?

Aside from the plebiscite here on the voting age, I am thinking particularly of the very interesting information we got yesterday about proxy-voting in Nova Scotia, or, alternatively, the effort of this provincial government to see to it that, for example, people in hospitals are enabled to vote on election day. This is a matter with which I have been concerned since I first got on this Committee. In my opinion, the proxy system in Nova Scotia offers the best opportunity for people in hospital being able to cast their ballot, of any I have seen so far. Could Mr. Whalan comment on whether or not they take any steps to see to it that people who are in hospitals during the course of an election can vote, and whether or not they have considered the possibility of proxy-voting of any sort.

Mr. Whalan: First of all, we have made every effort to accommodate every electorate in the province, by setting up polls, regardless of numbers, to ensure that anyone capable of voting will have an opportunity to vote.

On the second question of proxy-voting, I certainly am not aware of any effort made to entertain that idea.

Mr. Jerome: Could you, then, enlarge on what steps the Province of New Brunswick has taken to see to it, for example, that people in hospitals are enabled to vote? Is there any effort to see, for example, that they are enabled to cast a ballot in their own constituency rather than in the hospital that the constituency is in?

Mr. Whalan: They are enumerated in the hospital in which they are confined and they vote in that polling division, so to speak.

[Interprétation]

Et je prie le témoin d'excuser cet incident. Revenons-en au but de notre rencontre avec le témoin d'aujourd'hui. Je voudrais passer la parole aux membres du Comité qui veulent poser des questions au témoin. Monsieur Jerome?

M. Jerome: Monsieur le président, si je puis commencer, je me demande si...

M. Howard (Skeena): Avec tout le respect que je vous dois, si vous aviez parlé ainsi plus tôt, nous n'aurions pas eu toutes ces difficultés.

M. Jerome: Lors de notre visite au Québec et en Nouvelle-Écosse nous avons constaté plusieurs différences entre leur loi électorale et celle du gouvernement fédéral. Peut-on demander à notre témoin de nous parler de ces différences? A part le référendum concernant l'âge de vote, je pense particulièrement aux commentaires très intéressants que nous avons entendus hier à propos du vote par procuration en Nouvelle-Écosse et des efforts du gouvernement provincial qui veut s'assurer que les hospitalisés puissent voter le jour des élections. C'est une question qui m'intéresse depuis que je suis membre du Comité. Et quant à moi, le système de vote par procuration préconisé par la Nouvelle-Écosse donne vraiment aux hospitalisés la meilleure chance possible de voter. Est-ce que M. Whalan pourrait nous dire si sa province a pris des mesures pour que les hospitalisés puissent voter et a considéré la possibilité d'introduire le système de vote par procuration?

M. Whalan: Premièrement, nous prenons toutes les mesures voulues pour que tout le monde puisse voter en organisant un nombre suffisant de bureaux de vote pour que tous les électeurs puissent exercer leur droit. Quant aux votes par procuration, je ne suis pas au courant de ce qui se fait dans ce domaine.

M. Jerome: Quelles mesures le Nouveau-Brunswick a-t-il prises pour que les hospitalisés puissent voter. Est-ce qu'ils peuvent voter dans leur circonscription ou dans celle où est situé l'hôpital?

M. Whalan: Ils sont dénombrés dans les hôpitaux où ils se trouvent de sorte qu'ils votent dans la circonscription de l'hôpital.

[Text]

Mr. Jerome: To all intents and purposes, then, you make them residents of the hospital?

Mr. Whalan: That is right.

Mr. Jerome: Is there a ballot box in every hospital on election day?

Mr. Whalan: Yes, wherever it was felt that there was controversy, either in the electorate or in the parties—regardless of whom.

Mr. Jerome: How many hospitals are there in New Brunswick, sir?

Mr. Whalan: I would not be able to tell you offhand—I would not be able to begin to tell you.

Mr. Jerome: I suppose they will be located principally in Fredericton and Moncton?

Mr. Whalan: No; we have rural hospital. We have a very large hospital in Caraquet, for instance, and we have one in Ste Anne de Kent, about 50 miles north of Moncton, in a very rural area.

Mr. Jerome: Let me put it this way: Are there hospitals in the Province of New Brunswick that are too small to have a polling station in them?

Mr. Whalan: No.

Mr. Jerome: Then you have a polling station in every hospital?

Mr. Whalan: We have a polling station wherever we are asked; or even if there is a semblance of a question, we set up a polling station. We try to, and do, accommodate every electorate, regardless of how many are involved in that poll.

Mr. Jerome: Therefore, anyone who is going to be, or anticipates that they will be, in hospital on voting day should, in your opinion, be enabled to be registered as a resident of the hospital and vote there?

Mr. Whalan: He would have to be enumerated in, and a resident of, that hospital; that is right. He could not vote in another area if he was resident in a hospital. For example, he could not vote for the electorate in Restigouche if he was confined in Moncton.

Mr. Jerome: I think we all recognize that one of the weaknesses of this system is that it deprives the man of the right to vote in his own home riding, if that is important to him. But we all recognize that.

Does your system then require that the elector be in the hospital both on the date of enumeration and on the voting day?

[Interpretation]

M. Jerome: Par conséquent, ils sont donc considérés comme résidents de l'hôpital?

M. Whalan: Oui.

M. Jerome: Y a-t-il une urne dans chaque hôpital le jour de l'élection?

M. Whalan: Oui. Chaque fois qu'il y controverse ou entre les partis ou entre les électeurs.

M. Jerome: Combien y a-t-il d'hôpitaux au Nouveau-Brunswick?

M. Whalan: Je ne puis pas vous le dire au pied levé.

M. Jerome: Je suppose qu'ils se trouvent surtout à Fredericton et Moncton?

M. Whalan: Non, nous avons des hôpitaux de campagne. Caraquet a un hôpital important, de même que Ste Anne-de-Kent, à 50 milles au nord de Moncton environ. C'est un secteur rural.

M. Jerome: Ce sont des hôpitaux ruraux?

Est-ce qu'il y a des hôpitaux ruraux qui sont trop petits pour avoir un bureau de vote.

M. Whalan: Non.

M. Jerome: Vous avez donc un bureau de vote dans tous les hôpitaux.

M. Whalan: Chaque fois qu'on en fait la demande, ou que nous prévoyons des différends. Nous cherchons à satisfaire tous les électeurs.

M. Jerome: De sorte que quiconque s'attend à être à l'hôpital le jour des élections devrait être enregistré comme résident de l'hôpital?

M. Whalan: Il doit être énuméré comme résident de cet hôpital. Il ne peut voter ailleurs s'il est décrété résident de l'hôpital. Par exemple, il ne peut voter à Restigouche s'il est hospitalisé à Moncton.

M. Jerome: Nous reconnaissons tous que une des faiblesses du système c'est qu'il prive l'électeur du droit de voter dans sa propre circonscription. Est-ce que l'hospitalisé doit se trouver à l'hôpital et le jour de l'énumération et le jour du scrutin?

[Texte]

Mr. Whalan: It would have to be that way under our system.

Mr. Jerome: So that if he is enumerated...

Mr. Whalan: He would have to be a resident in that particular electoral riding in order to be enumerated.

Mr. Jerome: If he is resident at home during the time of enumeration, which, I suppose, is about six weeks before election...

Mr. Whalan: About that, yes.

Mr. Jerome: ...and in the intervening time is called into hospital, he would not then be able to cast his ballot in the hospital?

Mr. Whalan: He would not be, no.

Mr. Jerome: And if he is not out of the hospital on election day he cannot go home and cast it?

Mr. Whalan: If it was a rural area, under our system, he could take an affidavit and vote in that electoral riding; but he could not vote for the candidate in his home constituency. He would have to vote for the candidate in the hospital. I am thinking now, for instance, of the hospital in Kent County which is classified as rural. If a patient from, say, Saint John went to Kent, and was enumerated in Saint John and being confined in Kent County, he could not vote in Saint John. He would not be able to get back. He could vote in Kent County, under affidavit, but he could not vote for his members in Saint John. He would have to vote for the members in Kent County.

Mr. Jerome: In any event, this privilege, with whatever difficulties it may pose, is available only to rural residents?

Mr. Whalan: On affidavit.

Mr. Jerome: Yes.

Mr. Whalan: In the urban areas they cannot. They have to be on the voters' list up to revision. Revision is the final day.

Mr. Jerome: For example, in your provincial capital here, how many counties do you have, or how many electoral districts?

Mr. Whalan: Twenty-two.

Mr. Jerome: Two?

Mr. Whalan: Twenty-two. Here in...

Mr. Jerome: Here in Fredericton.

Mr. Whalan: In Fredericton; we have two elected members in the City of Fredericton.

[Interprétation]

M. Whalan: Il en serait ainsi dans ce système.

M. Jerome: De sorte que s'il est démontré...

M. Whalan: Il lui faudra résider dans cette circonscription le jour de l'énumération.

M. Jerome: S'il habite chez lui lors de l'énumération—c'est environ six semaines avant les élections, je crois...

M. Whalan: Environ, oui.

M. Jerome: Et qu'entre-temps il est appelé à l'hôpital, il ne pourrait pas voter à l'hôpital?

M. Whalan: Non.

M. Jerome: Et s'il n'est pas sorti de l'hôpital le jour du scrutin, il ne pourra pas rentrer chez lui pour voter?

M. Whalan: Si c'est une région rurale, il pourrait prendre un affidavit et voter dans sa circonscription, mais il ne pourrait pas voter pour le candidat de la circonscription où il réside. Il devra voter pour le candidat du district de l'Hôpital. Par exemple, l'hôpital de comté de Kent est un hôpital rural. Supposons qu'un malade de St-Jean, après avoir été énuméré à St-Jean, est hospitalisé à Kent, il ne pourra pas voter à St-Jean. Il pourra voter dans le comté de Kent, sur affidavit, pas pour son député de St-Jean mais pour le député qui se présente dans le comté de Kent.

M. Jerome: Et ce privilège, quelles que soient les difficultés qu'il comporte n'est à la disposition que des résidents ruraux.

M. Whalan: Sur affidavit.

M. Jerome: Oui.

M. Whalan: Dans les villes, non. Ils doivent être inscrits sur la liste, jusqu'au jour de la révision qui est le dernier jour.

M. Jerome: Par exemple, dans votre capitale provinciale, combien de districts électoraux avez-vous?

M. Whalan: Vingt-deux.

M. Jerome: Deux?

M. Whalan: Vingt-deux. Ici à...?

M. Jerome: Ici à Fredericton.

M. Whalan: A Fredericton; nous élisons deux députés dans la Cité de Fredericton.

[Text]

Mr. Jerome: And what about Moncton?

Mr. Whalan: Four.

Mr. Jerome: In Moncton, then, if a person living in one of the three constituencies other than the one where the hospital is located was enumerated at home and wound up in hospital on or near the election day—principally, of course, on election day—he would not be able to vote?

Mr. Whalan: In the electoral riding of Moncton?

Mr. Jerome: Yes.

Mr. Whalan: It would not matter where he lived in Moncton. He could still vote for his four representatives.

Mr. Benjamin: It is a four-member seat?

Mr. Whalan: That is right.

Mr. Jerome: All right. That is a peculiarity in that city that does not exist in the rest of the country.

Mr. Whalan: You are thinking about individual representation. I think that is what you are talking about.

Mr. Jerome: Then you do not have the problem in Moncton, and you have only two constituencies in Fredericton. The rest of...

Mr. Whalan: There is only one constituency. Fredericton is a riding by itself.

An hon. Member: Two members.

Mr. Whalan: Two members.

Mr. Jerome: Two members again; and the rest of it is rural; so that...

Mr. Whalan: There is York County. Fredericton is in York County, for instance. There is the electoral riding of Fredericton, and there is the electoral riding of York, and each has two members. York has two members and the City of Fredericton has two members.

Mr. Jerome: What about Saint John?

Mr. Whalan: Saint John is divided into three districts. Saint John Centre is the metropolitan district, and has four members; and Saint John East and Saint John West each has one.

Mr. Jerome: Hospital voting obviously is not as serious a problem in New Brunswick...

[Interpretation]

M. Jerome: Et à Moncton?

M. Whalan: Quatre.

M. Jerome: A Moncton, si une personne vit dans une des trois circonscriptions autre que celle de l'hôpital, qu'elle a été énumérée à la maison et qu'elle se retrouve à l'hôpital le jour des élections, elle ne pourrait pas voter?

M. Whalan: Dans la circonscription électorale de Moncton?

M. Jerome: Oui.

M. Whalan: Il importe peu où cette personne vit à Moncton. Elle pourra toujours voter pour un de vos quatre représentants.

M. Benjamin: C'est une ville à quatre députés?

M. Whalan: C'est exact.

M. Jerome: C'est une particularité qui n'existe pas ailleurs au pays.

M. Whalan: Est-ce que vous pensez à la représentation individuelle?

M. Jerome: Alors vous n'avez pas ce problème à Moncton et vous n'avez que deux circonscriptions à Fredericton.

M. Whalan: Une seulement.

Une voix: Il y a deux députés.

M. Whalan: Deux députés.

M. Jerome: Deux représentants, le reste est rural.

M. Whalan: Il y a le comté de York. Fredericton se trouve dans le comté de York. Il y a le district électoral de Fredericton et celui de York. Chacun des deux a deux représentants.

M. Jerome: Et St-Jean?

M. Whalan: St-Jean est divisé en trois districts électoraux: le centre métropolitain qui a quatre représentants, St-Jean-Est, St-Jean-Ouest qui ont chacun un représentant.

M. Jerome: Ce vote à l'hôpital n'est pas un problème très important au Nouveau-Brunswick.

[Texte]

Mr. Whalan: It has never been a problem. There may be individual problems which we were not able to overcome, perhaps because we were not notified in time to accommodate them. But it has not been a problem.

Mr. Jerome: I am sorry, Mr. Chairman. This is my last question. In New Brunswick can a person who anticipates being in hospital during the course of an election vote at an advance poll?

Mr. Whalan: Yes.

Mr. Jerome: That is all. Thank you, sir.

Mr. Macquarrie: I am going on to another subject, unless someone wants to talk further about hospitals.

An hon. Member: I think Mr. Lefebvre had a question.

Mr. Lefebvre: No; it was on another subject.

Mr. Macquarrie: I gather from your Elections Act, Mr. Whalan—which I have not read as fully as I should—that you have made some changes recently in your ballots—their form and their distribution. My recollection is that in New Brunswick there was an involvement of party people—party representatives—with the actual distribution or presentation of a ballot to an incoming voter on election day. Do you have any of that, or did you make a change recently?

Mr. Whalan: The ballot has been changed. We have a ballot similar to the federal ballot.

Mr. Macquarrie: What was it like previously?

Mr. Whalan: I do not recall, actually. You see I am new here since 1967, the first election I ran, so I am not too familiar with what the form was. As a matter of fact, they had no permanent seat such as Gloucester prior to 1967, and now they have. All documents more or less went by the board when the election was over.

Mr. Macquarrie: My recollection is—and I think they had this fantastic system in the Third Republic of France long ago—that at polls representatives of parties would have some role in assisting in distributing the ballots.

Mr. Whalan: Not to my knowledge here; because I remember working as a D.R.O. at elections and that problem never existed.

[Interprétation]

M. Whalan: Au Nouveau-Brunswick, non. Il peut y avoir des problèmes particuliers qu'on ne peut pas surmonter, faute de préavis. Mais ce n'est généralement pas un problème.

M. Jérôme: Ma dernière question. Est-ce qu'une personne au Nouveau-Brunswick qui s'attend à être à l'hôpital le jour des élections peut voter à un bureau provisoire?

M. Whalan: Oui.

M. Jérôme: C'est tout. Je vous remercie, monsieur.

M. Macquarrie: Je vais aborder un autre sujet, à moins que quelqu'un veuille encore parler des hôpitaux.

Une voix: Je crois que M. Lefebvre a une question.

M. Lefebvre: Non, c'était sur un autre sujet.

M. Macquarrie: Au sujet de votre loi électorale que je n'ai pas étudiée aussi à fond que je l'aurais dû, je crois que vous avez récemment apporté certaines modifications aux bulletins de vote et à leur distribution. Si je me souviens bien, au Nouveau-Brunswick, des représentants de partis ont été impliqués dans la présentation d'un bulletin à un électeur le jour du scrutin. Est-ce arrivé ou si vous avez récemment effectué des changements?

M. Whalan: La forme du bulletin a été changée. Nous avons des bulletins semblables à ceux du fédéral.

M. Macquarrie: Comment était-il avant?

M. Whalan: Je ne m'en souviens pas. J'ai été nommé en 1967 seulement, et je suis nouveau dans le domaine. En fait, il n'y avait pas de siège permanent comme Gloucester avant 1967. Nous en avons un maintenant. Tous les documents étaient plus ou moins mis de côté lorsque l'élection était finie.

M. Macquarrie: Si je me souviens bien—et je pense que ce système fantastique a existé dans la troisième République française il y a longtemps—les représentants du parti au bureau de votation devaient aider à la distribution des bulletins.

M. Whalan: Pas ici à ma connaissance. Ce problème n'a jamais existé lors des élections où j'ai travaillé.

[Text]

Mr. Macquarrie: Did you always use official ballots?

Mr. Whalan: It was an official ballot—a booklet—and it was torn off and folded and handed to the elector, and he marked it and returned it to the D.R.O. who placed it in the box.

Mr. Macquarrie: In my recollection it was the opposite, when I was living in Sackville. But we will have to look into that. In any case, I do not see it here so that it is not a problem we need to worry about.

The Chairman: Do you have the party affiliations on your ballots?

Mr. Whalan: Yes; the name of the party. This is the official ballot.

Mr. Francis: What is on the official ballot?

Mr. Whalan: The name of the candidate.

Mr. Francis: The name of the candidate.

Mr. Whalan: As it appears on the nomination papers.

Mr. Francis: And the name of the party?

Mr. Whalan: And the name of the party.

Mr. Francis: Any occupation?

Mr. Whalan: Occupation and address.

Mr. Lefebvre: Do you have other copies of the Act?

Mr. Whalan: I have. I was saying before I came in here that I should have brought extra copies and distributed them. I have plenty of them. I will do that. My clerk is not in at the moment. He will not be in until 1.45 p.m.

Mr. Forrestall: Do you adhere throughout, Mr. Whalan, to the alphabetical form?

Mr. Whalan: That is right. They are placed on the ballot alphabetically.

Mr. Forrestall: Completely alphabetically, by the name of the party?

Mr. Whalan: That is right.

Mr. Forrestall: If a party had a name beginning with "A" it would be on top of the ballot?

Mr. Whalan: Am I following you correctly, now? Under the Liberal banner, for instance, the names appearing on that ballot...

[Interpretation]

Mr. Macquarrie: Est-ce que vous avez toujours eu des bulletins de vote officiels?

Mr. Whalan: Oui. C'était un bulletin officiel qu'on détachait d'un livret. On donnait ce bulletin plié à l'électeur. Celui-ci y indiquait son choix et le remettait au surveillant du scrutin qui le jetait dans la boîte.

Mr. Macquarrie: Si mes souvenirs sont fidèles, c'était l'opposé quand je demeurais à Sackville. De toute façon, je ne vois pas cette disposition dans la Loi, de sorte que nous pouvons passer à autre chose.

Le président: Est-ce que les affiliations politiques sont indiquées sur les bulletins de vote?

Mr. Whalan: Oui, le nom des partis figure sur le bulletin de vote.

Mr. Francis: Qu'y a-t-il sur le bulletin de vote?

Mr. Whalan: Le nom du candidat.

Mr. Francis: Le nom du candidat...

Mr. Whalan: ...paraissant dans les documents de mise en nomination.

Mr. Francis: Et le nom du parti?

Mr. Whalan: Et le nom du parti.

Mr. Francis: On indique la profession?

Mr. Whalan: La profession et l'adresse.

Mr. Lefebvre: Avez-vous d'autres exemplaires de la Loi?

Mr. Whalan: J'en ai. Si j'avais su, j'en aurais apporté d'autres exemplaires, que j'aurais distribués. Nous en aurons cet après-midi.

Mr. Forrestall: Vous en tenez-vous, monsieur Whalan, à un ordre alphabétique?

Mr. Whalan: C'est ça. Les noms sont placés par ordre alphabétique.

Mr. Forrestall: Par ordre alphabétique et en indiquant le nom du parti?

Mr. Whalan: C'est bien ça.

Mr. Forrestall: Si le nom du parti commence par «A», il est placé au début.

Mr. Whalan: Est-ce que je vous suis bien? Pour le parti libéral par exemple, les noms figurant sur le bulletin de vote...

[Texte]

Mr. Forrestall: Why are the Liberal candidates at the top of the ballot?

Mr. Whalan: I cannot tell you that.

Mr. Forrestall: Perhaps not; but it happens that "L" comes before "P" but there is the "I" for the independent candidate.

Mr. Lefebvre: It may be in the Act that the government party is first on the ballot.

Mr. Whalan: No; this is the official ballot. If the government changed tomorrow it would still remain the same unless they changed the Act.

Mr. Macquarrie: I suppose if the Progressive Conservatives changed their name to "Conservatives" they would get top spot forever?

Mr. Whalan: They would be eliminated. They would have to change the Act in order to change that ballot. This is the way it was drafted. I was not apprised of the drafting of this Act. The hon. Mr. Michaud was the drafter of this Act. Presumably it would be...

Mr. Lefebvre: Would it have anything to do with the fact that the name of the top Liberal candidate starts with a "D", which is the first letter, and then they go on from there?

Mr. Whalan: No, the names of the candidates are filed alphabetically—appear alphabetically. The names of the candidates appearing on the ballot appear alphabetically.

Mr. Lefebvre: Yes. In this specimen here the Liberal candidate is Joseph Black.

Mr. Whalan: We go by the surname, though.

An hon. Member: It does not matter though.

Mr. Jerome: It is the same for every riding.

Mr. Francis: In other words, the alphabetical order of the first letters of the candidates' names determines the position on the ballot?

Mr. Whalan: The surname.

Mr. Francis: Yes. In other words, it is not the party that appears first?

An hon. Member: No; this is what he is saying.

[Interprétation]

M. Forrestall: Pourquoi les candidats du parti libéral figurent-ils en premier sur le bulletin?

M. Whalan: Je ne saurais vous le dire.

M. Forrestall: Peut-être que vous ne pouvez pas. Il est vrai que «L» précède «P», mais il y a le «I» pour le candidat indépendant.

M. Lefebvre: Il se peut que les dispositions de la Loi prévoient que le parti gouvernemental figure en premier sur le bulletin.

M. Whalan: Non, il s'agit du bulletin de vote officiel. Même si l'on changeait de gouvernement, il en serait encore ainsi, à moins qu'on n'apporte une modification à la Loi.

M. Macquarrie: Je suppose que si les progressifs conservateurs changeaient de nom pour ne s'appeler que «Conservateurs» ils seraient au sommet de la liste à jamais.

M. Whalan: Il faudrait que la Loi soit modifiée pour en arriver là. Je ne connais pas la teneur de cette Loi. L'honorable M. Michaud en a été le rédacteur.

M. Lefebvre: Serait-ce parce que le nom du premier candidat libéral commence pas un «D»?

M. Whalan: Les noms des candidats y figurent dans l'ordre alphabétique.

M. Lefebvre: Dans le modèle que nous avons sous les yeux, le nom du candidat libéral est Joseph Black.

M. Whalan: Cela va d'après le nom de famille.

Une voix: Peu importe.

M. Jerome: De toute façon, c'est la même chose pour toutes les circonscriptions?

M. Francis: Non. La première lettre du nom du candidat détermine la place qu'il occupe sur le bulletin?

M. Whalan: Le nom de famille.

M. Francis: Autrement dit, ce n'est pas le parti qui figure en premier?

Une voix: Non, c'est ce qu'il dit.

[Text]

Mr. Whalan: That is what I am saying, yes. Mr. Black is the first one on the ballot...

Mr. Francis: In other words, if you have a candidate whose surname begins with "A" he appears first on the ballot?

An hon. Member: Mr. Black was the Conservative...

Mr. Macquarrie: I thought they were alphabetical as to the party and then, within that, alphabetical relative to the candidate.

Mr. Whalan: Within the party they are alphabetical. I cannot speak for the reason for the Liberals and the Progressive Conservatives being in that order.

Mr. Francis: I am basically confused on something that appears simple. Perhaps it is just me. Is there a set order in which the parties' candidates will appear on the ballot? For example, will the name of the government candidate invariably be the first one on the ballot?

Mr. Whalan: Not necessarily; as I say again, this was to be the official ballot. It was drafted that way.

Mr. Francis: In other words, in your opinion the Act has been written in such a way as to determine which party's candidate will appear first on the ballots.

Mr. Whalan: Apparently so.

Mr. Francis: I wanted to clarify that. That is all.

Mr. Jerome: May I ask a supplementary on this, Mr. Chairman?

The Chairman: Yes. Mr. Jerome on a supplementary.

Mr. Jerome: This ballot, of course, is obviously designed for Fredericton where you elect two members. Everybody votes for two. In Moncton do you have a ballot that would show four members under the Liberal heading?

Mr. Whalan: That is right.

Mr. Jerome: In the rest of the constituencies, where you vote for only one member, do you still divide it up into the Liberal Party and then put one member for the Conservatives and then any other independents?

Mr. Whalan: That is right.

Mr. Jerome: Thank you.

[Interpretation]

M. Whalan: C'est ce que j'ai dit. Le nom de M. Black vient en premier sur le bulletin.

M. Francis: Si le candidat a un nom qui commence par «A», il est le premier sur le bulletin?

Une voix: M. Black est du parti conservateur...

M. Macquarrie: Je croyais que l'ordre alphabétique s'appliquait au parti d'abord, puis suivait le nom des candidats.

M. Whalan: Dans le cadre du parti, les noms figurent dans l'ordre alphabétique. Je ne puis dire pourquoi les choses en sont ainsi avec les libéraux et les progressistes conservateurs.

M. Francis: Il y a quelque chose de bien simple, mais que je ne comprends pas. Y a-t-il un ordre définitif dans lequel les candidats des partis figurent sur le bulletin de vote? Est-ce que le nom du candidat du gouvernement figure en premier?

M. Whalan: Pas nécessairement. Je l'ai dit, ceci est le bulletin officiel; il a été fait de cette façon.

M. Francis: Autrement dit, vous croyez que la Loi a été rédigée de façon à déterminer quel candidat d'un parti apparaîtra en premier sur les bulletins.

M. Whalan: Il semblerait.

M. Francis: Je voulais des précisions. C'est tout.

M. Jerome: Puis-je poser une question supplémentaire à ce sujet, monsieur le président?

Le président: Vous le pouvez.

M. Jerome: Il va de soi que ce bulletin était pour Fredericton où vous éliez deux députés. Est-ce qu'à Moncton le bulletin porterait les noms des quatre candidats pour le parti libéral?

M. Whalan: Oui.

M. Jerome: Dans les autres circonscriptions électorales, où l'on ne vote que pour un candidat, faites-vous aussi la distinction entre les représentants du parti libéral, du parti conservateur et les indépendants.

M. Whalan: Oui.

M. Jerome: Merci.

[Texte]

Mr. Forrestall: Might I ask a further supplementary on this? Was there a provincial general election in 1967?

Mr. Whalan: Yes.

Mr. Forrestall: And the plebiscite was conducted at the same time as the provincial general election?

Mr. Whalan: Yes.

Mr. Forrestall: This ballot was not an integral part of it?

Mr. Whalan: It was part of it.

Mr. Forrestall: It was on the bottom?

Mr. Whalan: That is right.

Mr. Forrestall: One piece of paper...

Mr. Whalan: One piece of paper—added to the bottom of it; that is right.

Mr. Forrestall: Did you find any difficulty in that?

Mr. Whalan: No, we had no complaints. I will put it that way. We had no difficulty, and I received no complaints about it.

Mr. Forrestall: Is this the actual size of the ballot?

Mr. Whalan: That is the actual size.

Mr. Forrestall: This is the actual size of the plebiscite, an addition to it?

Mr. Hamel: I have a specimen here, Mr. Forrestall.

Mr. Forrestall: Had you used the principle of having a plebiscite, or seeking answers to other questions, at the time of a general election previously, or was the 1967 experience the first one?

Mr. Whalan: It is the only one I recall. I have no recollection of any others.

Mr. Macquarrie: I am sure they were asked for before your time.

Mr. Whalan: Perhaps; I do not know.

An hon. Member: We all went through that in these provinces. It took a long while to get the right answer, too.

Mr. Forrestall: Perhaps, Mr. Hamel, you could comment on that from your background. Is it a practice among provincial governments in Canada to attach other questions when there are general elections?

[Interprétation]

M. Forrestall: Autre question supplémentaire. Y a-t-il eu des élections générales provinciales en 1967?

M. Whalan: Oui.

M. Forrestall: C'est lors de la tenue de ces élections que le plébiscite a eu lieu.

M. Whalan: C'est vrai.

M. Forrestall: Ce bulletin n'en faisait-il pas partie?

M. Whalan: Ce bulletin en faisait partie.

M. Forrestall: Il apparaît au bas?

M. Whalan: C'est juste.

M. Forrestall: C'était une feuille de papier...

M. Whalan: Une feuille de papier ajoutée au bas. C'est vrai.

M. Forrestall: Est-ce que ceci a posé des problèmes?

M. Whalan: Non, il n'y a pas eu de plaintes à ce sujet.

M. Forrestall: Est-ce que c'est le format exact?

M. Whalan: Oui.

M. Forrestall: Il s'agit là du format réel des bulletins de plébiscite?

M. Hamel: En voici un exemplaire specimen, M. Forrestall.

M. Forrestall: Avez-vous déjà, lors de la tenue d'élections générales, fait appel à la méthode du plébiscite pour obtenir des réponses à d'autres questions? L'expérience de 1967 était-elle la première?

M. Whalan: C'est la seule dont je me souviens.

M. Macquarrie: Je suis sûr qu'on a dû y recourir auparavant.

M. Whalan: Peut-être. Je ne sais pas.

Une voix: Ça été la même chose dans ces provinces. La bonne réponse a tardé à venir.

M. Forrestall: Je me demande si M. Hamel pourrait nous dire quelque chose à ce sujet, d'après son expérience? Est-ce que, au Canada, les gouvernements provinciaux ont l'habitude d'ajouter d'autres questions au bul-

[Text]

Mr. Hamel: In recent years I believe New Brunswick is the only province that has conducted one. In fact, Quebec did not even have any legislation. There was just introduced last week the necessary legislation to make possible in the future the conduct of the referendum, and this is going to be part of the Elections Act, or the Bill that was introduced to amend the Quebec Elections Act. But up to now they did not even have the machinery to do it. I believe we have had two in Canada. One was in 1940 or 1941 and the other was in the 1890's, I believe.

Mr. Forrestall: Does our federal act provide for that, or was it a special act?

Mr. Hamel: It was special legislation that was passed at that time.

Mr. Forrestall: For each question?

Mr. Hamel: That is correct.

Mr. Macquarrie: On the subject of this plebiscite, Mr. Whalan, I do not understand the last sentence on your second page—that only 50.07 per cent of those of 21 years and older spoke on the questions put before them two years ago.

Mr. Whalan: What was your question?

Mr. Macquarrie: What does it mean?

Mr. Whalan: Fifty per cent of those who voted. That is, out of a possible 313,000 eligible voters in the province 257,000 cast votes, and of those only 50 per cent answered the questions.

Mr. Macquarrie: I am taking too liberal a meaning of the word "spoke". Yes; I understand it now.

Mr. Lefebvre: After these percentages were compiled was an effort made to find out why, in the rural areas, almost half of the people did not wish to express an opinion on lowering the voting age, compared to roughly 24 per cent in the urban? Why was there such a reluctance? Was any effort made to have a study on this?

Mr. Whalan: Not to my knowledge.

Mr. Lefebvre: Then, there are certain ridings where the electorate can vote for four different candidates.

[Interpretation]

letin, quand se tiennent des élections générales?

Mr. Hamel: Ces dernières années, je crois que le Nouveau-Brunswick a été la seule province. Le Québec vient justement de passer une loi qui rendra possible la tenue de référendums à l'avenir. Ceci entrera dans la cadre de la Loi sur les élections ou du projet de loi adopté pour modifier la Loi sur les élections. Jusqu'à présent, on n'avait pas l'autorité de le faire. Je crois que, au Canada, nous avons eu deux référendums, un en 1940 ou 1941, l'autre, vers 1890.

Mr. Forrestall: Est-ce que notre loi fédérale a une disposition à ce sujet?

Mr. Hamel: Non. Cela a été une loi spéciale qui a été votée à cette époque-là.

Mr. Forrestall: Dans chaque cas?

Mr. Hamel: C'est juste.

Mr. Macquarrie: Il y a quelque chose que je ne comprends pas au sujet du plébiscite, M. Whalan. A la page 2, vous dites que seulement 50.07 p. 100 des électeurs de 21 ans ou plus se sont prononcés sur les questions qui leur avaient été posées il y a deux ans.

Mr. Whalan: Je ne comprends pas votre question.

Mr. Macquarrie: Qu'est-ce que cela veut dire?

Mr. Whalan: Seulement 50.7 p. 100 de ceux qui ont exercé leur droit de vote. Cela veut dire que sur 313,000 votants dans la province, 257,000 ont exercé leur droit de vote et 50 p. 100 d'entre eux ont répondu à la question.

Mr. Macquarrie: Je comprends maintenant.

Mr. Lefebvre: A-t-on essayé, sur la foi de ces données, de découvrir pourquoi, dans les régions rurales, presque la moitié des gens n'ont pas voulu se prononcer sur la question de la réduction de l'âge des votants alors que dans les régions urbaines il y en a eu à peine 24 p. 00. Pourquoi cette réticence? A-t-on cherché à savoir si cette réticence était motivée?

Mr. Whalan: Non, je ne pense pas.

Mr. Lefebvre: Maintenant, pour en revenir à ces circonscriptions, il y a des endroits où les électeurs peuvent voter pour quatre candidats.

[Texte]

Mr. Whalan: Yes; and for five.

Mr. Lefebvre: Can you vote for one, if you wish, or for three or four?

Mr. Whalan: That is right.

Mr. Lefebvre: There are also ridings where you have the opportunity of voting for only one person?

Mr. Whalan: That is right.

Mr. Lefebvre: Have you ever had representations from these people that votes in New Brunswick are not equal for everybody?

Mr. Whalan: I have not, no.

Mr. Lefebvre: You have not?

Mr. Whalan: No. There have been editorials in the newspapers, but I have never had any complaints nor even discussions on it.

Mr. Lefebvre: I would be very surprised if no representations were made to the government relative to one man, one vote. This, to me, does not stand up to the principle of one man, one vote.

Mr. Whalan: Of course, this has long been a subject for hash and rehash, but how serious it is, I do not know.

Mr. Lefebvre: Thank you.

Mr. Macquarrie: You were here at the time of this plebiscite, Mr. Whalan, but not in the electoral officer's chair. At that time did any group, or groups, advocate either a "yes" or a "no" answer? Do you recall any activity...

Mr. Whalan: Not organized groups; there may have been small activity, as I recall, on some campuses, but, of course, the percentages there would not indicate anything because probably those who were conducting such a campaign were not eligible to vote. My purpose in breaking that down for you is to show you—whether or not it serves any useful purpose I do not know—that in most urban centres there is a university of one kind or another, and it is rather striking to notice that in those centres they voted more definitely against it than for it.

Mr. Macquarrie: Yes. One is impressed by the large number of people who did not get down to the bottom at all. It was on the one sheet. I thought it might be a separate paper. It is quite interesting.

Mr. Forrestall: Mr. Whalan, does the section of the Act dealing with this plebiscite

[Interprétation]

M. Whalan: Parfois cinq.

M. Lefebvre: Est-ce qu'on peut voter pour un candidat, ou pour trois ou quatre?

M. Whalan: Oui.

M. Lefebvre: Il y a aussi d'autres circonscriptions où l'on ne peut voter que pour un seul candidat?

M. Whalan: C'est juste.

M. Lefebvre: Est-ce que ces personnes vous ont déjà fait savoir que le droit de suffrage n'est pas égal pour tout le monde au Nouveau-Brunswick?

M. Whalan: Non.

M. Lefebvre: Jamais?

M. Whalan: Il en a déjà été question dans les journaux, mais je n'ai reçu aucune plainte à ce sujet.

M. Lefebvre: Je suis très étonné qu'on ne se soit pas plaint auprès du gouvernement, qu'on n'ait pas demandé qu'il n'y ait qu'un vote par personne. Ceci ne répond pas à cette exigence, il me semble.

Whalan: Eh bien, ceci, évidemment, est à l'étude depuis longtemps, mais jusqu'à quel point la question est grave, je l'ignore.

M. Lefebvre: Merci.

M. Macquarrie: Monsieur Whalan, vous n'étiez pas directeur des élections à ce moment-là, mais vous étiez ici au moment du plébiscite. Est-ce qu'il y a eu un ou des groupes qui préconisaient qu'on réponde oui ou non?

M. Whalan: Non, il n'y avait pas de groupes organisés. Il y a peut-être eu un petit mouvement dans certaines universités, mais, évidemment, les pourcentages ne seraient pas significatifs, parce que d'ordinaire ceux qui menaient de telles campagnes ne pouvaient voter. Je vous dis ces choses—je ne sais pas si ceci vous sera utile—pour vous indiquer que, dans la plupart des centres urbaines, il y a une université et c'est assez étonnant de voir que dans ces centres, on s'est prononcé dans la négative.

M. Macquarrie: On est surpris de voir le grand nombre de ceux qui n'ont pas lu jusqu'au bas de la feuille.

M. Forrestall: Au sujet du plébiscite, est-ce que la Loi prévoit un engagement quel-

[Text]

permit of municipal involvement at the time of a general election? That is to say, could a municipality, or a civic unit, come forward and ask that a referendum be held, or a question be put on the ballot, in their particular area for the purpose of answering a specific question?

Mr. Whalan: No; that question has never arisen. I do not think it could arise. Elections in all municipalities, as well as those of school boards, are now conducted under the provincial legislatures—the Department of Municipal Affairs. I have that responsibility, as well. We elect 1,270 trustees every two years, as well as...

Mr. Forrestall: Mr. Whalan how could a neighbouring Nova Scotian forget the Byrne report?

Mr. Whalan: You are quite right. Quite a few municipalities have their referenda on their own ballots every two years. They have that opportunity.

The Chairman: Mr. Peddle?

Mr. Peddle: I have one question, Mr. Whalan. With your experience, do you approve of the idea of having another question included on a general election ballot?

Mr. Whalan: It is not for me to say whether I approve or disapprove. It is the consensus in the legislature, or the government...

Mr. Peddle: But from time to time surely you suggest amendments, do you not?

Mr. Whalan: I recommend amendments in relation to the efficiency of the Act. The recommending of policy is not my province.

Mr. Peddle: No; but it would appear to me—this is just a comment, Mr. Chairman—that there would be a great opportunity there for a political party very subtly to make a promise. For argument's sake, the question could be something ridiculous, such as: How would you each like to have \$1,000 a month? The suggestion would certainly be: If you vote for us you will get it. You see what I am getting at?

Mr. Howard (Skeena): You do not need to go to that sort of subtlety.

Mr. Forrestall: You might find us asking for national approval of the just society!

Mr. Whalan: As I say I have nothing to do with policy. My only concern is with the efficiency of the Act. I try to find any difficulties arising from the Act, and recommend changes.

[Interpretation]

conque par les municipalités lors de la tenue d'une élection générale? Je m'explique. Est-ce qu'une municipalité peut demander qu'un référendum ait lieu ou qu'une question d'ordre régional soit inscrite sur le bulletin de vote?

M. Whalan: Non, la question ne s'est jamais posée. Je doute fort qu'elle se pose, parce que dans toutes les municipalités et Commissions scolaires, les élections sont un domaine qui relève du ministère des Affaires municipales. Je m'en occupe également, nous élisons 1270 commissaires tous les deux ans.

M. Forrestall: Il ne faut pas oublier le Rapport Byrne, n'est-ce pas?

M. Whalan: Oui, mais la plupart des municipalités ont des référendums tous les deux ans.

Le président: M. Peddle?

M. Peddle: Une question que j'adresserai à M. Whalan. Avec vos connaissances de la chose, approuvez-vous cette idée d'ajouter une question au bulletin de vote?

M. Whalan: Ce n'est pas à moi d'approuver ou de désapprouver; cela est l'affaire du gouvernement.

M. Peddle: De temps à autre, il vous est certes donné de proposer des modifications à la loi?

M. Whalan: Oui, pour rendre la Loi plus efficace, mais je ne recommande pas la politique à suivre.

M. Peddle: Un simple commentaire. Il me semble qu'il y aurait là une occasion pour un parti politique de faire une promesse de façon très subtile, même si la chose peut sembler ridicule. Comment l'idée de recevoir \$1,000 par mois vous paraît-elle? Si vous votez pour nous, vous l'aurez. Vous voyez où je veux en venir.

M. Howard (Skeena): Vous n'avez pas à donner dans ces subtilités.

M. Forrestall: On pourrait demander une approbation nationale de la société juste.

M. Whalan: Je ne m'occupe pas du tout de la politique à suivre. Ce qui me préoccupe, c'est l'application efficace de la loi. Comme je vous disais, j'essaie de voir s'il y a des diffi-

[Texte]

It is then up to the legislature to give effect to them if they adopt them.

Mr. Forrestall: In order to keep track of things as we move along, I wonder if I could go back to the general area of the first question. I am not referring specifically to the hospital but the area of general conformity between provincial and federal Acts, and I would like to ask you first if at any time your principles have indicated to you their thoughts or their general attitudes about the present differences between your system and the federal system. That is one part of it but, more basically, whether or not there is a need to sit down nationally, perhaps, to try to work out a more uniform system from province to province and with the federal authority perhaps being the principal guiding factor in terms of the detail or the efficiency of the Act, at least.

Mr. Whalan: I cannot speak for the Elections Act. I feel confident that any recommendations would certainly be entertained and the more study that is made of this, and by study I mean joint communication because we are conducting municipal elections every two years.

Mr. Forrestall: Would the form of a non-going national...

Mr. Whalan: Excuse me, but when it is municipal it is non-political and it makes it that much easier to execute changes which might in turn possibly rub off in provincial and federal amendments.

Mr. Forrestall: As the person responsible for—and I will defer to my senior colleague—processing the sections of the act and making it work, do you think it would be useful if from time to time in Canada there were a national body or a forum perhaps at the academic level, or perhaps a combination of the academic and political levels, for the purposes of discussing acts?

Mr. Whalan: I would certainly welcome it.

Mr. Forrestall: It would be useful and a functional thing?

Mr. Whalan: I would say so, yes, very definitely.

Mr. Forrestall: Thank you.

Mr. Macquarrie: Are you moving toward a situation where, as the man who keeps the municipal and also the provincial elections

[Interprétation]

cultés dans l'application de la loi. Je le signale à l'Assemblée législative, je propose des modifications, mais il appartient au gouvernement de les adopter.

M. Forrestall: Eh bien, pour en revenir à la première question, non pas à celle des hôpitaux, mais à la correspondance qui existe entre la loi électorale de notre province et celle du gouvernement fédéral, est-ce que vos supérieurs vous ont dit ce qu'ils pensaient des différences actuelles entre votre système et le système fédéral? Il s'agit d'une partie de la question, mais est-il nécessaire de chercher à mettre au point un système uniforme entre les provinces en gardant le gouvernement fédéral comme principal guide face aux détails ou à l'efficacité de la loi, à tout le moins.

M. Whalan: Je ne peux pas plaider en faveur de la Loi électorale. Je pense que toute recommandation serait sans aucun doute acceptée et que la question sera approfondie, j'entends par des échanges de vues car nous avons des élections municipales tous les deux ans.

M. Forrestall: Est-ce que...

M. Whalan: Excusez-moi, mais au niveau municipal, il n'y a pas de politique en jeu et cela facilite les changements qui pourraient à leur tour être enlevés des modifications au niveau provincial et fédéral.

M. Forrestall: A titre de préposé à l'application et à la mise au point des articles de la loi, ne seriez-vous pas d'avis qu'il serait utile que de temps en temps, un organisme national se réunisse au niveau universitaire, qu'un forum soit organisé, ou même aux niveaux universitaire et politique combinés, afin d'étudier ces lois?

M. Whalan: Oui, j'estime que ce serait très utile.

M. Forrestall: Ce serait utile?

M. Whalan: Je suis tout à fait de cet avis.

M. Forrestall: Merci.

M. Macquarrie: Est-ce que vous entrevoyez le jour où, comme vous vous occupez des élections municipales et provinciales, vous

[Text]

going, you are thinking of the day when you might have an identical voters' list?

Mr. Whalan: We are working toward that end. The amendments in the Municipalities Act are quite complex when you are dealing with so many municipalities; the different problems of cities as against towns and towns as against villages.

Mr. Macquarrie: Yes.

Mr. Whalan: For instance, we have 92 villages all having different numbers of councillors, from 2 to 12, and we are continually trying to bring our Municipalities Act in line with the provincial act.

Mr. Macquarrie: You might have quite an opportunity all over the province.

Mr. Whalan: And there again we would like very much, as things evolve, to be able to bring our Elections Act in line with federal act as well, if it is an improvement. This is where I think consultations and communications are important if this is going to be achieved.

Mr. Carter: I was going to raise a subject, Mr. Chairman, that was raised in the other hearings in connection with parties being reimbursed a part of their campaign expenses. Do you want me to wait and see if this comes up later?

The Chairman: Mr. Jerome, did you have a supplementary?

Mr. Jerome: I wanted to get into the question of enumeration and the length of the election time, and so on. I do not really know whether we have sort of slid into that subject now or not.

The Chairman: If you all have new subjects, then I will recognize Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, there is one section here that intrigues me. It is Section 127(1), Peace and Good Order at Public Meetings. I do not know if I have ever seen that in another election act, although it may well be there. This means public meetings of political parties. What has been the experience in this connection? Have there been any problems which required the enforcement of this section?

Mr. Whalan: We have never run into a problem where we had to call on this section. No doubt there have been some disorders, but it has never come to my attention officially.

[Interpretation]

n'aurez qu'une liste d'électeurs?

M. Whalan: Nous espérons y arriver. Les modifications à apporter à la Loi des municipalités sont très compliquées, surtout quand il y a autant de municipalités; car il y a les différents problèmes qui opposent les cités aux villes et les villes aux villages.

M. Macquarrie: En effet.

M. Whalan: Aussi, nous avons 92 villages qui possèdent tous un nombre différent de conseillers entre 2 et 12. Nous essayons constamment de concilier la Loi des municipalités et la loi provinciale.

M. Macquarrie: Vous devez en avoir souvent l'occasion dans la province.

M. Whalan: Nous souhaiterions aussi conformer notre loi à celle du Canada si c'est un signe de progrès. C'est à ce niveau que la consultation et l'échange de vues sont importants dans ce domaine.

M. Carter: J'allais poser une question déjà soulevée lors d'autres séances à savoir si les candidats seront remboursés d'une partie de leurs dépenses électorales? Est-ce que vous voulez que j'attende? Cette question peut être posée plus tard.

Le président: Monsieur Jérôme, aviez-vous une question complémentaire?

M. Jerome: Je voulais parler de l'énumération et de la durée de la période électorale et autres. Je ne sais pas si l'on a déjà lancé ce sujet.

Le président: Si vous avez tous de nouveaux sujets, je vais céder la parole à M. Benjamin.

M. Benjamin: Il y a une disposition qui m'intrigue. Il s'agit du paragraphe (1) de l'article 127: l'ordre et la paix dans les réunions publiques. Je ne pense pas avoir déjà vu quelque chose de semblable dans une loi fédérale. Cela s'adresse aux séances publiques des partis politiques? Quelle a été votre expérience dans ce domaine? Est-ce qu'il y a des problèmes qui vous ont forcé à adopter une telle disposition?

M. Whalan: Nous n'avons jamais dû invoquer cet article. Il y a eu des désordres, bien entendu, mais ils ne m'ont jamais été signalés de manière officielle.

[Texte]

Mr. Benjamin: I see. It has probably been in the Act for some time, then, as a result of an experience many years ago.

Mr. Whalan: That is right.

Mr. Benjamin: I have another question which I think leads into this matter of absentee balloting. A voter who reaches the age of 21 between the time of enumeration and election day, can he go to the polls on election day and be sworn in and vote or does he have to get a certificate?

Mr. Whalan: Under the Act he can if he lives in a rural riding, but in an urban area, if he became 21 after revision day, he is out.

Mr. Benjamin: There is no way he can get a certificate from the returning officer?

Mr. Whalan: No, not in an urban centre. This is rather unfortunate and it should be corrected.

Mr. Benjamin: The only way they could do it would be to have themselves enumerated or put on the revision list, even though they were not 21 on the day of revision.

Mr. Whalan: They might try that but then they might be up against the perjury provisions.

Mr. Benjamin: But if a man were 21 by or on election day he surely would not be questioned.

Mr. Whalan: He would not be questioned then but when he fills out his enumeration certificate he might be creating an untruth there. It is a delicate thing. Nevertheless, I see your point. There must be some way of circumventing that as well.

Mr. Benjamin: Are there any other provisions of any kind for absentee balloting?

Mr. Whalan: No.

Mr. Benjamin: None whatsoever.

Mr. Jerome: I have a supplementary on this system. Are there any provisions for penalizing a person for doing that? As far as I can see, the expedient for a person who is going to be 21 on election day but who is not 21 on enumerating day is to do exactly that, when the enumerator calls at the door to report himself as an eligible voter. Is there a penalty for that in the Province of New Brunswick?

[Interprétation]

M. Benjamin: Vous avez sûrement inséré cette disposition à cause de faits qui se sont passés il y a plusieurs années?

M. Whalan: Très probablement.

M. Benjamin: Voici une autre question relative au vote des absents. Le voteur qui atteint 21 ans, entre la période de l'énumération et le jour des élections peut-il se rendre au bureau de votation au jour dit, être assermenté et voter ou doit-il se procurer un certificat?

M. Whalan: En vertu de la loi, s'il réside dans une circonscription électorale, il peut être inscrit mais dans une région urbaine, s'il a 21 ans après la date de la révision, il ne peut pas.

M. Benjamin: Il ne peut se procurer de permis du président d'élection?

M. Whalan: Pas dans un centre urbain. Cet état de choses devrait être rectifié.

M. Benjamin: La seule façon d'y remédier serait de les énumérer ou de les inscrire sur la liste de crutin même s'ils n'ont pas 21 ans lors du scrutin.

M. Whalan: On pourrait essayer cette méthode dans on pourrait s'opposer en vertu des dispositions de parjure.

M. Benjamin: Mais si un jeune homme a 21 ans le jour des élections ou avant, on ne mettrait pas sa parole en doute.

M. Whalan: Pas à ce moment-là, mais lorsqu'il signe son certificat d'énumération, on peut l'accuser de fausser la vérité. Il s'agit d'une question délicate. Néanmoins, je comprends votre argument. Il doit y avoir un moyen de se soustraire à la Loi.

M. Benjamin: Y a-t-il d'autres dispositions de ce genre pour le vote des absents?

M. Whalan: Non.

M. Benjamin: Non, aucune.

M. Jerome: Voici une question complémentaire à ce sujet. Existe-t-il des dispositions destinées à pénaliser la personne qui se rend coupable d'un tel délit? A mon avis, la personne qui aura 21 ans le jour des élections, mais qui n'a pas 21 ans le jour de l'énumération, doit agir ainsi; lorsque l'énumérateur frappe à sa porte, il déclare avoir 21 ans. Est-ce qu'au Nouveau-Brunswick il y a une disposition permettant de le poursuivre?

[Text]

Mr. Whalan: If he gives incorrect information at the time of enumeration, then he may be committing an offence which is punishable under the clauses of the Act. If this is brought to the attention of the authorities then, of course, when it comes polling day and he is challenged as not being 21, he can safely say that he is 21.

Mr. Jerome: Yes.

Mr Whalan: But he is taking that chance.

Mr. Jerome: He does not give a sworn statement at the time he is enumerated, does he?

Mr. Whalan: He is sworn when he is given that certificate. The enumerator is obliged—and this is also a problem because sometimes the enumerator does not contact the electorate personally, although he is supposed to; they say they do but I know that in many cases they do not—to contact the electorate in order to answer the questionnaire before he issues the certificate on the enumeration slip. If he gives the wrong information then he may be committing an offense.

Mr. Benjamin: On this same point, Mr. Chairman, in the case of rural polls...

Mr. Whalan: There is no problem there because they can vote on polling day under an affidavit.

Mr. Benjamin: They are sworn?

Mr. Whalan: Yes, sworn at the poll.

Mr. Benjamin: I see. They do not have to go ahead of time and get a certificate from the returning officer, or anything like that?

Mr. Whalan: No.

Mr. Benjamin: Do they need someone to vouch for them or can they just go in and take an oath and vote?

Mr. Whalan: No, the DRO has to give him a ballot if he signs the affidavit.

Mr. Benjamin: I see.

Mr. Whalan: If he is challenged, of course, someone may have to vouch for him.

The Chairman: Are you finished, Mr. Benjamin?

[Interpretation]

M. Whalan: En vertu de la Loi, tous ceux qui donnent de faux renseignements lors de l'énumération, peuvent être tenus coupables d'un délit et être punis en vertu de la loi. Si cette situation est portée à l'attention des pouvoirs, le jour des élections, on peut contester la validité de sa déclaration. Il peut alors dire en toute assurance qu'il est âgé de 21 ans.

M. Jerome: Oui.

M. Whalan: Mais il prend une chance.

M. Jerome: Il n'est pas assermenté par l'énumérateur, n'est-ce pas?

M. Whalan: Non, seulement lorsqu'on lui remet le certificat. L'énumérateur est obligé, et c'est aussi un problème car il arrive parfois qu'il ne communique pas avec les électeurs, même s'il est censé, on dit qu'on le fait, mais dans plusieurs cas, ce ne sont que des dires, afin de répondre à un questionnaire avant qu'il ne fasse paraître le certificat sur la liste d'énumération. Si la personne fournit de faux renseignements, il est passible d'une action en justice.

M. Benjamin: A propos de la même question, monsieur le président, dans les bureaux de scrutin ruraux...

M. Whalan: Aucun problème ne se pose parce qu'on peut voter le jour d'élection sur présentation d'une déposition.

M. Benjamin: Ces personnes sont-elles assermentées?

M. Whalan: Oui, au bureau de scrutin.

M. Benjamin: Elles ne doivent pas se procurer un certificat auparavant?

M. Whalan: Non.

M. Benjamin: Quelqu'un doit-il témoigner ou peut-il simplement se présenter au bureau, être assermenté et voter?

M. Whalan: Non, le président adjoint d'élection doit lui remettre un bulletin de vote s'il signe une déposition.

M. Benjamin: Je vois.

M. Whalan: Si on doute de sa parole on peut demander à quelqu'un qu'il vienne témoigner en sa faveur.

Le président: Avez-vous terminé, monsieur le président?

[Texte]

Mr. Benjamin: Yes.

The Chairman: Mr. Carter.

Mr. Carter: Mr. Chairman, I wonder if Mr. Whalan can tell us if the Government of New Brunswick reimburses political parties a part of their campaign expenses?

Mr. Whalan: Not to my knowledge.

Mr. Carter: And no thought is being given to such a plan?

Mr. Whalan: Not to my knowledge.

Mr. Carter: That is fine.

Mr. Forrestall: I have a supplementary. The same is true of the individual candidates, no consideration is being given to programs such as those that are presently under way in the Province of Quebec and for which legislation has recently passed in Nova Scotia.

Mr. Whalan: You mean to reimburse the candidates?

Mr. Forrestall: Yes. Along the same line, is anything being done in terms of limiting the amount of money being spent by candidates on campaigns?

Mr. Whalan: Not to my knowledge.

Mr. Forrestall: May I ask if it is a matter of a social question? Is it being discussed editorially?

Mr. Whalan: If you have been following the papers recently I think you would have seen where the Leader of the Opposition made those recommendations.

Mr. Forrestall: It is a matter of discussion, though?

Mr. Whalan: Yes.

The Chairman: Mr. Jerome.

Mr. Jerome: Mr. Chairman, I would like to bring the witness to the subject of the length of time it takes to run an election in New Brunswick, the method of enumeration that is used and the time absorbed between the calling of the election and the completion of the enumeration and the compilation of the voters' lists. I wonder if we could get a little information about that.

Mr. Whalan: This is one of the recommendations that is before the provincial secretary at the present time. We submitted that the

[Interprétation]

M. Benjamin: Oui.

Le président : Monsieur Carter.

M. Carter: Monsieur le président, M. Whalan peut-il nous dire si le gouvernement du Nouveau-Brunswick rembourse aux partis politiques une partie des dépenses de leur campagne électorale?

M. Whalan: Pas à ma connaissance.

M. Carter: Et on n'envisage pas cette solution?

M. Whalan: Pas à ma connaissance.

M. Carter: Merci.

M. Forrestall: Une question complémentaire. Il en va de même pour les candidats indépendants. Vous n'envisagez pas l'adoption de programmes semblables à ceux qui sont actuellement en voie d'application au Québec et qui ont fait l'objet d'une mesure législative en Nouvelle-Écosse?

M. Whalan: Vous parlez du remboursement des candidats?

M. Forrestall: Oui. Faites-vous quelque chose pour limiter les dépenses des candidats en période d'élection?

M. Whalan: Non, pas à ma connaissance.

M. Forrestall: S'agit-il d'une question d'ordre social? La question est-elle débattue dans les journaux?

M. Whalan: Si vous aviez lu les journaux récemment, vous auriez vu où le chef de l'opposition a fait ces recommandations?

M. Forrestall: On examine la question, toutefois?

M. Whalan: Oui.

Le président: Monsieur Jérôme.

M. Jerome: J'aimerais amener le témoin à parler de la période de temps nécessaire pour organiser des élections au Nouveau-Brunswick, la méthode d'énumération employée et le temps qui s'écoule entre l'annonce de la tenue d'élection, la fin de l'énumération et la compilation des listes d'électeurs.

M. Whalan: A l'heure actuelle, voilà une des recommandations qui a été présentée au secrétaire provincial. Nous avons proposé de

[Text]

periodic periods in the election be extended. Right now we have 42 days from the issue of the writ. I find difficulty in getting sufficient time, for instance, from nomination day to the printing of the ballot.

Mr. Jerome: You would prefer to have more time?

Mr. Whalan: Oh, yes, we have to. In 1967 there were not enough printers in the Province of New Brunswick to get the ballots printed. We had to go across the line to get some of our ballots printed in time. We only had three days.

Mr. Forrestall: That is what I was going to ask.

Mr. Whalan: Three days to get the ballots printed and distributed for the advance poll. It was practically impossible. It is not impossible but it ties you up, and if the printer falls down and makes an error on a ballot it has to be re-run.

Mr. Jerome: Do you have the same difficulty with the printing of voters' lists, or do you do the printing of voters' lists?

Mr. Whalan: For the urban centres, yes, but not for the rural.

Mr. Jerome: Would it save time if you used the system which is now in vogue at least in the Province of Nova Scotia? I do not know if it is in vogue any place else, that does not matter. We learned yesterday that in the Province of Nova Scotia they have achieved what they consider to be a saving in time by having the enumerators make a direct entry into a book, which then becomes an alphabetical list of voters. I see that Mr. Hamel has one of those books with him. After that book is completed by the enumerators they make use of it by sending copies to the candidates, and so on, and posting up others, things of this nature, and they seem to feel that they were able to achieve a considerable time saving, which was mentioned yesterday by Mr. MacDermaid to be in the range of about 10 days.

Mr. Whalan: In what area?

Mr. Jerome: This was his information.

Mr. Howard (Skeena): It operates in the area of the preparation of the list.

Mr. Whalan: When you prepare your enumeration lists you are suggesting that a copy of the enumeration slip be mailed?

[Interpretation]

prolonger la période de chaque étape électorale. En ce moment, nous avons 42 jours à partir de l'émission de l'ordonnance. Il m'est assez difficile de trouver suffisamment de temps, par exemple, entre le jour de la mise en candidature et l'impression des bulletins de vote.

M. Jerome: Vous préféreriez avoir plus de temps?

M. Whalan: Oui. C'est nécessaire. En 1967, nous n'avions pas assez d'imprimeurs au Nouveau-Brunswick pour faire imprimer les bulletins de vote. Nous avons dû passer la frontière pour faire imprimer les bulletins à temps. Nous n'avons eu que trois jours.

M. Forrestall: C'est ce que j'allais demander.

M. Whalan: Trois jours pour imprimer et distribuer les bulletins de vote dans les bureaux de scrutin anticipé. C'était presque impossible. C'était possible, cela vous accorde un mince délai, car si l'imprimeur fait une erreur sur le bulletin, il faut recommencer.

M. Jerome: Avez-vous la même difficulté avec l'impression des listes d'électeurs. En fait, imprimez-vous cette liste?

M. Whalan: Dans les centres urbains, mais pas dans les campagnes.

M. Jerome: Est-ce que vous économiserez du temps en appliquant le régime en vogue en Nouvelle-Écosse au moins? Peu importe s'il est appliqué ailleurs. Nous avons appris hier, que dans cette province on économise du temps parce que les énumérateurs inscrivent directement dans un livre le nom des électeurs par ordre alphabétique. Je vois que monsieur Hamel a un de ces livres sous la main. Après y avoir inscrit le nom des électeurs, l'énumérateur en envoie des copies aux candidats. En l'envoyant par la poste, ils réalisent une économie considérable de temps, d'après monsieur MacDermaid, de l'ordre de dix jours.

M. Whalan: Dans quel domaine?

M. Jerome: C'est ce qu'il disait.

M. Howard (Skeena): Dans la préparation de la liste.

M. Whalan: Lorsque vous préparez les listes d'énumération vous voulez dire que vous envoyez une copie du talon d'énumération?

[Texte]

Mr. Jerome: The difference between using this system and using an alphabetical approach rather than any other is that they say by having the enumerators make direct entries into this book in an alphabetical system that after the work has been completed by the enumerator the book itself becomes a voters list. I think this is the impact of their system.

Mr. Whalan: I see what you mean.

Mr. Jerome: In your opinion would this achieve a time saving so far as New Brunswick is concerned?

Mr. Whalan: I cannot see it. That is not our problem as far as time goes. Our problem is the time from nomination to the advance polls. By advancing one date you have to keep on advancing the other dates. The enumerator has five days to complete his enumeration, and then of course there is the job of printing the lists.

Mr. Jerome: How long does that take? In your experience, how long does it take from the last day of the enumeration to the day the list is published?

Mr. Whalan: There again it varies depending on the facilities that are available. For instance, some of our urban centres—what we call our urban centres are the municipalities which have a population of 5,000 or over—do not have those facilities. I am thinking now of, say, Newcastle and Dalhousie. Their facilities are not just that good that they can get out those lists in the required time without working around the clock and it is not easy to get them to work around the clock.

Mr. Jerome: This is exactly my point. I am interested to know if you run into a delay between the completion of the enumerating work and the publication of the lists because of printing and other difficulties?

Mr. Whalan: Oh, yes.

Mr. Jerome: Would it not be right then, through the adoption of an alphabetical system like this if it were feasible, that on the fifth day of the enumeration each enumerator would then and there be in possession of sufficient copies of a properly prepared alphabetical list that could go into immediate use as a voters' list? Would that save you time?

Mr. Whalan: It might save time, but when you get 1,500 or 1,600 enumerators, half of whom do not write very well, the lists would not be very legible...

[Interprétation]

M. Jerome: La différence entre ce système et de la méthode alphabétique plutôt qu'une autre, c'est que d'après eux en faisant inscrire directement dans le livre le nom de l'électeur par l'énumérateur, le livre lui-même tient lieu de liste des électeurs. Voilà l'importance de leur méthode.

M. Whalan: Je vois ce que vous voulez dire.

M. Jerome: Est-ce que cela permettrait une économie de temps au Nouveau-Brunswick?

M. Whalan: Je ne vois pas comment. Nous n'avons pas de problème de temps à ce moment-là. Le problème survient entre le moment de la mise en candidature et de la création des bureaux de vote anticipé. En avançant une date, il faut en avancer d'autres. Les énumérateurs ont 5 jours pour finir leur énumération et il y a ensuite l'impression des listes.

M. Jerome: Combien de temps ça prend à partir du dernier jour de l'énumération jusqu'à la parution de la liste?

M. Whalan: Là aussi, ça varie suivant les moyens mis à notre disposition. Certains centres urbains, par exemple, ce que nous appelons les centres urbains sont des municipalités de 5,000 habitants et plus, n'ont pas ces installations. Certains bureaux d'imprimerie n'ont pas les moyens, par exemple, comme ceux de Newcastle et Dalhousie, mais ils n'ont pas les machines voulues pour imprimer ces listes dans le temps voulu. Même ils devraient travailler 24 heures sur 24.

M. Jerome: Ce qui m'intéresse, c'est de savoir si vous avez un retard entre l'énumération et l'impression des listes.

M. Whalan: Oui.

M. Jerome: Est-ce qu'il ne serait pas possible d'adopter un système alphabétique? Si cinq jours après l'énumération les énumérateurs avaient suffisamment d'exemplaires à leur disposition d'une liste alphabétique qui pourrait servir immédiatement de listes d'électeurs? Est-ce que cela vous épargnerait du temps?

M. Whalan: Oui. Ça économiserait du temps mais si vous avez 1,500 à 1,600 énumérateurs, ça ne serait pas très pratique, car la plupart ont une écriture illisible.

[Text]

Mr. Jerome: Yes.

Mr. Whalan: ...for the most part, certainly. I doubt if they could read my writing if I were to write a list, so it becomes a matter of typing then and in the rural areas most of them do not have a typewriter, let alone the paper. Of course, if there were forms...

Mr. Jerome: Of course, if you are going to take this list and type it you might just as well do it by any other system that we know. The only saving as far as I can see that would be achieved by this would be if the actual list when completed were put into use immediately.

Mr. Whalan: It certainly would, but I would hesitate to believe that you could read the writing.

The Chairman: I believe Mr. Hamel has some comments to make.

Mr. Forrestall: Mr. Jerome has misunderstood where the saving comes in.

Mr. Hamel: That is what I was going to say. At least there is one aspect which may not have been explained completely yesterday. They still print the lists in Nova Scotia, the only difference being that out of this they make four copies, one copy for each political party, which makes two, and two for the returning officer, one of which is sent immediately to the printer from which he prints his list. In our case we complete the enumeration on Saturday and on Monday morning the enumerators have to have their lists in the hands of the returning officer or on their way to the office of the returning officer and they are sent to the printers that same day.

Mr. Jerome: Essentially the systems are the same with the exception that we take the slips, type and distribute them to the candidates while they just send the original list.

Mr. Hamel: We would say that at the most we spend half a day with this, maybe a day, but on the other hand, we would lose at the other end because where there are four political parties we would have to run either photo copies or have books about that size which would not be practicable. In cases where there were 10 candidates we would have to make mimeographed copies or photo copies.

Mr. Forrestall: There was a suggestion yesterday, Mr. Chairman, if I might interrupt, that one of the saving features—there are two or three—was that we can do an enumeration in three days as opposed to five which is a saving of two days. We would save the day or

[Interpretation]

M. Jerome: Oui.

M. Whalan: Il serait préférable de le faire taper à la machine mais dans les localités rurales ils n'ont pas de machine à écrire encore moins du papier.

M. Jerome: Le seul avantage à cela serait de se servir de la liste aussitôt qu'elle serait complétée.

M. Whalan: Ça aiderait certainement, mais je doute que vous puissiez lire l'écriture.

Le président: Je crois que M. Hamel a des commentaires à faire.

M. Forrestall: M. Jerome n'a pas bien compris ou serait l'économie.

M. Hamel: Je crois que cet aspect n'a peut-être pas été bien expliqué hier. Ils impriment encore la liste en Nouvelle-Écosse. La seule différence c'est que, en plus de ceci, ils font quatre exemplaires—un exemplaire pour chaque parti politique et deux exemplaires pour les présidents d'élection. Un exemplaire est envoyé immédiatement à l'imprimeur et l'imprimeur imprime sa liste de sorte que dans notre cas nous finissons l'énumération le samedi et le lundi matin les énumérateurs doivent donner la liste aux présidents d'élection et est envoyée aux imprimeurs la journée même.

M. Jerome: Le système est le même sauf que nous prenons les talons et les envoyons aux candidats tandis qu'eux envoient la liste originale.

M. Hamel: Nous économiserions une demi-journée, peut-être une journée mais par ailleurs nous perdriions du temps parce que lorsqu'il y a quatre partis politiques, il nous faudrait faire des copies pour chacun ou nous aurions des livres très épais. Quand il y a dix candidats, il faut faire des photocopies ou mimiographier ces formules.

M. Forrestall: Un des éléments qui permettrait d'économiser du temps, et il y en a deux ou trois, c'est qu'on peut faire l'énumération en trois jours plutôt qu'en cinq. Il y a deux jours qu'on peut économiser là. On pourrait économiser le retard dont a parlé monsieur

[Texte]

that delay that Mr. Hamel has spoken of and I think the experience of returning officers show that nothing is ever done really on time. You are always doing something at 12 o'clock that you wish had been done at 6 o'clock the night before and the totality of this. There are one or two other significant areas, for example, if this list were well printed and clearly identifiable—in some cases, as you know, the printer has it on the second day of enumeration when the enumeration has been completed—it lends a facility that we do not have because something has to be done under the federal Act that involves literally a day and you are lucky if you get it done in a day and a half or two days. When they talked of five or six days' saving, that is generally what they were talking about.

Mr. Jerome: I think I have a clearer understanding of that aspect of it as far as the potential time saving federally is concerned, but can you tell us more about this problem that you have with the ballots which, you have said, is a serious problem.

Mr. Whalan: It is a serious problem, yes. I have asked for three more days in the election period. You see the time gap between each process or each step in the election just is not enough. You might squeeze by, but accidents can happen and what very nearly happened in 1967 would give you nightmares. In order to forestall anything like that...

Mr. Jerome: Do you mind expanding on that?

Mr. Whalan: It was just the closeness of the step procedure from the printing of the ballots, for instance, to the advance polls. In some areas we have 130 miles to travel to get those ballots out.

Mr. Jerome: When do you have your advance polls?

Mr. Whalan: We have them on the second Friday before the election. No, I am wrong, on the second Saturday and Monday.

Mr. Jerome: By what time do you require that a candidate be nominated?

Mr. Hamel: The provisions are exactly the same as in the federal Act. Nomination day is 14 days before polling day and the two days for advance polls are the Saturday following nomination day and the Monday following, that means a week before normal polling day.

[Interprétation]

Hamel. Les présidents d'élection savent que ce que l'on fait à midi aurait du être fait à 6 heures la veille. Par exemple, si cette liste est bien imprimée, dans certains cas, l'imprimeur la reçoit le deuxième jour de l'énumération, ce qui facilite les choses. Parce que, en vertu de la loi fédérale, certaines formalités prennent une journée et nous sommes chanceux si nous pouvons l'avoir une journée et demi ou deux jours après. C'est ce qu'ils veulent dire lorsqu'ils parlent d'une économie de cinq à six jours.

M. Jerome: J'ai bien compris. Pouvez-vous nous donner des précisions sur le problème soulevé par les bulletins de vote? Vous avez dit que c'est un problème grave.

M. Whalan: C'est un problème grave, c'est vrai. J'ai demandé trois jours de plus à la période électorale. Vous voyez, le temps écoulé entre chacune des opérations de l'élection ne suffit pas. On peut arriver juste mais il y a toujours un accident qui peut arriver. Ce qui a failli se produire en 1967 vous donnerait des cauchemars. En vue de prévenir une telle situation...

M. Jerome: Pouvez-vous expliciter?

M. Whalan: C'est simplement le peu de temps qu'il y a entre l'impression des bulletins de vote jusqu'au vote par anticipation. Dans certaines régions nous devons parcourir 130 milles pour distribuer ces bulletins.

M. Jerome: Quand est-ce que vous avez votre bureau provisoire de votation?

M. Whalan: Le deuxième vendredi avant l'élection, non, pardon le deuxième samedi ou lundi.

M. Jerome: Quand est-ce que la mise en candidature a lieu?

M. Hamel: Les dispositions sont les mêmes que dans la loi fédérale—24 jours avant le jour de votation et deux jours pour les bureaux provisoires, le samedi suivant la nomination et le lundi suivant.

[Text]

However, I believe I can explain one of his problems, Mr. Chairman, if I may comment on this. The main difference is that in our case we have standard ballot paper with which we provide the returning officers. In his case he cannot because the candidates are listed in blocks and he may have one candidate of a party in a given place or three or four, so he cannot have standard paper shipped ahead of time.

Mr. Francis: Why not?

Mr. Hamel: Well, because...

Mr. Francis: He could have special ones made up anticipating those constituencies.

Mr. Hamel: This would be the only solution.

Mr. Jerome: What you really need, if I am not mistaken, which is even more appropriate than that and I would like to be corrected on this so I can get a better understanding of it, is simply more time between the nomination day and the advance polls.

Mr. Whalan: That is why we are stepping up the other period as well—the enumeration period. If you step one up you have to step the others ahead.

Mr. Jerome: Before we leave this subject, I do not fully understand why, for example, if the election writ were issued on a certain day, it makes all that difference if you say that nomination day will be 21 days before polling day instead of 14. If it is 21 days before polling day then you would have plenty of time to print your ballots before the same court of revision as you have now. Why would making nomination day 21 days before polling day force you back with the issue of the writ and election?

Mr. Whalan: There is the completion of the enumeration, the printing of the lists and the mailing of the lists in the urban centres.

Mr. Jerome: Why do the lists have to be printed in order to have a nomination day?

Mr. Whalan: They do not, but they have to be out on a certain day as well. I just do not know how to explain it any further than that. The lists have to be printed and in the hands of the parties and in the hands of the electorate prior to nomination day.

Mr. Jerome: The lists...

Mr. Whalan: Yes.

Mr. Jerome: ...have to be printed and in the hands of the electorate prior to nomination day?

[Interpretation]

Cependant, dans notre cas nous avons des formules que nous donnons aux présidents d'élection. Mais dans son cas c'est différent.

M. Francis: Pourquoi?

M. Hamel: Eh bien, parce que...

M. Francis: Il pourrait en faire faire spécialement pour ces circonscriptions.

M. Hamel: Ce serait la seule solution.

M. Jerome: Ce dont vous avez besoin, si j'ai bien compris, c'est plus de temps entre le jour de la nomination et les bureaux provisoires.

M. Whalan: Voilà pourquoi nous avançons la période de l'énumération. En accélérant une période vous accélérez aussi les autres.

M. Jerome: Je ne comprends pas bien pourquoi, par exemple, si l'ordonnance d'élection est émise à une date, je ne vois pas pourquoi il y aurait une grosse différence si vous dites que la mise en candidature aura lieu 21 jours et non 14 jours avant le jour de votation? Si c'est 21 jours avant alors vous avez tout le temps de faire imprimer vos bulletins de vote. Pourquoi est-ce qu'en faisant la nomination 21 jours avant l'élection, cela vous retarderait à émettre l'ordonnance et l'élection?

M. Whalan: Il faut compléter l'énumération, imprimer les listes et les expédier dans les centres ruraux.

M. Jerome: Pourquoi faut-il que les listes soient imprimées avant la nomination?

M. Whalan: Ce n'est pas nécessaire, mais les listes doivent être publiées à un moment donné, à un jour prescrit. Comment vous l'expliquer? Les listes, il faut les imprimer, les remettre à la disposition des partis et de l'électorat avant la mise en candidature.

M. Jerome: Les listes...

M. Whalan: Oui.

M. Jerome: Ces listes doivent être imprimées et envoyées aux électeurs avant la mise en candidature? Pourquoi?

[Texte]

Mr. Whalan: Yes.

Mr. Jerome: Why?

Mr. Whalan: This is the way the Act reads.

Mr. Jerome: That is the way the Act reads. That is fine. I do not mean to put you on the spot, but I am very much concerned that our election periods are too long.

Mr. Whalan: To follow the steps of the Act, it ties you down in the two...

Mr. Jerome: Oh, yes, I appreciate that what you are doing is in conformity with the Act, but the reason I asked you this is because I believe our election periods are too long. I would like to see if we could shorten them and I just wanted to get your personal views on the problems you would be faced with by a shortening of the period and to make sure that I understood. Thank you.

Mr. Francis: The provincial period is already substantially shorter than the federal...

Mr. Jerome: Oh no, it is not shorter here. It is about 42 days here, about a week shorter, whereas ours is about 49.

An hon. Member: Yes, it is 49.

Mr. Jerome: And you would like it to be 45?

Mr. Hamel: We have 60 days.

Mr. Francis: Yes, ours is 60, so there is a substantial increase.

An hon. Member: And yours is 42, is it not?

Mr. Whalan: Yes, it is 42 days.

Mr. Lefebvre: And you would like about 45?

Mr. Whalan: I am asking for 45 days.

Mr. Francis: This is very useful information to have.

Mr. Whalan: In the municipal election the actual election period is only 38 days, but our enumeration is completed a month before so that enumeration does not affect our election...

Mr. Francis: Because you have a fixed election date.

Mr. Whalan: That is right.

Mr. Francis: You know when it is going to be and you can anticipate...

[Interprétation]

M. Whalan: Oui.

M. Jerome: Pourquoi?

M. Whalan: Monsieur, c'est prescrit dans la loi.

M. Jerome: Très bien. Ce qui me préoccupe c'est que la période électorale est trop longue.

M. Whalan: En suivant les dispositions de la Loi...

M. Jerome: Je sais bien que vous agissez conformément à la Loi, mais je trouve nos périodes d'élection trop longues. Je me demande si on ne pourrait pas les raccourcir. Je voudrais avoir votre opinion là-dessus. Merci.

M. Francis: La période électorale provinciale est beaucoup plus courte que la période fédérale...

M. Jerome: Elle n'est pas plus courte ici. Ici c'est environ 42 jours, tandis que nous, c'est 49.

Une voix: Oui, c'est 49 jours.

M. Jerome: Vous aimeriez mieux 45?

M. Hamel: Nous avons 60 jours.

M. Francis: Oui, chez vous c'est 60. C'est beaucoup plus long.

Une voix: Et vous c'est 42, n'est-ce pas?

M. Whalan: Oui, c'est 42 jours.

M. Lefebvre: Et vous voudriez avoir 45 jours?

M. Whalan: Je demande 45 jours.

M. Francis: Ce renseignement est très utile.

M. Whalan: Dans les élections municipales, la période électorale n'est que de 38 jours mais l'énumération est terminée un mois avant de sorte que ça ne nuit en rien aux élections.

M. Francis: Parce que vos élections sont à date fixe.

M. Whalan: C'est exact.

M. Francis: Vous savez quand l'élection aura lieu, et vous pouvez vous préparer...

[Text]

Mr. Whalan: Every year it is held on the second Monday in June and that is it. You can anticipate all those things.

Mr. Jerome: We keep bumping up against this business of the fixed election day which is difficult to combine with a parliamentary system in the true sense of the word where the government can come down theoretically any day. It is your position then that a fixed election day achieves an enormous saving in time so far as the election period is concerned.

Mr. Whalan: Oh, yes, it could save time due to the fact that you could get your enumeration completed ahead of time.

The Chairman: Mr. Francis.

Mr. Francis: Mr. Chairman, I want to open up again, one other relatively small point. I would like to ask Mr. Whalan, through you, if there is any difficulty with candidates' agents having access on election day to the office of the returning officer for a constituency?

Mr. Whalan: What do you mean by access?

Mr. Francis: A candidate's agent normally can go to each voting subdivision, but there is a defect in the federal Act, in my opinion, which would prevent a candidate's agent from having any access whatsoever to the officer of a returning officer on election day. Is there such a bar in your Act?

Mr. Whalan: No, they have access to the returning officer. Do you mean to visit the office?

Mr. Francis: He cannot go inside the office or near it.

Mr. Whalan: No, there is nothing to prevent him from doing that.

Mr. Francis: Did you realize that? I know it is so because I have specifically requested permission in writing of Mr. Hamel's predecessor to have an agent in the office of the returning officer for the constituency on election day and was refused that in advance. That is why I asked you sir, if, in your opinion, there would be any reason for refusing a candidate's agent the right to be present in the office of the returning officer of a constituency during election day.

Mr. Whalan: We have never run up against that problem, but I can see that it could cause a lot of trouble within the office.

Mr. Francis: Just to be there?

[Interpretation]

M. Whalan: Les élections ont lieu le deuxième lundi de juin, chaque année. Nous pouvons nous y préparer.

M. Jerome: Il est difficile de concilier cela avec le régime parlementaire parce qu'un gouvernement peut être renversé n'importe quel jour. Par conséquent, vous estimez qu'un jour fixe permet de réaliser une grande économie de temps en ce qui concerne la période électorale?

M. Whalan: Oh oui, une grande économie de temps naturellement parce que l'énumération peut se faire à l'avance.

Le président: M. Francis.

M. Francis: Y a-t-il des difficultés quand les agents des candidats se présentent le jour de l'élection au bureau du président d'élection?

M. Whalan: Que voulez-vous dire?

M. Francis: L'agent d'un candidat peut aller dans chacune des subdivisions, mais la loi fédérale comporte une lacune qui fait qu'un agent ne peut pas se présenter au bureau du président d'élection le jour de l'élection. Y a-t-il un tel empêchement dans votre Loi?

M. Whalan: Non, ils peuvent aller voir le président d'élection.

M. Francis: Il ne peut y aller, ni à l'intérieur ni même près de là.

M. Whalan: Non, il n'y a rien qui l'en empêche.

M. Francis: Pas dans notre système. Parce que j'ai demandé par écrit au prédécesseur de M. Hamel d'avoir un agent dans le bureau du président d'élection et on m'a refusé la permission. A votre avis, y aurait-il une raison pour refuser à un candidat, le droit d'aller au bureau du président d'élection le jour de l'élection?

M. Whalan: Nous n'avons jamais eu à faire face à ce problème. Ça pourrait causer beaucoup d'ennuis au bureau.

M. Francis: Simplement, le fait d'être là?

[Texte]

Mr. Whalan: I would think so. If you had half a dozen agents in there all wrangling over nothing...

Mr. Francis: All right, but I should think that you might be coloured a little today, sir.

Mr. Whalan: No, I am not, I am very unbiased. But...

Mr. Francis: I realize you are. I do not wish to suggest in any way...

Mr. Whalan: No, but I can visualize the state of confusion if there were half a dozen agents in there all fighting over the same thing.

Mr. Francis: But surely in the poll, for example...

Mr. Whalan: It is bad enough at the poll if a bunch of agents get in there all scrambling and all trying to express their own opinion over, sometimes an illiteral D.R.O.

Mr. Francis: Do you think they should be kept out?

Mr. Whalan: I do not say they should be kept out, but certainly this is why there is a constable there to maintain law and order.

Mr. Francis: Is there not a parallel situation with regard to the returning officer? In my own constituency there are 220 places where a poll is conducted and where, as a candidate, I could have an agent, but there is one place where the whole machinery is directed on election day where I cannot have an agent. It seems to be anomalous.

Mr. Whalan: I could see it if each party had one agent.

Mr. Francis: That is right.

Mr. Whalan: I could see no objection to that...

Mr. Francis: Thank you. That was the question I intended to ask you.

Mr. Whalan: ...provided it was not bombarded with agents.

Mr. Francis: No.

Mr. Whalan: Not more than one.

Mr. Francis: No, no, just one agent.

Mr. Whalan: I cannot see any objection to that.

Mr. Francis: Thank you, sir.

Mr. Whalan: We have never run up against the problem.

[Interprétation]

M. Whalan: Oui, si vous aviez une demi-douzaine d'agents qui se cassent le chignon...

M. Francis: Très bien, mais je crois que vous êtes partial aujourd'hui.

M. Whalan: Non, non, je suis très impartial.

M. Francis: Je crois que vous l'êtes.

M. Whalan: Mais je puis très bien voir la confusion qui serait créée ainsi si tous les agents discutaient à propos de tout et à propos de rien.

M. Francis: Mais, sûrement, au bureau de votation.

M. Whalan: C'est assez ennuyeux, dans le bureau de votation, lorsque plusieurs agents essaient de faire valoir leur opinion.

M. Francis: Devrait-on les tenir à l'écart?

M. Whalan: Je ne prétends pas qu'ils doivent être tenus à l'écart, mais il y a un constable pour maintenir l'ordre.

M. Francis: N'est-ce pas la même chose pour le président d'élection? Dans ma circonscription, il y a 220 bureaux où je peux avoir un agent. Il y a un seul endroit où je ne le peux pas. Ceci me semble être une anomalie.

M. Whalan: Si chaque parti avait un agent, il n'y aurait rien à redire.

M. Francis: C'est exact.

M. Whalan: Je n'ai aucune objection à cela.

M. Francis: Merci. C'était ma question.

M. Whalan: A condition de ne pas être envahi par les agents.

M. Francis: Non.

M. Whalan: Pas plus qu'un.

M. Francis: Non, seulement un.

M. Whalan: Je n'ai pas d'objection.

M. Francis: Merci.

M. Whalan: Nous n'avons jamais eu ce problème.

[Text]

Mr. Francis: Thank you.

Mr. Forrestall: I have a supplementary question in a sense. Are you satisfied with the provisions of your own Act as it relates to your ability as the Chief Electoral Officer to resolve difficulties that come up, as I am sure they do or must, that are not provided for in the Act? Are you satisfied with it...

Mr. Whalan: Yes, I think so.

Mr. Forrestall: ...as it relates to your authority?

Mr. Whalan: Yes, I think so. With a few minor changes the Act can be very successfully executed.

Mr. Forrestall: Does the authority in your own Act conform generally or broadly with the federal Act in this area?

Mr. Whalan: Yes, it does, broadly.

Mr. Benjamin: On this business of agents at the polls which Mr. Francis raised, in the case of multiple constituencies, let us take, for example, a four-member seat in Saint John, there would be two agents whether there was one candidate or four? You only are allowed two agents, not eight.

Mr. Whalan: That is right.

Mr. Benjamin: Why do you allow only one for an independent candidate? I do not mean you personally, but why does the Act only allow one? Do you know of any reason why it was specified...

Mr. Whalan: No, I do not know of any reason. I really do not know.

Mr. Jerome: It would be theoretically possible, I guess, to have four different independent candidates and, therefore, four agents...

Mr. Whalan: Yes.

Mr. Jerome: .. whereas if the candidates in the same area have a party affiliation they are limited to two.

Mr. Whalan: Yes, that is quite true. It could happen.

The Chairman: Mr. Forrestall, do you have something to ask?

Mr. Forrestall: I wonder, Mr. Whalan, if you could describe for us the provisions of your Act as they relate to members of the Canadian Armed Forces, particularly at Gagetown and particularly as they relate to the secrecy of their ballots, generally speaking.

[Interpretation]

M. Francis: Merci.

M. Forrestall: En votre qualité de directeur général d'élection, êtes-vous satisfait des provisions de la loi?

M. Whalan: Oui, oui.

M. Forrestall: En ce qu'elle touche à votre autorité.

M. Whalan: Oui, je crois. Avec quelques modifications la loi pourrait très bien s'appliquer.

Mr. Forrestall: L'autorité telle que stipulée dans votre loi est-elle conforme à la loi fédérale d'une façon générale?

M. Whalan: Oui, d'une façon générale.

M. Benjamin: A propos de la question de l'agent dans les bureaux de votation, pour ce qui est des circonscriptions multiples, ou quadruple comme celle de Saint-Jean, par exemple. Il y aurait deux agents qu'il y ait un candidat ou quatre? Vous n'avez droit qu'à deux agents et non à huit.

M. Whalan: C'est exact.

M. Benjamin: Pourquoi n'en autorisez-vous seulement un pour les candidats indépendants?

M. Whalan: Non, je ne peux pas vous donner la raison. Je n'en vois pas.

M. Jerome: Ce serait possible, en principe, d'avoir quatre candidats indépendants et par conséquent, quatre agents.

M. Whalan: Oui.

M. Jerome: Tandis que si les candidats d'une région sont affiliés à un parti ils ne peuvent en avoir que deux?

M. Whalan: Oui, c'est cela qui se produirait.

Le président: M. Forrestall, avez-vous une question à poser?

M. Forrestall: Monsieur Whalan, pouvez-vous nous dire quelles sont les dispositions de votre loi concernant les militaires canadiens, surtout à Gagetown, et surtout dans la mesure où elles ont trait au caractère secret de leurs votes?

[Texte]

Mr. Whalan: Do you mean proxy votes?

Mr. Forrestall: No, but I might perhaps ask a series of specific questions. Are all the members of the Canadian Armed Forces at Camp Gagetown enumerated in the same manner?

Mr. Whalan: That is right.

Mr. Forrestall: All of them, including those living on the base? I am trying to separate married quarters from...

Mr. Whalan: If they are on the base, they are within an electoral riding and are enumerated in that electoral riding.

Mr. Benjamin: No matter where they come from in Canada?

Mr. Whalan: No matter where they came from, if they are Canadian citizens or British subjects.

Mr. Benjamin: With the same residence requirements?

Mr. Whalan: That would be their residence.

Mr. Benjamin: But do they still have to be there six months prior to election?

Mr. Whalan: Oh, yes.

Mr. Forrestall: You do not adhere to the principle, as some provinces do, of permitting the elector to vote on the basis of his choice, which he elects once a year to designate to his superior officer?

Mr. Whalan: No. The residence laws apply to them as well as to anyone else.

Mr. Forrestall: How many polling stations would there be in Gagetown?

Mr. Whalan: I would not know offhand.

Mr. Forrestall: Twenty in Gagetown, 15?

Mr. Whalan: Oh, no.

Mr. Forrestall: Not that many?

Mr. Whalan: Polling stations?

Mr. Forrestall: Yes. Well, polling divisions.

Mr. Whalan: Polling divisions?

Mr. Forrestall: Places where people go and vote.

Mr. Whalan: There is a distinction between polling divisions and polling stations. You might have three polling stations in one polling division.

[Interprétation]

M. Whalan: Voulez-vous parler du vote par procuration?

M. Forrestall: Non, mais je pourrais poser une série de questions précises. Les militaires de Camp Gagetown sont-ils tous énumérés de la même façon?

M. Whalan: Oui.

M. Forrestall: Tous, même ceux qui vivent à la base? J'essaie d'établir une distinction entre les quartiers des gens mariés et...

M. Whalan: S'ils vivent à la base, ils se trouvent dans une circonscription électorale et ils y sont inscrits.

M. Benjamin: Quel que soit l'endroit où ils vivent au Canada.

M. Whalan: Quel que soit l'endroit d'où ils viennent, s'ils sont sujets britanniques ou citoyens canadiens.

M. Benjamin: Avec les mêmes exigences du point de vue de la résidence.

M. Whalan: Cela serait leur résidence.

M. Benjamin: Mais ils doivent quand même être là six mois avant les élections?

M. Whalan: Oui.

M. Forrestall: Ne suivez-vous pas le principe de certaines provinces qui autorisent l'électeur à voter en fonction de l'option qu'il exerce une fois l'an auprès de son officier supérieur?

M. Whalan: Non. Les lois du domicile s'appliquent à eux comme à tous les autres.

M. Forrestall: Combien de bureaux de vote y aurait-il à Gagetown?

M. Whalan: Je n'ai pas les chiffres en tête.

M. Forrestall: 20, 15?

M. Whalan: Oh, non!

M. Forrestall: Moins que ça?

M. Whalan: Des bureaux de vote?

M. Forrestall: Oui. Disons, des divisions de vote.

M. Whalan: Des divisions de vote?

M. Forrestall: Les endroits où l'on va voter.

M. Whalan: Il y a une différence entre les divisions et les bureaux de votation. Il peut y avoir trois bureaux de vote dans une division.

[Text]

Mr. Forrestall: I was not thinking of the riding, generally. I was thinking in terms of 350 people, roughly, to what I would call a polling division. That would be serviced by one polling station, would it not? Just in that sense. How many of those would there be in Camp Gagetown?

Mr. Whalan: The armed forces, if I recollect, is one polling division. It would be classified as one polling division. In Oromocto you see a great part of Camp Gagetown married quarters. Unmarried as well as married, in other words, live in Oromocto, which is an urban centre. I think Oromocto has, if I recall, about 10 divisions.

Mr. Forrestall: For the purposes of my next question, it is perhaps irrelevant. It is an identifiable area. Is there concern that the secrecy of the serviceman's ballot is perhaps not properly provided for in the general sense?

Mr. Whalan: I am not aware of that. I have heard no comment on it or no criticism of it in our relations, either in municipal or provincial elections.

Mr. Forrestall: There is a mixture under your system at Gagetown of civilians and service people voting—physically putting a ballot in the same box—so as to dilute any possibility of somebody's saying, oh, well, the army voted.

Mr. Whalan: Oh, yes.

Mr. Forrestall: I am concerned because the armed forces have not, in my opinion, had the privacy of the ballot for a long time and I hope you will be able to do something about it.

Mr. Macquarrie: I do not ask for a moral judgment on this but just an appraisal of the administrative effectiveness of the election of candidates through several multiple or dual ridings as against single-member ridings. I am one of the victims of the dissolution of one of the last two dual ridings that we had in the Dominion House. In terms of electing 52 men or women to Fredericton, would your job, your total process from start to finish, be much simplified and therefore potentially of a shorter period if they were single-member constituencies?

Mr. Whalan: I do not think I am in a position to pass an opinion on it. We have never had it. As I say, they have discussed this in the press many times and the leader of the

[Interpretation]

M. Forrestall: Je ne parlais pas de la circonscription en général. Je pensais à 350 personnes ce que j'appellerais un arrondissement électoral et qui aurait un bureau de vote, dans ce sens-là. Combien y en aurait-il au Camp Gagetown?

M. Whalan: Les Forces armées, si je me souviens bien, constituent une division de vote. Ce serait considéré comme une division de vote. A Oromocto, vous voyez une grande partie des quartiers des gens mariés du Camp Gagetown. Il y a des gens mariés et des gens non mariés qui vivent à Oromocto qui est un centre urbain et qui, je crois, comprend dix divisions.

M. Forrestall: Aux fins de ma prochaine question, cela n'est peut-être pas très approprié. Il s'agit d'un domaine qui peut être identifié. S'inquiète-t-on que le caractère secret des votes des militaires n'est pas toujours observé?

M. Whalan: Je ne suis pas au courant. Je n'ai entendu aucune critique dans nos relations, que ce soit aux élections municipales ou provinciales.

M. Forrestall: En vertu de votre système, vous avez des civils et des militaires à Gagetown qui votent ensemble et qui mettent leurs bulletins dans les mêmes urnes pour supprimer la possibilité que l'on dise: «les militaires ont voté».

M. Whalan: Oh oui.

M. Forrestall: Je suis préoccupé parce qu'à mon avis, les militaires n'ont pas eu l'avantage du secret lorsqu'ils votent pendant longtemps et j'espère que vous pourrez remédier à la situation.

Le président: Monsieur MacQuarrie.

M. Macquarrie: Je voudrais simplement qu'on me dise quelle est l'efficacité administrative de l'élection des candidats dans plusieurs circonscriptions multiples ou doubles comparativement à celles où il n'y a qu'un seul député. Je suis une des victimes de la dissolution d'une des deux dernières circonscriptions doubles que nous ayons eues à Fredericton. Pour ce qui est de l'élection de 52 hommes ou femmes à Fredericton, est-ce que, du début jusqu'à la fin, le travail serait simplifié s'il n'y avait qu'un candidat par circonscription?

M. Whalan: Je ne suis pas en mesure d'émettre une opinion à ce sujet. Nous n'avons jamais eu un cas semblable. Il en a souvent été question dans les journaux. Le

[Texte]

Opposition has made reference to it several times recently as well as during the last election. But I have never looked into it that deeply to see whether or not it would facilitate the operation of an election.

Mr. Macquarrie: You do not find that there are really built-in delays on these multiple things? I know that some people did not like having to write in 'we' instead of 'I' on some of the forms for dual ridings, but I never could think that was a terribly big job. I was going back to Mr. Castonguay, as a matter of fact. I knew he was death on dual ridings. You do not find it all that difficult, then, in administrative terms?

Mr. Whalan: No.

Mr. Macquarrie: Because I know there are sociological reasons for them.

Mr. Forrestall: How many ridings are there?

Mr. Whalan: Twenty-two.

An hon. Member: Twenty-two ridings and 58 members.

Mr. Macquarrie: Do you have a set day of the week for elections?

Mr. Whalan: Monday.

Mr. Francis: Do you have views on whether it is a good thing to always have an election on a Monday? Would any other day of the week be preferable, from your point of view?

Mr. Whalan: I really do not know. I cannot visualize any objection with the exception of Saturday. Saturday is objectionable, apparently.

Mr. Francis: Do the schools close so that you can use them as polling booths?

Mr. Whalan: No.

Mr. Francis: If you had an election on a Saturday, you could more easily use schools, with less difficulty, perhaps.

Mr. Whalan: That is a question that was posed in the municipal elections, particularly where the municipal government is now the owner of all the schools, and we felt that by using the schools we would be able to reduce our costs of rented quarters considerably. Naturally, all the school boards were opposed—not all but some. Some school boards opposed the letting of the schools or relinquishing of the schools on a Monday because it meant they had to close the class-

[Interprétation]

chef de l'Opposition en a parlé plusieurs fois dernièrement et durant les dernières élections, mais je n'ai jamais étudié la question pour voir si ceci faciliterait les choses ou non.

M. Macquarrie: Vous ne trouvez vraiment pas qu'il y a vraiment des retards dans ces cas?

Je sais que certains n'aiment pas inscrire « nous » au lieu de « je » sur certaines formules, mais je n'ai jamais cru que c'était là une tâche monumentale. Je retournais d'ailleurs à M. Castonguay. Vous ne voyez donc pas de difficultés, du point de vue administratif?

M. Whalan: Non.

M. Macquarrie: Car je sais que cela peut s'expliquer par des raisons sociologiques.

M. Forrestall: Combien de circonscriptions y a-t-il?

M. Whalan: Vingt-deux.

Une voix: 22 circonscriptions et 58 députés.

M. Macquarrie: Avez-vous un jour fixe de la semaine pour les électeurs?

M. Whalan: Lundi.

M. Francis: Est-ce que vous croyez que c'est bon de tenir des élections le lundi? Est-ce que vous croyez qu'un autre jour serait préférable?

M. Whalan: Je ne sais pas. Je ne vois aucun inconvénient à ce que les élections aient lieu un autre jour, sauf le samedi. Il semble qu'on s'oppose au samedi.

M. Francis: Est-ce que les écoles ferment pour que vous puissiez vous en servir comme bureaux de vote?

M. Whalan: Non.

M. Francis: Si vous aviez des élections le samedi, vous pourriez vous servir des écoles plus facilement.

M. Whalan: C'est une question qui s'est posée aux élections municipales, surtout puisque le gouvernement provincial possède maintenant toutes les écoles, et nous avons pensé pouvoir ainsi réduire nos frais de location considérablement. Évidemment, toutes les commissions scolaires se sont opposées à cette proposition, à ce que l'on se serve des écoles le lundi parce qu'on perdrait un jour de classe. Certains ont proposé que les élections aient lieu le samedi, mais là vous vous heurtez au

[Text]

rooms and lose a day of school. There were some who advocated having it on Saturday, but immediately you come up against the problem of the Jewish people. That eliminated that. So we are still back to Monday.

Mr. Benjamin: Your only exception is that if a holiday falls on a Monday, then it is on Tuesday.

Mr. Whalan: That is right.

Mr. Benjamin: Do you have any provisions in the Act regarding the display of election posters, signs, banners or whatever, in or near a polling station?

Mr. Whalan: On election day?

Mr. Benjamin: Yes. What is the prohibition? None at all or within a certain distance?

Mr. Whalan: None at all around the polling stations; and no banners on cars, no loudspeakers.

Mr. Benjamin: Is there a prescribed distance from the polling station?

Mr. Whalan: In the area of the polling station, cars are not allowed to carry them.

Mr. Benjamin: All broadcasting must cease midnight Friday.

Mr. Whalan: Yes.

Mr. Forrestall: Newspapers can go along merrily, though, can they? Newspaper advertising can just carry on. It is permissible in New Brunswick on election day for a candidate or a party on behalf of its candidates to run ads, for example transportation ads and that type of thing.

Mr. Whalan: I am not sure of that. I guess it just deals with radio stations and television stations.

Mr. Francis: Do you have a prohibition of posters near the polls on election day? What is the distance? Pardon me, I do not have a copy of the Act.

Mr. Whalan: In or around the polling station. That is all.

Mr. Benjamin: It is just up to the D.R.O., then, as to what he considers to be in or around the grounds.

Mr. Whalan: Yes.

Mr. Benjamin: I notice in paragraph (2) of Section 117 on page 108, starting about half-

[Interpretation]

problème des Juifs. Donc, nous nous en tenons toujours au lundi.

M. Benjamin: Vous ne faites exception que s'il y a une fête le lundi, alors vous les tenez le mardi.

M. Whalan: Oui.

M. Benjamin: Est-ce que vous avez des dispositions dans la loi en ce qui concerne les affiches ou les banderoles près des bureaux de votation?

M. Whalan: Le jour des élections?

M. Benjamin: Oui. Quelle est l'interdiction? Aucune affiche ou seulement à une certaine distance?

M. Whalan: Aucune banderole près des bureaux; sur les voitures, pas de haut-parleurs.

M. Benjamin: Est-ce qu'il y a une distance prévue du bureau de votation?

M. Whalan: Les voitures ne peuvent pas porter de banderoles dans le secteur du bureau.

M. Benjamin: Toute radiodiffusion doit cesser le vendredi à minuit.

M. Whalan: Oui.

M. Forrestall: Pourtant, les journaux ne sont pas affectés? Les annonces dans les journaux sont permises. Il est possible pour un candidat ou un parti au Nouveau-Brunswick, le jour des élections, de faire passer des annonces.

M. Whalan: Je ne suis pas certain. Il ne s'agit que des stations de radio et de télévision.

M. Francis: Est-ce que vous interdisez des affiches près des bureaux de votation le jour des élections? Quelle est la distance? Excusez-moi, je n'ai pas d'exemplaire de la loi.

M. Whalan: Au bureau ou aux environs de ce dernier. C'est tout.

M. Benjamin: Il incombe donc au sous-officier rapporteur de décider ce qu'il estime être «au bureau ou aux environs du bureau».

M. Whalan: Oui.

M. Benjamin: A la page 108, l'article 117, alinéa 2), au milieu de l'alinéa 2), 4^e ligne,

[Texte]

way down the paragraph there, the fourth line, "or within two days before polling day." That means that every party must cease putting up posters, stickers or anything else and handing them out on midnight Friday.

Mr. Whalan: Yes.

Mr. Benjamin: But even on election day, people could still keep posters up on their houses or stickers on their cars as long as they did not come in or near the polling station? Everything does not have to be taken down.

Mr. Whalan: No.

Mr. Macquarrie: Would there be any problem if candidates' representatives distributed pamphlets on some policy—in other words propaganda—on the day before election—Saturday or even Sunday?

Mr. Whalan: I think that is covered here as well.

Mr. Macquarrie: Favours and flags and so on, but I am thinking of a political message.

Mr. Whalan: We had a problem with that in a by-election in Dalhousie where right across the river in the Province of Quebec they were broadcasting prerecorded election speeches. That created quite a turmoil. The difficulty was to pinpoint who was responsible for that program. You could not nail the broadcasting station. If it could have been proven that political parties were involved, there would have been trouble. It is quite a problem to try to prove those things.

Mr. Macquarrie: I presume all of these are to prevent the kind of roorback at the last minute against which someone else is unable to respond. There are people who believe that it might be well to consider the printed media too; that some things come out on the morning of the election which should perhaps be contradicted and it is a little too late. We hear that sometimes heavy activity in the distribution of pamphlets is a bit difficult at the last minute. I think it might be worth considering that and a stop put to it.

Mr. Whalan: I think where it can be proven that the parties involved are accomplices to these actions they are liable, but there again it is difficult to prove because a lot of party workers or supporters could do that and get away with it.

Mr. Benjamin: The use of a radio station across the border in another province might well be looked into, Mr. Chairman, as to a recommendation to the Canadian Radio-

[Interprétation]

«ou dans les deux jours avant les élections». Il faut donc ôter les affiches, les collants et les banderoles le vendredi à minuit.

M. Whalan: Oui.

M. Benjamin: Même le jour des élections, les gens peuvent encore avoir une affiche chez eux à condition de ne pas les apporter près des bureaux de votation ou à l'intérieur de ces derniers. Tout ne doit pas être enlevé.

M. Whalan: Non.

M. Macquarrie: Y aurait-il un problème si des représentants des candidats distribuaient des brochures la veille d'une élection, autrement dit s'ils faisaient de la propagande, le samedi ou même le dimanche?

M. Whalan: Cela est également prévu.

M. Macquarrie: Je pense à un message politique.

M. Whalan: Nous avons eu des problèmes en ce sens dans une élection complémentaire à Dalhousie alors qu'en face, au Québec, il y avait un programme radiodiffusé et des discours préenregistrés. Il y a eu un tollé. Quant à dire qui était le responsable, là je ne sais pas. On ne pouvait accuser la station. Si on avait pu prouver que les partis politiques étaient responsables, il y aurait eu des ennuis. C'est très difficile de prouver ces choses-là.

M. Macquarrie: Je suppose que tout cela est destiné à empêcher des faussetés de dernière minute que l'on ne peut réfuter. Certains pensent qu'il serait peut-être bon de songer aux journaux. Il y a des choses qui paraissent dans les journaux le matin de l'élection qu'on pourrait peut-être contredire, mais à la dernière minute ce n'est plus possible. Nous entendons dire que quelquefois la distribution des brochures à la dernière minute est difficile. Je crois qu'il serait bon qu'on arrête ces choses.

M. Whalan: Lorsqu'on peut établir que les partis sont complices, ils deviennent passifs, mais c'est difficile à prouver car beaucoup de travailleurs pour les partis arrivent à se dérober.

M. Benjamin: Monsieur le président, l'utilisation d'une station de radio d'une frontière provinciale à l'autre pourrait être étudiée et faire l'objet d'une recommandation à la Com-

[Text]

Television Commission, listing the regulations that prohibit any stations anywhere from broadcasting anything on any kind of election, be it municipal, provincial or federal.

Mr. Whalan: This is where I had to go to get it stopped.

Mr. Benjamin: You did. And they did stop it?

Mr. Whalan: Yes.

Mr. Benjamin: But there was nothing already in the regulations on this.

Mr. Whalan: No, not as far as we were concerned.

Mr. Francis: Surely, it would be fair to make the recommendation to the Radio-Television Commission that no station be permitted to make any broadcast which would violate any municipal or provincial requirements or provisions, no matter what the location of the station was. I think this kind of recommendation would be a healthy one to make.

Mr. Whalan: I am just using a specific case there.

Mr. Francis: I know, but you could make a general provision and then the onus is on the station to defend themselves under it. I think this would be a healthy thing to do.

Mr. Jerome: How do you control an American station?

Mr. Francis: You can control a station in one province affecting an election in another province.

Mr. Jerome: Yes.

Mr. Benjamin: I had this occur once in Saskatchewan. A station in Montana was used by a party the night before election, and what do you do? But in the case where one was tried in Alberta when there was an election on in Saskatchewan, a couple of telephone calls fixed that. It should not be necessary to have to worry about it.

Mr. Francis: You certainly have it in the Ottawa Valley.

Mr. Benjamin: This might also be a case of asking our own radio and television commission to take it up with their counterparts in

[Interpretation]

mission canadienne de radio et télévision pour énumérer les règlements qui empêcheraient toute station de radiodiffuser quoi que ce soit, qu'il s'agisse d'élection municipale, provinciale ou fédérale.

M. Whalan: C'est ce que j'ai dû faire pour arrêter ces choses.

M. Benjamin: Ont-ils arrêté?

M. Whalan: Oui.

M. Benjamin: Mais il n'y avait rien dans le règlement qui l'interdisait.

M. Whalan: Non, pas en ce qui nous concerne.

M. Francis: Il me semble qu'il serait juste de recommander à la CRTC qu'aucune station-émettrice ne puisse diffuser une émission qui violerait des dispositions municipales ou provinciales, quel que soit l'endroit où la station est située. Je crois qu'il s'agit là d'une bonne recommandation.

M. Whalan: J'utilise uniquement un cas concret.

M. Francis: Mais vous pouvez établir une disposition générale et ainsi la station de radio doit se défendre en vertu de cette dernière. Je pense que cela serait une chose utile à faire.

M. Jerome: Comment pouvez-vous avoir le contrôle d'une station de radio américaine?

M. Francis: Vous pouvez contrôler une station radiophonique dans une province qui s'occupe de faire de la propagande pour une élection dans une autre province.

M. Jerome: Oui.

M. Benjamin: Ceci s'est déjà produit en Saskatchewan. Une station au Montana a été utilisée par l'un des partis la nuit précédant l'élection. Que pouvez-vous faire dans ce cas? Mais dans le cas qui a fait l'objet d'un jugement en Alberta lorsqu'il y avait une élection en Saskatchewan, quelques coups de téléphone ont arrangé l'affaire. Je pense qu'il n'y a pas de souci à se faire de ce côté-là.

M. Francis: Vous avez certainement le même cas dans la vallée de l'Outaouais.

M. Benjamin: On pourrait dans ce cas, demander à notre propre Commission de la radio et de la télévision de régler le problème

[Texte]

the United States, and have a mutual regulation that applies.

Mr. Jerome: Mr. Chairman, it is my information that American stations, for example, who are contacted respecting this practice seem very willing to co-operate in every respect with the Canadian law. But the question is whether or not you should have to contact them, or whether you can prohibit it by other means. If we take the trouble to contact them and request that they conform with our laws, they are quite willing to do so. But whether or not you can always depend on co-operation or whether you can enforce it are two different things.

The Chairman: Mr. Forrestall.

Mr. Forrestall: I wonder if I could ask a brief question to both Mr. Whalan and Mr. Hamel. I am sorry that I did not ask it yesterday in Nova Scotia, or earlier in Quebec. Under your schedule A, is your tariff of fees for conduct of the election based on ours?

Mr. Whalan: No, it is not. Some of the fees have been amended. They were discretionary.

Mr. Hamel: The Nova Scotia tariff fees are very close to ours, but they have many more districts than we do and because of the number of electors within each district, the end result is that each returning officer gets much less than each of our own. This is the source, I understand, of bitter complaints in Nova Scotia. That is what I was told yesterday.

Mr. Whalan: We have tried gradually to upgrade these fees to conform with the federal fees. In item I, for instance, we found immediately when we got into the 1967 election, that there were complaints from the returning officers, particularly in the urban ridings. An urban riding might have, say, 65 polling stations, for which there is allowed only \$10 each, making \$650. The election clerk would be getting more than the returning officer. So what we did was pass an Order in Council giving a minimum of \$1,000 to each returning officer, and item II was increased to \$12. In other words, we have \$12 a polling station with a minimum of \$1,000.

[Interprétation]

avec sa contrepartie aux États-Unis et de créer les règlements mutuels qui pourraient s'appliquer dans ces cas.

M. Jerome: Monsieur le président, selon des renseignements, ces stations américaines par exemple, lorsqu'on les appelle à ce sujet, semblent très coopératives dans tous les aspects de la loi canadienne. Mais la question est de savoir si oui ou non nous devons les contacter, ou plutôt si vous pouvez empêcher de telles actions par d'autres moyens. Si nous prenons la peine de les contacter et de leur demander qu'ils se conforment à nos lois, elles le font de bon cœur. Mais à savoir si oui ou non vous pouvez toujours dépendre de cette coopération ou si vous pouvez réglementer la chose, ce sont deux choses différentes.

Le président: Monsieur Forrestall.

M. Forrestall: Je me demande si je pourrais poser une courte question à M. Whalan et à M. Hamel. Je suis désolé de ne pas l'avoir fait hier en Nouvelle-Écosse ou plus tôt, lorsque nous étions au Québec. Selon votre cédula A, est-ce que votre tarif concernant les droits pour la campagne électorale est basé sur le même que celui du Canada?

M. Whalan: Non. Certains des droits ont été modifiés car ils étaient sujets à discrétion.

M. Hamel: Le tarif des droits de la Nouvelle-Écosse ressemble beaucoup aux nôtres. Mais comme il y a plusieurs districts supplémentaires et parce que le nombre d'électeurs par district est plus faible, il en résulte que chaque président d'élection reçoit un montant plus faible que ceux des présidents d'une élection fédérale. Voilà, je crois, la source de plaintes amères dans la Nouvelle-Écosse. C'est ce qui nous a été dit hier.

M. Whalan: Nous avons essayé d'augmenter graduellement ces droits afin d'en arriver aux mêmes droits que ceux versés par le gouvernement fédéral. À l'article 1, par exemple, nous avons découvert que lors de l'élection de 1967 nous avons reçu des plaintes, il y avait des plaintes formulées par les présidents d'élection et tout spécialement dans les circonscriptions urbaines. Une circonscription urbaine, par exemple, pourrait avoir environ 65 bureaux de vote, pour lesquels on octroie dix dollars à chacun, ce qui fait \$650. Ainsi le préposé aux élections pourrait faire plus d'argent que le président d'élection. Ainsi nous avons passé un ordre en conseil leur garantissant un minimum de \$1,000 à chacun des présidents d'élection, et selon l'article 2, nous avons augmenté la somme par vote à \$12. En d'autres mots, nous versons \$12 par vote électoral et un minimum de \$1,000 par bureau.

[Text]

Mr. Forrestall: Do you have anything in your Act anywhere that requires where possible the use of public buildings, for example, for polling stations?

Mr. Whalan: No.

The Chairman: Mr. Hamel.

Mr. Hamel: On this point, I would like to mention something to the Committee and, of course, if you do not agree with the practice I have been carrying on for a few years I would be pleased if you would tell me. Ever since I took this job, I have made it a point that each time we published something such as the report of the general election, such as a new tariff of fee, such as my report to the House of Commons, I send a copy to my provincial counterparts, hoping to get reciprocal treatment from them because I believe in constant exchange of information. I may say it is a two-way street with Quebec, with Ontario, and with most provinces. It is not a very expensive thing, except perhaps the big report which is published after each election which is a fairly expensive publication. But I do not know if the Committee approves of this. If you do, I will continue to do so; if not...

Mr. Forrestall: I do not know whether it is for us to say or not, but I hope you would not stop the practice.

Mr. Hamel: Thank you.

Mr. Forrestall: The question of conformity, I think, is too important. We are dealing with an awful lot of money in the course of conducting elections federally, provincially, and municipally. Anything that can be done to make life easier at all levels and cheaper is, I think, a responsibility that you have, and it is not necessarily one about which we have to tell you.

Mr. Hamel: Thank you.

Mr. Francis: Mr. Forrestall, I would just like to say I cannot conceivably see any harm in the practice. I think this is certainly something that should be continued.

The Chairman: Any more questions? Mr. Benjamin.

Mr. Benjamin: May I just bring up a point. I meant to ask this, and I wish, like Mr. Forrestall, I had done so in Nova Scotia or in

[Interpretation]

M. Forrestall: Avez-vous une disposition dans votre loi qui demande lorsqu'il est possible que des bureaux de vote soient installés dans des édifices publics?

M. Whalan: Non.

Le président: Monsieur Hamel.

M. Hamel: A ce sujet, j'aimerais mentionner quelque chose au Comité et bien sûr si vous n'êtes pas d'accord avec la pratique que j'utilise depuis quelques années, j'aimerais que vous me le disiez. Depuis la prise en charge de mon travail, chaque fois que nous publions quelque chose au sujet d'une élection, soit un rapport, soit des nouveaux tarifs de droits, soit mon rapport à la Chambre des communes, nous envoyons un exemplaire de ces documents aux directeurs d'élections de chacune des provinces. J'espère avoir un traitement réciproque de leur part car je crois qu'un échange continu de renseignements est important. Je dois dire que c'est déjà le cas avec la province de Québec, avec l'Ontario et avec plusieurs autres provinces. Ce n'est pas une activité bien dispendieuse, à l'exception des gros rapports qui sont publiés après chaque élection qui sont des publications plutôt coûteuses. Je ne sais pas si le Comité approuve cette façon de faire. Si vous l'approuvez, je continuerai cette pratique. Sinon...

M. Forrestall: Je ne sais pas si c'est à nous de dire oui ou non, mais j'espère que vous n'arrêterez pas cette pratique.

M. Hamel: Merci.

Mr. Forrestall: La question de l'uniformité est, je crois, très importante. Nous touchons à des montants énormes d'argent lorsque nous organisons des élections fédérales, provinciales ou municipales. Ce qui peut être fait pour rendre la chose plus facile à tous les niveaux et surtout moins chère, je crois, est du ressort de votre responsabilité et je crois qu'il n'est pas nécessaire pour nous d'avoir à vous le dire.

M. Hamel: Merci.

M. Francis: Monsieur Forrestall, je voudrais juste vous dire que je ne peux concevoir aucune mauvaise chose dans cette pratique. Je pense que c'est quelque chose qui devrait être poursuivi.

Le président: D'autres questions? Monsieur Benjamin.

M. Benjamin: Puis-je juste soulever une question? Je voudrais juste poser cette question et comme M. Forrestall, je regrette de ne

[Texte]

Quebec. Do you have any provisions for the matter of constituency boundaries? Is this left to the Governor in Council or do you have any provisions for independent commissions to do this?

Mr. Whalan: No.

Mr. Benjamin: I guess each province—no they do not either. Do you have a separate provision for provincial constituency boundaries being done by an independent commission?

Mr. Whalan: No. This is set up by the legislature whenever they feel as though it is. .

Mr. Benjamin: What is your minimum? Do you have any minimum number of electors per constituency?

Mr. Whalan: These new boundaries were based on population, one representative out of 10,000 or a fraction thereof.

The Chairman: Are you through Mr. Benjamin? Well, if there are no more questions, we thank you very much, Mr. Whalan.

Mr. Whalan: It has been my pleasure. Thank you, gentlemen.

Le président: J'ai exprimé tout à l'heure certaines remarques qui ont, je crois, clarifié la situation qui semblait quelque peu confuse. Je n'ai rien d'autre à ajouter, à moins que les membres aient quelque point à soulever, nous allons lever la séance.

Mr. Macquarrie: I have a procedural question. Am I right in assuming that these are not in fact in camera meetings and that we will have a report of proceedings?

The Chairman: Yes, with the exception of Quebec where the proceedings were in camera.

Mr. Macquarrie: I do not want to lose any of the pearls that we have had. That is good.

The Chairman: Mr. Howard.

Mr. Howard: Mr. Chairman, I wonder about the matter of our subsequent tours or trips, even though they are tentative at the moment and hinge upon getting authority to do this. But I still come back to the point that I think that if we are going to continue further tours, we should do so in a more public way than has been the case here. We should conduct a

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pas l'avoir fait en Nouvelle-Écosse ou au Québec. Avez-vous une disposition quelconque touchant les circonscriptions électorales frontalières? Est-ce que ces matières sont laissées au jugement du gouverneur en conseil ou avez-vous des dispositions spéciales touchant une commission indépendante à ce sujet?

M. Whalan: Non.

M. Benjamin: Je parle de chaque province. Avez-vous une disposition spéciale pour les circonscriptions provinciales frontalières traitées par une commission indépendante?

M. Whalan: Non. Ceci est réglé par le Parlement lorsqu'il en a besoin.

M. Benjamin: Avez-vous un minimum? Avez-vous un nombre minimum d'électeurs par circonscription?

M. Whalan: Ces nouvelles limites sont basées sur la population, soit un député par 10,000 habitants ou fraction de ce chiffre.

Le président: Avez-vous fini, monsieur Benjamin? Si nous n'avons pas d'autres questions, je remercie infiniment M. Whalan.

M. Whalan: Ce fut un grand plaisir pour moi. Merci, messieurs.

The Chairman: I made certain remarks a moment ago which, I think, have cleared up the situation which seemed to be rather confused. I have nothing further to add, and unless the members have something to say, we will adjourn the meeting.

M. Macquarrie: J'aimerais poser une question de procédure. Ai-je raison lorsque je présume que ces séances à huis clos n'en sont pas réellement et que nous aurons un compte rendu des délibérations?

Le président: Oui, à l'exception de nos délibérations au Québec où celles-ci étaient réellement à huis clos.

M. Macquarrie: Je ne voudrais pas perdre certaines des perles que nous avons obtenues. C'est bien.

Le président: Monsieur Howard.

M. Howard (Skeena): Monsieur le président, j'aimerais savoir en ce qui concerne nos voyages, même si nos voyages subséquents sont à l'état de projet en ce moment et dépendent de l'autorisation de la Chambre, cependant j'aimerais toujours en venir au point où si nous continuons, nous devrions avoir une possibilité de le faire d'une façon plus ouverte

[Text]

limited advertising campaign, making information available to people in the area, groups, organizations, and political parties who want to present some ideas to us as to how more effectively the electoral process can work. I think we should do that. I put it forward as a proposition. I do not know if you desire a formal motion to that effect or not?

The Chairman: No, I would just like to give some information to Mr. Howard on this precise subject.

This matter was raised, if I recall, at the last steering committee we held, and it was felt at the time that we did not receive enough requests from people, and also there was a suggestion by Mr. Hamel who was attending our last steering committee that he needed advice from the Committee on all the technical aspects of the Canada Elections Act for which he is pressed right now to prepare amendments. He felt that it would be better for us to get information from the most competent people on all the technical aspects and that after that, if the Committee is of the opinion that we should secure information from the intermediary groups, then it would be up to the Committee to decide. If I recall well—I do not know if we have the documents here—all the letters we received so far from any intermediary groups either from Saskatchewan or from other places, have been answered and they have been informed that if and when we go to their provinces they will be informed and they will be invited, if they wish to do so, to present their briefs.

Mr. Francis: Mr. Chairman, could I comment on this please?

The Chairman: Yes.

Mr. Francis: I understand why Mr. Howard is making this suggestion, and I think the Committee should certainly give serious consideration to it. I have been chairman of another committee that had a similar problem of deciding who it should hear, and what kind of witnesses it should call outside of the public service. This was the Veterans Affairs Committee, and was that they would invite briefs from recognized associations that had an interest in the field. They attempted to draw the line at individual representations before the Committee.

[Interpretation]

que ça été le cas jusqu'ici. Nous devrions concevoir une campagne de publicité limitée afin de renseigner les gens de la région que nous visitons les groupes, les organismes et les partis politiques qui désirent présenter certaines de leurs idées afin de conduire le processus électoral d'une façon plus efficace. Je pense que nous devrions faire cela. J'aimerais en faire une proposition. Je ne sais pas si vous désirez avoir une motion officielle pour ce faire?

Le président: Non, j'aimerais juste donner quelques renseignements à M. Howard à ce sujet.

Ce dernier a été soulevé, si je me souviens bien, au cours du dernier comité directeur que nous avons tenu et nous avons pensé à cette époque que nous n'avions pas reçu suffisamment de demandes de la population et M. Hamel avait aussi suggéré lors de notre dernier comité directeur, qu'il avait besoin d'obtenir l'avis du Comité au sujet de tous les aspects techniques de la Loi électorale du Canada pour laquelle on lui demande de préparer de nouvelles modifications. M. Hamel a pensé qu'il serait peut-être mieux pour nous d'obtenir des renseignements des gens les plus compétents, sur les aspects techniques de la chose, et qu'après cela, si le Comité opine que nous devrions obtenir de plus amples renseignements des groupes intermédiaires, le Comité alors déciderait de le faire. Si je me souviens bien, je ne sais pas si nous avons les documents avec nous ici, dans toutes les lettres que nous avons reçues jusqu'à présent les deux groupes intermédiaires, soit de la Saskatchewan ou de d'autres endroits, ont reçu une réponse et ces groupes ont été informés que si nous décidons d'aller leur rendre visite, ils en seraient avisés et invités, si tel est leur désir, à présenter leurs mémoires.

M. Francis: Monsieur le président, pourrais-je faire un commentaire?

Le président: Oui.

M. Francis: Je comprends pourquoi M. Howard nous fait cette suggestion, et je pense que le Comité devrait l'étudier sérieusement. J'ai déjà été président d'un autre comité qui a un programme semblable, un problème semblable à savoir de décider si oui ou non nous devrions entendre des témoins et de la sorte de témoins qu'il aurait dû convoquer en dehors des fonctionnaires. Il s'agissait du Comité permanent des affaires des anciens combattants et la décision prise fut que tous les groupes d'organisations reconnues qui avaient un intérêt dans cette question, soient

[Texte]

I am not saying that is is a hard and fast line. If someone who is a recognized authority in the field wanted to present an individual brief, I am sure the Committee might be disposed to hear it. But there is a problem. If you insert an add in the newspaper, as a royal commission usually does, saying that they will be in Regina on such and such a day and will be pleased to meet with everyone, you do get a number of briefs that cannot really be taken seriously. They do not have the same intellectual or other content and the screening process in terms of the time and agenda of the Committee is essential.

A compromise that might be considered might be an advertising process stating that those who wish to appear might submit an abstract of what they are going to say, a precis of some kind, ahead of time. Then the Committee would extend an invitation on the basis of the obviously indicated seriousness of the representation. So you are not in a position where you might have extended hearings on the spot when you get there. I think a parliamentary committee can be away from Ottawa only for limited periods. But I do think the principle of inviting opinion outside the scope, for example, of what this Committee has heard so far is basically a sound proposition.

The Chairman: I just want to add to this that Mr. Hamel has had circulated among the members photostat copies of all the letters of complaints or suggestions that have been received through his office, and I would say that more than 80 per cent of those complaints or requests from individuals or groups are precisely on the subject of the absentee voting system or organizing new systems to permit the crippled people or those in hospitals to vote. I would say that more than 80 per cent of their requests fall in these categories. But I believe that the members with the experience they have can themselves make up decisions that could meet their views. Yes Mr. Benjamin.

Mr. Benjamin: I do not disagree at all with the suggestions of Mr. Hamel and the fact that the Committee has been thinking of meeting with the people who are expert in the field, provincial chief electoral officers and so forth. I think this is valuable and worthwhile. But the electoral process is the business of everybody in Canada.

[Interprétation]

invités à présenter leur mémoire. Le Comité à l'époque avait essayé d'empêcher les représentations individuelles devant le Comité.

Je n'ai pas à juger si cela est une bonne ou une mauvaise ligne de conduite. Si quelqu'un, qui est reconnu comme étant une autorité en la matière, désire présenter un mémoire individuel, je suis certain que le Comité serait disposé à l'entendre. Mais il y a là un problème. Si vous passez une annonce dans les journaux tel que le fait habituellement une commission royale d'enquête, disant que le Comité se réunira à Regina à telle ou telle date, et qu'il sera prêt à rencontrer tout un chacun, vous recevez ainsi un nombre de mémoires qui ne peuvent pas tous être pris au sérieux. Ils n'ont pas tous le même contenu et les travaux de déblaiement dans ces mémoires, en ce qui touche le temps et l'ordre du jour du Comité, est essentiel. Vous pouvez par contre étudier une façon d'annoncer l'autre séance en disant que ceux qui désirent témoigner devant le Comité devront soumettre un projet de leur déclaration suffisamment à l'avance. Ainsi le Comité pourra inviter ces personnes sur la base évidemment du sérieux de leur présentation. Ainsi vous n'êtes pas dans la position où vous devez allonger les audiences parce que vous êtes sur place. Je pense qu'un comité parlementaire ne peut s'absenter d'Ottawa uniquement que pour une période limitée. Et je pense que le principe d'inviter l'opinion du public à l'extérieur de l'objectif que le Comité s'est donné jusqu'à présent, est une proposition utile.

Le président: J'aimerais ajouter ceci. M. Hamel a fait circuler auprès des membres du Comité des exemplaires photocopiés de toutes les lettres de plaintes ou de suggestions qui ont été reçues à son bureau. J'aimerais dire que plus de 80 p. 100 de ces lettres ou de ces requêtes provenant soit d'individus soit de groupes, touchent particulièrement le sujet du système de vote des absents ou l'organisation de nouveaux systèmes permettant aux handicapés ou aux personnes hospitalisées de voter. Je voudrais ajouter que plus de 80 p. 100 de ces requêtes tombent dans ces catégories. Et je pense que les membres du Comité avec l'expérience qu'ils ont de la chose, peuvent eux-mêmes prendre des décisions qui correspondent à leur point de vue.

M. Benjamin: Je ne m'objecte pas du tout aux suggestions de M. Hamel, ni au fait que le Comité a pensé se réunir afin d'entendre les personnes expertes dans ce domaine, soit les directeurs, et présidents d'élections provinciaux, etc. Je pense que ceci est très valable et précieux. Mais le processus électoral au Canada est l'affaire de tout le monde.

[Text]

The Chairman: Yes.

Mr. Benjamin: The Canada Elections Act is not dealt with all that often, maybe once every 10 or 12 years if it gets any sort of thorough review. It seems to me that we are passing up an opportunity. I quite agree that there are limits to how many we can hear. I suspect there will not be all that many who would want to appear before us. I see no reason why the Committee, when it does any further tours anywhere in the country, could not hear chief electoral officers, whether in camera or not according to their wishes. We can quite easily do that.

Our experience with these three meetings now has been only a matter of two and a half to three and a half or four hours of meeting with these people. You have the majority of a day left yet to do it, and if necessary, if there were several, I do not see any reason why the Committee cannot sit in one place for two days.

I think that we may not want to and probably should not go into a major publicity and advertising campaign. But many organizations come to mind that take an active part in the electoral process, not only political parties but also Chambers of Commerce. There is a host of groups. Political science departments of universities would have ideas to present. I think that if we did nothing more than even issue invitations, it would be more than what we are set up to do now. Personally, I would like to see us do it. If it meant another trip back to the Maritimes, after letting all these groups and organizations know, and it turned out that many wanted to hear us, we would come back here to the Maritimes for two or three days, or whatever is necessary.

Mr. Lefebvre: I would like to add a couple of comments. I agree with most of what you said, especially about inviting the political parties in every province because they certainly have ideas. But I do not see why we should go out of our way to invite the Chambers of Commerce or such groups. If we invite the Chamber of Commerce we might as well invite the local farmers union and the labour unions. This is where you are going to get into going way out of your way. Maybe a local university has a political science depart-

[Interpretation]

Le président: Oui.

M. Benjamin: La Loi électorale du Canada n'est pas très souvent remise en question, peut-être une fois tous les 10 ou 12 ans lorsque nous faisons une révision générale de cette dernière. Il me semble, en tout cas pour moi, que nous laissons passer ainsi une autre chance. Je suis tout à fait d'accord que nous devons fixer une limite quant à l'audition des témoins. Je ne pense pas du reste qu'il y ait tellement de personnes qui désirent venir témoigner devant le Comité. Je ne vois aucune raison pourquoi le Comité, lorsqu'il entreprendra d'autres voyages dans notre pays, ne pourrait pas entendre les témoignages des directeurs généraux d'élections à huis clos ou non, selon leur désir. Nous pouvons très facilement faire cela.

Notre expérience acquise avec ces trois séances, n'est seulement vieille que de deux ou trois heures et demie de séances avec ces fonctionnaires. Il nous reste encore une grande partie de la journée pour ce faire avec eux, et si nécessaire, si nous avons plusieurs raisons, je ne vois pas pourquoi le Comité ne pourrait pas siéger dans un endroit quelconque pour deux jours.

Je pense que nous devrions absolument pas faire une publicité importante concernant nos séances. Mais plusieurs organismes me viennent à l'esprit qui prennent une part active dans le processus électoral, non pas seulement les partis politiques, mais aussi les chambres de commerce. Il y a d'autres groupes intéressés. Les départements politiques des universités auraient certainement une idée à nous soumettre. Je pense que si nous ne faisons pas autre chose que d'envoyer des invitations, il n'y a pas grand-chose que nous pourrions faire de plus. Personnellement, j'aimerais voir le Comité agir ainsi. Cela veut dire que nous devrions faire un autre voyage dans les Maritimes, après avoir fait savoir à tous ces groupes et organismes que nous voulons les entendre, et si plusieurs d'entre eux désirent se faire entendre, nous reviendrons dans les Maritimes pour deux ou trois jours si cela est nécessaire.

M. Lefebvre: J'aimerais juste faire quelques commentaires supplémentaires. Je suis d'accord avec la plupart des choses que vous venez de dire, spécialement au sujet des invitations faites aux partis politiques dans chaque province car ces derniers ont certainement des idées à nous soumettre. Je ne vois pas pourquoi nous devrions inviter les chambres de commerce ou les groupes de ce genre. Si nous invitons les chambres de commerce nous devrions tout aussi bien inviter les unions agricoles locales et les syndicats

[Texte]

ment; that would be something to invite. But I think this is where the problem will start, when we start by the Chamber of Commerce, et cetera, et cetera.

Mr. Benjamin: I think you will find, though, that most of the same groups you have mentioned, Chambers of Commerce, farm organizations and trade unions, have all expressed the policies of their organizations on the whole matter of the conduct of elections at some time or other. I do not think we should be afraid to make this as open as possible. As Mr. Francis said, there might be some individual citizen we have never heard of who has something very good to present to us.

Mr. Francis: If he could give us proof in advance that he could give a serious representation.

Mr. Benjamin: Of course, I quite appreciate that you would have to ask what it is he wants to present to us. If some kook wanted to appear it would be nice to know about it ahead of time, and we could say we were sorry.

Mr. Francis: If you get somebody who wants to argue about transferable ballots, and his entire representation will be on that kind of thing...

Mr. Lefebvre: Something else you can do is invite the national spokesmen for the farmers group and the Chamber of Commerce to testify in Ottawa and hear the rest of them when you are going out in the field.

The Chairman: It is not the same in every province. The fact is that there has been a tentative scheduled trip to Toronto fixed and organized for September 22, about which I had talked over the telephone with Mr. Benjamin. The problem was that at the time we were informed that a few days prior to September 22—we could not have our own meeting before that time—the Ontario Select Committee on Election Laws went to Quebec and then left for Australia. But they accepted the—I beg your pardon?

Mr. Francis: We are on the Ontario Select committee?

The Chairman: I have not the list.

An hon. Member: Yes, you can be assured.

[Interprétation]

ouvriers. C'est là où nous en viendrons si nous élargissons nos propres structures. Il est possible qu'une université comportant un département politique puisse être invitée. Mais je pense que le problème réside essentiellement à ce point. Si nous commençons à inviter la Chambre de commerce. etc. etc.

M. Benjamin: Je pense que la plupart des groupes que vous avez mentionnés, les chambres de commerce, les organisations agricoles, et les syndicats ouvriers ont tous exprimé le point de vue de leurs organisations sur la conduite des élections d'une façon ou d'une autre. Je ne pense que nous devrions avoir crainte de tenir nos séances aussi ouvertes que possible. Comme M. Francis l'a déjà dit, il y a certains citoyens, dont nous n'avons jamais entendu parler, qui auraient des représentations excellentes à nous faire.

M. Francis: A condition qu'ils puissent nous donner certaine preuve à l'avance que ces idées sont réellement sérieuses.

M. Benjamin: Bien sûr, je suis tout à fait d'accord avec vous, nous devrions d'abord lui demander ce qu'il a à nous présenter. Si certain farfelu désire se présenter devant le Comité il serait plutôt agréable de le savoir à l'avance, et de pouvoir le remercier.

M. Francis: Si vous avez par exemple, quelqu'un qui désire discuter du vote transférable, et que tout son mémoire se rapporte à ce sujet...

M. Lefebvre: Vous pouvez faire autrement, soit d'inviter le représentant national d'un organisme agricole ou le représentant des chambres de commerce et de lui demander de venir témoigner à Ottawa, et lorsque vous allez en voyage, d'interroger les autres témoins sur place.

Le président: Chaque province est différente. Par exemple, nous avons prévu un voyage à Toronto qui avait été fixé et organisé pour le 22 septembre. J'en ai parlé au téléphone avec M. Benjamin. Le problème était que nous fûmes informés quelques jours avant le 22 septembre que nous ne pouvions pas tenir d'autres séances car à cette époque le comité spécial sur les lois électorales de l'Ontario était à Québec et par après quittait le pays pour se rendre en Australie. Mais ils ont accepté... Je vous demande pardon?

M. Francis: Nous faisons partie du comité spécial de l'Ontario?

Le président: Je n'ai pas la liste...

Une voix: Oui, vous pouvez en être assurés.

[Text]

The Chairman: I have talked with Mr. Dunlop, Chairman of the Ontario Select Committee on Election Laws, and he agreed with me about the suggestion that after they have terminated their tour, we could perhaps have, either in Ottawa or in Toronto, a joint meeting. He expressed the view that most of the Ontario members of the legislature on this committee would have liked to get ideas from us about some very crucial points like the lowering of the voting age and some other points and try to reassess their own election act in conformity with the federal Act and those of some other provinces. They have 12 members.

Mr. Benjamin: On this point of the Ontario Select Committee on Election Laws, Mr. Chairman, I do not know if you are aware or not but the Saskatchewan legislature also has a select committee that is now sitting and may well have its work completed by the time we get out there. The Committee might be interested in meeting with them as well. They have heard briefs from a number of organizations and political parties.

Mr. Macquarrie: Mr. Chairman, I will not restate my general views; I gave them in Quebec. I do recall that when we last did a thorough job on the Canada Elections Act the presentations of groups and individuals were beneficial. I think we must adopt the point of view that we will and must and should hear people, but I think, in a more specific way, we should be giving some special thought to seeking out certain people, such as Professor Cairns, who is doing an excellent job on the whole question of election reform, and Flora Macdonald, who happens to belong to my party, who has spent the winter on this and did a fine paper. No doubt there are people in other parties who are specialists and there are some political scientists who have done a good job on this. I think we should perhaps consider some of these people and extend to them an invitation to come to Ottawa, I would think, in most cases.

The Chairman: Would it be agreeable to the members to have a meeting on Tuesday of the week after next?

An hon. Member: This committee stops on October 22.

The Chairman: The Committee stops, but the members will all survive.

An hon. Member: It will be of all the same members?

[Interpretation]

Le président: J'ai parlé avec M. Dunlop, le président du comité spécial de l'Ontario sur la loi électorale et il était d'accord avec moi sur la suggestion voulant qu'après que ce comité soit rentré de voyage, nous puissions peut-être avoir une réunion, soit à Ottawa soit à Toronto. Il a exprimé le point de vue que la plupart des députés ontariens siégeant sur ce Comité auraient voulu obtenir quelques points de vue de notre comité fédéral au sujet de problèmes primordiaux, tel que l'abaissement de l'âge des votants, ainsi que d'autres points pertinents afin de pouvoir réévaluer leurs propres lois électorales conformément à la loi fédérale et à celle de certaines autres provinces. Le comité ontarien comprend 12 membres.

M. Benjamins: Au sujet de ce comité spécial sur les lois électorales de l'Ontario, monsieur le président, je ne sais pas si vous êtes au courant ou non, mais l'Assemblée législative de la Saskatchewan a elle aussi son comité spécial qui siège actuellement et qui pourrait bien avoir terminé son travail à l'époque où nous nous rendrons dans cette province. Le Comité serait peut-être intéressé à rencontrer ce comité. Ce comité provincial a reçu des mémoires d'un grand nombre d'organismes et de partis politiques.

M. Macquarrie: Monsieur le président, je ne vais pas redire ce que j'ai dit à Québec. Je me souviens que, lorsque nous avons fait la dernière révision complète de la loi électorale du Canada, les représentations des groupes et des particuliers avaient été fort utiles. Je crois que nous devrions écouter avec attention certaines personnes comme le professeur Cairns, qui fait un excellent travail sur toute la question de la réforme électorale, et Flora Macdonald, qui est un membre de notre parti qui a consacré son hiver à ce travail et qui a produit un document très intéressant. Sans le moindre doute, il y a des membres d'autres partis qui sont des spécialistes de la politique et qui font aussi un bon travail. Je crois que nous devrions leur envoyer une invitation à venir nous voir à Ottawa.

Le président: Les membres du Comité seraient-ils intéressés à avoir une réunion mardi dans deux semaines?

Une voix: Le Comité arrête ses travaux le 22 octobre.

Le président: Le Comité arrête, mais pas les membres.

Une voix: Le Comité se composera-t-il de tous les mêmes membres?

[Texte]

The Chairman: Yes.

Mr. Francis: I think that could be a technical point. The Standing Committee is usually reappointed, and I would think that the disposition of the House would be to do so with a minimum of delay.

Mr. Howard (Skeena): I was not really thinking so much of individuals in the broad sense of permitting anybody to appear but rather of groups and political parties and those who want to make some particular presentation relative to making the electoral processes more valuable to them.

My concern is about the sort of limited advertising approach to it. Perhaps, as others have done, I could relate it to the Fisheries Committee, which had some hearings in British Columbia, and the extent of the kind of information that was given beforehand about it coming. I did not know how extensive it was, but there were some newspaper ads, and there was also the word-of-mouth information by which people from British Columbia on the Committee advised different groups.

Mr. Francis: Did the Committee insert ads in the local newspaper?

Mr. Howard (Skeena): There was an advertising program, but I do not know to what extent. In addition to that there was the individual who was doing this. We were not swamped. We had what one, I suppose, could loosely call a "crackpot" who appeared before the Committee, but the Committee took what was said with the usual grain of salt. This is the sort of thing I was thinking of, rather than doing what we are doing now. I am very serious about this. It can create a sort of a bad flavour about the whole thing. In fact, Mr. Chairman, I had written out a motion about this. Let me read it to you. I think it has the sense of what has been said here.

That with respect to this Committee's further visits, we authorize a limited advertising campaign in order that interested groups may have the opportunity to appear before us.

Then the steering committee—and I realize this is a delicate area...

The Chairman: Perhaps the next time you should attend!

Mr. Howard (Skeena): No; the steering committee, in the sense of what we have been talking about in relation to the manner of proceeding, just does it, if that motion is acceptable.

Mr. Jerome: Perhaps the motion should simply say that this Committee be authorized

[Interprétation]

Le président: Oui.

M. Francis: Je crois qu'il s'agit d'un point technique. Le comité permanent est ordinairement renommé, et je crois que la Chambre le fera dans le plus bref délai.

M. Howard (Skeena): Je ne pense pas tellement à permettre à n'importe quel particulier de venir témoigner, mais plutôt aux groupes, aux partis politiques et à ceux qui seraient désireux d'améliorer le processus électoral dans leur propre intérêt.

Ce qui m'intéresse, c'est la publicité limitée qui entoure ces audiences. Peut-être pourrais-je citer le Comité des pêches, qui tient des audiences en Colombie-Britannique, et la quantité d'information qui a annoncé sa venue. Je ne sais pas quelle ampleur avait l'information, mais il y a eu des annonces dans les journaux, et il y a eu également l'information orale par laquelle des membres de la Colombie-Britannique faisant partie de ce Comité ont averti divers groupes.

M. Francis: Le Comité avait-il fait mettre des annonces dans le journal local?

M. Howard (Skeena): Il y a eu un programme de publicité, mais je ne sais pas quelle en était l'ampleur. De plus, certains particuliers se sont occupés de l'information. Les témoignages n'ont pas été nombreux. Il y a eu quelqu'un, qu'on pourrait appeler «un farceur», qui est venu témoigner, mais le Comité l'avait écouté avec un grain de sel. C'est à ce genre de choses que je pensais, plutôt que ce que nous faisons maintenant. Je crois que c'est un point important. Un tel genre de choses peut gêner tous les travaux. En fait, monsieur le président, j'ai rédigé une motion là-dessus. Permettez-moi de vous la lire.

Que, compte tenu des visites futures du Comité, nous permettons une campagne de publicité limitée de façon à donner aux groupes intéressés l'occasion de venir témoigner devant nous.

Puis, le comité directeur, et je vois bien que c'est un point délicat...

Le président: Peut-être la prochaine fois devriez-vous être présent!

M. Hooward (Skeena): Non; le comité directeur, pour ce qui est de leur façon de procéder, le fait tout simplement, si la motion est acceptable.

M. Jerome: Peut-être la motion devrait-elle dire que ce Comité est autorisé à prendre des

[Text]

to make arrangements for interested parties to attend our future meetings out West, rather than have the words "limited advertising campaign." I think that would contain the sense of it.

I think everybody feels that the exercise we have gone through this week is a beneficial use of the Committee's time, but while we are at it we could do very well to expand our work in each centre by hearing other people who could contribute a great deal to the information we have been able to gather.

If we were just to leave it in the hands of the Committee to put it that way, that the Committee be authorized to arrange for other interested parties to present themselves at our future meetings, or something like that, we would perhaps...

The Chairman: Just a moment. It depends on the provinces we are speaking of. In fact, in Ontario they have already done it, and after we have had a two-day joint meeting with Ontario the decision may be not to hear anyone. They may want to readjust their law to ours. They have done the work and may want to benefit from the work they have already done. I personally believe that the suggestion made by Mr. Jerome meets the situation.

Mr. Howard Skeena: That is so; and I agreed previously. It is with respect to the Committee's further visits, that we agree to arrange that interested groups have the opportunity to appear before us.

Mr. Francis: If I may make one further suggestion, Mr. Chairman, I feel that this is a job for the steering committee to think through.

Mr. Howard (Skeena): That is implicit in it. That is the follow up of it.

An hon. Member: We should change the word "visits" to "meetings".

The Chairman: I have the motion. Do you want me to read it?

That, with respect to this Committee's further visits, arrangements be made to give interested groups an opportunity to appear before the Committee.

The motion was proposed by Mr. Howard and seconded by Mr. Macquarrie.

Motion agreed to.

Mr. Carter: Mr. Chairman, which provinces are we going to visit?

The Chairman: Our Chief Electoral Officer has said, and some members who were pres-

[Interpretation]

dispositions pour que les parties intéressées assistent à nos futures réunions dans l'Ouest, plutôt que les mots «campagne de publicité limitée». Je crois que ce serait une meilleure formule.

Je crois que, cette semaine, le Comité a consacré son temps à des choses fort utiles, mais que nous pourrions étendre notre travail à chaque centre et écouter d'autres personnes qui auraient d'autres renseignements à nous communiquer.

Si nous laissons au Comité la possibilité d'entendre d'autres parties intéressées à venir témoigner à nos futures réunions, ou quelque chose comme ça, peut-être que...

Le président: Un moment. Tout dépend des provinces auxquelles nous avons affaire. C'est déjà fait en Ontario et peut-être qu'après une réunion de deux jours en Ontario, on décidera que nous avons entendu assez de témoins. Ils peuvent vouloir ajuster leur loi aux nôtres. Ils ont fait leurs travaux et ils pourraient vouloir en profiter. Je crois personnellement que la proposition de M. Jerome convient bien à la situation.

M. Howard (Skeena): Je suis d'accord. C'est en tenant compte des visites futures du Comité que nous devrions prendre des dispositions pour donner aux groupes intéressés l'occasion de venir témoigner devant nous.

M. Francis: J'aurais une autre proposition, monsieur le président. Je crois que c'est une décision qui relève du comité directeur.

M. Howard (Skeena): C'est un point sous-jacent, qui en découle.

Une voix: Nous devrions remplacer le mot «visites» par «réunions».

Le président: Voulez-vous lire la motion?

Que, compte tenu des visites futures du Comité, des dispositions soient prises pour donner aux groupes intéressés l'occasion de venir témoigner devant le Comité.

La motion est proposée par M. Howard et appuyée par M. Macquarrie.

La motion est adoptée.

M. Carter: Monsieur le président, quelles provinces visiterons-nous?

Le président: Notre directeur général des élections a dit, et certains membres en ont

[Texte]

ent at our last meeting suggested, that British Columbia had an absentee voting system that had worked for years.

Mr. Howard (Skeena): Not very well; but it worked.

Mr. Francis: Did it involve proxy voting?

The Chairman: No. In Saskatchewan they had...

Mr. Howard (Skeena): Not now; it used to have.

The Chairman: It used to have. These have been the places where the members have already presented views on what we should consider, and we have these plus the joint meeting with the Ontario legislative assembly. That, I think, would be very beneficial to us, because they have done very thorough work toward amending their law. They have already issued a report, and they have made trips through the country. They are now back from Australia.

Mr. Benjamin: Mr. Chairman, while we are still in this general area, would it not be possible for the steering committee to come up with a name, or possibly two names, from our neighbours to the south, of experts in this field—somebody who might come and possibly shed some light on this subject and on their practices and their difficulties? It is always nice to be aware of traps into which other people are falling.

The Chairman: Yes, Mr. Macquarrie?

Mr. Macquarrie: I was going to ask, Mr. Chairman, why Manitoba was not thought of. They have had some fantastic operations in that province.

Mr. Francis: In what respect?

Mr. Macquarrie: They have had the most interesting experiences with all sorts of ballots, the preferential system, and they got over to the Privy Council on the initiative on the referendum. It has been quite a boiling pot of new and sometimes "half-baked" ideas.

Mr. Benjamin: They completed some amendments to their Election Act. I do not know how wide-spread they are, but they just went through an exercise of amending their Elections Act.

Mr. Forrestall: Could you tell us, Mr. Chairman, whether our Chief Electoral Officer will accompany us throughout?

[Interprétation]

parlé à notre dernière réunion, que la Colombie-Britannique avait un système de vote pour les personnes absentes, qui fonctionnait depuis des années.

M. Howard (Skeena): Pas très bien, mais il fonctionnait.

M. Francis: Comprenait-il un système de vote par procuration?

Le président: Non. En Saskatchewan, il y avait...

M. Howard (Skeena): Pas maintenant, autrefois.

Le président: Autrefois. Ce sont les endroits où les membres ont déjà présenté des idées que nous devrions étudier, en plus de celles qui ont été émises à des réunions conjointes avec l'Assemblée législative de l'Ontario. Ce serait très utile, parce qu'ils ont fait un travail énorme visant à modifier leur loi. Ils ont déjà publié un rapport, et ils ont traversé le pays. Ils reviennent d'Australie.

M. Benjamin: Monsieur le président, serait-il possible que le comité directeur nous fournisse un nom, ou possiblement deux, de nos voisins du sud, experts dans ce domaine, qui pourraient venir jeter un peu de lumière sur ce sujet et sur les pratiques en existence et les difficultés? Il est toujours utile de connaître les pièges dans lesquels on peut tomber.

Le président: Oui, monsieur Macquarrie?

M. Macquarrie: J'aimerais savoir, monsieur le président, pourquoi on n'a pas pensé au Manitoba? Cette province jouit de très bons systèmes.

M. Francis: Dans quel domaine?

M. Macquarrie: Ils ont connu des expériences intéressantes avec toutes sortes de bulletins de vote, le système préférentiel, et ils sont même allés jusqu'au Conseil privé sur la question du référendum. C'est une source d'idées nouvelles et parfois «demi-cuites».

M. Benjamin: Ils ont fait certaines modifications à leur loi électorale. Je n'en connais pas la portée, mais ils viennent tout juste de modifier leur loi des élections.

M. Forrestall: Pouvez-vous nous dire, monsieur le président, si notre directeur général des élections nous accompagnera?

[Text]

The Chairman: At any meeting we have on the amendments to the Elections Act Mr. Hamel will be present, whether it be in Ottawa, or elsewhere.

Mr. Forrestall: He will be with us?

The Chairman: Yes.

Mr. Forrestall: It would be most useful to have him, because sometimes the questions ...

The Chairman: I should inform you that Mr. Hamel has requested that the members obtain all the information before they study his proposed amendments, so that we will not have to readjust when we do so. This is the reason for our being pressed by the House, when we started to review the Act, to obtain all the information we could to assess the amendments proposed by Mr. Hamel. Mr. Hamel feels that he will be in a much better position to reassess his proposed amendments after the members have dealt with the different issues that are involved in the different provinces.

Mr. Forrestall: I raise that, Mr. Chairman, because I feel very strongly that the government, when it gets around to deciding finally how it is going to treat the two general areas that have been removed from our jurisdiction for certain purposes at this time, must bear in mind that there has to be some continuity of information and of thought, because by the structure of the Act, as they found from their experience in Nova Scotia—and indeed in Quebec—the areas are not separable, or are not easily separated. There should be continuity.

My personal belief is that this Committee, once it has done one thing, should do the other thing, or that there should be a substantial representation from this Committee on any ad hoc or special committee that is established to consider the two; because I do not believe they are separable. We might find ourselves in the trap, notwithstanding the expertise of our Chief Electoral Officer, of doing or recommending something that would compromise the other work, or make it difficult and lead to even further work to make the two compatible.

Mr. Carter: Mr. Chairman, I think, too, that if, in the fall, we are going to solicit briefs and opinions from the people in the provinces then the two eastern provinces, Newfoundland and P.E.I., should also be asked, or given a chance, to express their opinions. They have a stake in this, as well as anybody else. I do not see how you can actually leave them out if you are going to solicit briefs.

[Interpretation]

Le président: M. Hamel sera présent à toutes les réunions où nous parlerons de modifications à apporter à la loi des élections, que ce soit à Ottawa ou ailleurs.

M. Forrestall: Est-ce qu'il sera avec nous?

Le président: Oui.

M. Forrestall: Il sera très utile de le compter parmi nous parce que, dans certains cas, beaucoup de questions...

Le président: Je devrais vous dire que M. Hamel a demandé que les membres obtiennent tous les renseignements avant d'étudier les modifications qu'il propose, de sorte qu'il ne soit pas nécessaire de faire des rajustements. C'est la raison pour laquelle la Chambre, lorsque nous avons commencé à revoir la loi, nous a demandé d'obtenir le plus rapidement possible tous les renseignements pour évaluer les modifications proposées par M. Hamel. M. Hamel croit qu'il lui sera plus facile de réévaluer les modifications qu'il propose, une fois que les membres auront vu ce qui se passe dans les diverses provinces.

M. Forrestall: J'ai parlé de cela, monsieur le président, parce que je crois que le gouvernement, lorsqu'il prendra la décision finale sur les domaines d'ordre général qui nous ont été enlevés pour certaines raisons, devrait tenir compte du fait qu'il devrait y avoir une certaine continuité d'information parce qu'à cause de la structure de la Loi, comme on s'en est rendu compte en Nouvelle-Écosse et au Québec, ces deux questions ne sont pas séparables ou peuvent être difficilement séparées. Il doit y avoir continuité.

Mon opinion personnelle est que, une fois le travail terminé, le Comité devrait envoyer des représentants à tout comité spécial chargé d'étudier ces deux questions parce que je ne crois pas qu'elles soient séparables. Nous pourrions, en dépit des conseils de notre directeur général des élections, recommander quelque chose qui compromettrait ou rendrait difficile la conciliation des deux questions.

M. Carter: Monsieur le président, je crois également que si, à l'automne, nous allons demander des mémoires et des opinions de personnes dans les provinces, nous devrions donner l'occasion aux deux provinces de l'Est, Terre-Neuve et l'Île du Prince-Édouard, d'exprimer leurs opinions. Ils ont un mot à dire, comme tout le monde. Je ne vois pas comment on peut les oublier.

[Texte]

Mr. Howard (Skeena): Mr. Chairman, in the original phraseology of the motion I left it sufficiently vague, by referring to "further meetings", or "further visits", that this could be dealt with by the steering committee; and whatever mechanism is necessary could be worked out to determine whether Newfoundland and/or Prince Edward Island should be involved in it, or other Maritime provinces, or Alberta, or anyone else.

The Chairman: Gentlemen, we will adjourn. This morning I asked our Clerk to try to arrange for the chartered flight to leave at 6 o'clock instead of at 8 o'clock, so that members could be in Ottawa at five to seven Ottawa time. I will not be on the plane, because I am going back to Quebec. As I do not want to cause any additional expense I am paying my own fare back.

You will be leaving the front door at 5.30 p.m.

The meeting is adjourned.

[Interprétation]

M. Howard (Skeena): Monsieur le président, ma motion était assez générale en parlant de «réunions futures» ou «visites futures» pour laisser une certaine liberté au comité directeur qui décidera si on doit comprendre Terre-Neuve et (ou) l'Île du Prince-Édouard, ou d'autres provinces maritimes, ou l'Alberta, ou tout autre province.

Le président: Messieurs, nous allons ajourner. J'ai demandé, ce matin, à notre secrétaire de voir à ce que le vol spécial parte à 6 heures au lieu de 8 heures, de façon que les membres puissent être à Ottawa à 7 heures moins cinq, heure d'Ottawa. Je ne partirai pas avec vous, puisque je retourne à Québec. Comme je ne veux pas occasionner des dépenses supplémentaires, je paie mon propre passage de retour.

Vous partirez de l'entrée principale à 5 h. 30.

La réunion est ajournée.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969

vingt-huitième législature, 1969

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
ET
ÉLECTIONS**

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 1

THURSDAY, NOVEMBER 13, 1969

LE JEUDI 13 NOVEMBRE 1969

TUESDAY, NOVEMBER 25, 1969

LE MARDI 25 NOVEMBRE 1969

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir les procès-verbaux)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman
and Messrs.

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président
et MM.

Alkenbrack,
Benjamin,
Cafik,
³ Côté (Richelieu),
⁴ Duquet,
Forest,

⁵ Forrestal,
Fortin,
Francis,
Howard (Skeena),
¹ Howe,
Jerome,

Lefebvre,
Macquarrie,
Marceau,
Murphy,
² Nesbitt,
Trudel—20.

(Quorum 11)

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

Pursuant to Standing Order 65 (4) (b), Suivant l'article 65 (4) b) du Règlement,

¹ Replaced Mr. Carter on November 12, 1969 ¹ Remplace M. Carter le 12 novembre 1969

² Replaced Mr. Peddle on November 13, 1969 ² Remplace M. Peddle le 13 novembre 1969

³ Replaced Mr. Lessard (LaSalle) on November 13, 1969 ³ Remplace M. Lessard (LaSalle) le 13 novembre 1969

⁴ Replaced Mr. Gibson on November 17, 1969 ⁴ Remplace M. Gibson le 17 novembre 1969

⁵ Replaced Mr. Aiken on November 24, 1969 ⁵ Remplace M. Aiken le 24 novembre 1969

ORDER OF REFERENCE

WEDNESDAY, November 19, 1969

Ordered,—That the Standing Committee on Privileges and Elections be empowered to study the following matters and to report to the House such proposals as the Committee may deem advisable:

1. The Canada Elections Act, exclusive of Sections 62 and 63;

2. The Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting, 1968, made pursuant to Section 9 of the Representation Commissioner Act; and

That the evidence adduced by the Committee in its study of the aforementioned times during the First Session of the Twenty-Eighth Parliament be referred to the Committee.

ATTEST:

Le Greffier de la Chambre des communes,
ALISTAIR FRASER,
The Clerk of the House of Commons.

ORDRE DE RENVOI

Le MERCREDI 19 novembre 1969

Il est ordonné,—Que le comité permanent des privilèges et élections soit autorisé à étudier les questions suivantes et à formuler dans son rapport les propositions qui lui sembleront opportunes:

1. La Loi électorale du Canada, à l'exclusion des articles 62 et 63;

2. Le rapport du Commissaire à la représentation sur les méthodes d'inscription des électeurs et le vote des absents (1968), établi en vertu de l'article 9 de la Loi sur le commissaire à la représentation;

Et que les témoignages recueillis par le comité dans son étude des questions précitées pendant la première session du vingt-huitième Parlement soient déférés au comité.

ATTESTÉ:

REPORT TO THE HOUSE

WEDNESDAY, November 26, 1969

The Standing Committee on Privileges and Elections has the honour to present its

FIRST REPORT

Your Committee recommends that the subject matter of Private Members' Bills and Notices of Motions of this session pertaining to the Canada Elections Act, exclusive of Sections 62 and 63 and to the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting, 1968, be referred to your Committee.

Respectfully submitted,

Le président,
OVIDE LAFLAMME,
Chairman.

RAPPORT À LA CHAMBRE

Le MERCREDI 26 novembre 1969

Le Comité permanent des privilèges et élections a l'honneur de présenter son

PREMIER RAPPORT

Le Comité recommande que la teneur des bills publics inscrits au nom des députés et des avis de motion de la présente session relatifs à la Loi électorale du Canada, à l'exclusion des articles 62 et 63, et au Rapport du commissaire à la représentation sur les méthodes d'inscription des électeurs et le vote des absents (1968), soit renvoyée au Comité.

Respectueusement soumis,

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, November 13, 1969
(1)

The Standing Committee on Privileges and Elections met this day at 10.20 a.m. for the purpose of organization.

Members present: Messrs. Aiken, Benjamin, Fortin, Howe, Jerome, Laflamme, Lessard (*LaSalle*), Macquarrie, Murphy, Nesbitt, Paproski, Trudel—(12).

The Clerk attending and having called for nominations for Chairman, it was moved by Mr. Trudel that Mr. Laflamme be elected Chairman of this Committee.

There being no other nominations, the Clerk put Mr. Trudel's motion and it was unanimously *resolved* in the affirmative.

Mr. Laflamme took the Chair and thanked the Committee for the honour.

The Chairman called for nominations for the election of a Vice-Chairman.

It was moved by Mr. Lessard (*LaSalle*) that Mr. Jerome be elected Vice-Chairman of the Committee.

It was moved by Mr. Macquarrie that Mr. Paproski be elected Vice-Chairman of the Committee.

On motion of Mr. Lessard (*LaSalle*), it was agreed that nominations be closed.

Mr. Lessard's motion *that Mr. Jerome be elected Vice-Chairman* was resolved in the negative.

And the question being put *that Mr. Paproski be elected Vice-Chairman*, it was unanimously resolved in the affirmative.

On motion of Mr. Murphy,
Agreed,—That the Subcommittee on Agenda and Procedure be comprised of the Chairman, the Vice-Chairman and five

[Traduction]

PROCÈS-VERBAUX

Le JEUDI 13 novembre 1969
(1)

Le Comité permanent des privilèges et élections se réunit à 10 h. 20 du matin à des fins d'organisation.

Présents: MM. Aiken, Benjamin, Fortin, Howe, Jerome, Laflamme, Lessard (*LaSalle*), Macquarrie, Murphy, Nesbitt, Paproski, Trudel—(12).

Le greffier du Comité préside à l'élection du président. Sur la proposition de M. Trudel il est proposé que M. Laflamme soit élu président du Comité.

Aucune autre nomination étant proposée, le greffier accepte la proposition de M. Trudel et celle-ci est *entérinée* à l'unanimité par les membres du Comité.

M. Laflamme occupe le fauteuil et remercie le Comité de la confiance qu'il lui a témoignée.

Le président demande ensuite que l'on procède à des nominations pour l'élection d'un vice-président.

M. Lessard (*LaSalle*) propose que M. Jerome soit élu vice-président du Comité.

M. Macquarrie propose que M. Paproski soit élu vice-président du Comité.

M. Lessard (*LaSalle*) propose que la période de nominations soit close.

La proposition de M. Lessard voulant que M. Jerome soit élu vice-président a été rejetée.

Et la proposition voulant que M. Paproski soit élu vice-président a été acceptée à l'unanimité.

Sur la proposition de M. Murphy
Il est convenu,—Que le sous-comité du programme et de la procédure soit constitué du président, du vice-président et de

other members appointed by the Chairman after the usual consultations with the Whips of the different parties.

On motion of Mr. Trudel,

Agreed,—That the Committee print 1,000 copies of its bilingual Minutes of Proceedings and Evidence including a Sessional Index.

At 10.35 a.m., there being no further business, the Committee adjourned to the call of the Chair.

TUESDAY, November 25, 1969
(2)

The Standing Committee on Privileges and Elections met this day at 10:15 a.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Alkenbrack, Benjamin, Duquet, Forest, Forrestall, Francis, Howe, Laflamme, Lefebvre, Macquarrie, Murphy, Paproski, Trudel—(13).

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Chairman reviewed briefly the discussions of the Steering Committee held on November 24, 1969.

And the Clerk, having read the Committee's Order of Reference,

And the debate thereon

On motion of Mr. Benjamin

Agreed,—that the Committee recommend to the House that the subject matter of the current Session's Private Members Bills and Notices of Motions pertaining to the Canada Elections Act exclusive of Sections 62 and 63 be referred to the Committee.

On motion of Mr. Macquarrie

Agreed,—that the paper entitled "Electoral Legislation in Canada" prepared by the Chief Electoral Officer be printed as an appendix to this day's Minutes of Proceedings and Evidence (*See Appendix No. 1*).

On motion of Mr. Forest

Agreed,—that the Steering Committee would prepare a list of items on which

cinq autres membres du Comité nommés par le président après les consultations habituelles avec les whips des différents partis.

Sur la proposition de M. Trudel,

Il est convenu,—Que le Comité face imprimer 1,000 exemplaires bilingues des comptes rendus et délibérations, y compris l'index sessionnel.

A 10 h. 35, après l'épuisement de l'ordre du jour, le Comité s'ajourne jusqu'à nouvelle convocation du président.

Le MARDI 25 novembre 1969
(2)

Le Comité permanent des privilèges et élections se réunit aujourd'hui à 10 h. 15 du matin. Le président, M. Laflamme, occupe le fauteuil.

Présents: MM. Alkenbrack, Benjamin, Duquet, Forest, Forrestall, Francis, Howe, Laflamme, Lefebvre, Macquarrie, Murphy, Paproski, Trudel—(13).

Témoin: M. J. M. Hamel, directeur général des élections.

Le président repasse brièvement les délibérations du comité de direction qui s'est réuni le 24 novembre 1969.

Le greffier lit l'ordre de renvoi du Comité.

Une discussion suit et,

Sur une proposition de M. Benjamin,

Il est décidé,—Que le Comité recommande à la Chambre que les bills privés des députés pour la session en cours et les avis de motions relativement à la Loi électorale du Canada, à l'exception des articles 62 et 63, soient renvoyés au Comité.

Sur une proposition de M. Macquarrie,

Il est décidé,—Que le document intitulé «Les lois électorales au Canada» préparé par le directeur général des élections soit imprimé en appendice au procès-verbal et témoignages de la réunion d'aujourd'hui (*voir appendice 1*).

Sur une proposition de M. Forest,

Il est décidé,—Que le comité de direction prépare une liste des questions qui exigent

policy decisions are required for presentation to the Committee.

The Committee agreed to invite Miss Flora MacDonald of Queen's University and Prof. A. C. Cairns to appear before the Committee on December 11, 1969, if possible.

On motion of Mr. Benjamin

Agreed,—that the Committee seek permission to travel to Toronto, if necessary, to meet with the Provincial Select Committee on Election Laws.

On motion of Mr. Forrestall

Agreed,—that the Chairman be authorized to hear witnesses and print evidence when a quorum is not present providing two parties are represented and five members are present.

At 11:30 a.m. the Committee adjourned until 11:00 a.m. Thursday, November 27, 1969.

une décision de politique et la soumettre au Comité.

Le Comité décide d'inviter M^{lle} Flora MacDonald de l'université Queens et le professeur A. C. Cairns à comparaître devant le Comité, le 11 décembre 1969, si possible.

Sur une proposition de M. Benjamin,

Il est décidé,—Que le Comité demande la permission de se déplacer, à Toronto, si nécessaire, pour rencontrer le comité spécial provincial sur les lois électorales.

Sur une proposition de M. Forrestall,

Il est décidé,—Que le président soit autorisé à entendre des témoins et à imprimer les témoignages en l'absence du quorum à condition que deux partis soient représentés et qu'il y ait 5 députés présents.

A 11 h. 30, le Comité suspend ses travaux jusqu'au jeudi, 27 novembre 1969, à 11 h.

*Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.*

[Texte]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 25 novembre 1969.

• 1015

Le président: Alors, messieurs, je remarque que nous avons quorum ce matin.

Je voudrais d'abord faire part aux membres du Comité que la semaine dernière, nous avons tenu une réunion du sous-comité du programme et de la procédure au cours de laquelle, on a discuté de différentes questions, en particulier de l'idée générale d'établir la liste de toutes les principales questions sur lesquelles les membres du Comité pourront obtenir un consentement rapide, sans trop de discussions, et séparer les autres ensuite; deuxièmement, étudier la possibilité d'entendre certains témoins comme, par exemple, le professeur Kearns, de l'Université de la Colombie-Britannique, le professeur Norman Ward de l'Université de la Saskatchewan, Mlle Flora MacDonald, de l'Université Queens, ainsi que les présidents ou directeurs généraux des élections des provinces de la Colombie-Britannique et de la Saskatchewan.

On a discuté également de l'opportunité de tenir un comité conjoint avec le comité choisi par la province d'Ontario, en vue d'étudier, pour la Législature, la loi électorale de cette province.

La question a été posée également à savoir si nous allions faire d'autres voyages à l'extérieur.

I will start by asking the members of the Committee to put forth their views on the advisability of drawing up a list of policy questions on which there seems to be general agreement. Then we can isolate those items on which discussion is required. In this way an indication of our general views can be given to the Chief Electoral Officer in advance and he could then prepare draft legislation for referral to and study by us. Then we can come to a final decision on the drafting of any required legislation. Does this suggestion meet with the approval of members of the Committee?

Mr. Forrestall: Mr. Chairman, would it be possible for this Committee to hear somebody who has spent a reasonable amount of time on the voting regulations of the armed forces,

[Interprétation]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, November 25, 1969.

The Chairman: Gentlemen, I see that we have a quorum this morning.

First of all, I would like to tell the members of the Committee that last week we held a meeting of the Subcommittee on Agenda and Procedure during which we discussed different questions, especially the general idea of making a list of all the main questions on which the members of the Committee could have quick agreement, without too much discussion, and we could keep the other questions separate. Secondly, we could consider the possibility of hearing certain witnesses, such as Professor Kearns of the University of British Columbia, Professor Norman Ward of the University of Saskatchewan, Miss Flora MacDonald of Queen's University, as well as the Returning Officers of British Columbia and Saskatchewan.

We also discussed the opportunity of holding a joint committee meeting with the committee appointed by the Province of Ontario to study the Elections Act of this province for the Provincial Government. Also, the question was raised if we would make other journeys to other parts of the country.

Je commencerai d'abord par demander aux membres du Comité d'exposer leurs idées sur l'opportunité de dresser une liste des lignes de conduite au sujet desquelles il semble y avoir consentement général. On peut choisir les questions que nous devons étudier. On peut donner des directives au Directeur général des élections concernant nos opinions générales afin qu'il puisse préparer des projets de loi qui pourraient nous être renvoyés pour qu'on les étudie. Nous pouvons enfin parvenir à une décision finale en ce qui concerne la rédaction de tout projet de loi. Est-ce que les membres de ce Comité sont d'accord avec cette proposition?

M. Forrestall: Monsieur le président, est-ce que le Comité pourrait faire témoigner une personne qui a consacré beaucoup de temps à l'étude des règlements de vote des Forces

[Text]

as this is an area of very particular concern to myself.

The Chairman: Yes, but before we discuss the possibility of having witnesses come before us I believe we should first decide what the members' views are on drawing up a list of items on which there is general agreement.

Yes, Mr. Howe?

Mr. Howe: Mr. Chairman, I do not seem to have the terms of reference for this Committee.

Mr. Lefebvre: They are in your folder there.

Mr. Howe: I mean, have private members' bills brought this matter before this Committee or what is it? What were the terms of reference from the House?

The Chairman: I will ask the Clerk to read them to you.

• 1020

Mr. Howe: I would like to hear just what the terms of reference are.

The Clerk:

...that the Standing Committee on Privileges and Elections be empowered to study the following matters and to report to the House such proposals as the Committee may deem advisable:

1. The Canada Elections Act, exclusive of Sections 62 and 63;

2. The Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting, 1968, made pursuant to Section 9 of the Representation Commissioner Act; and

That the evidence adduced by the Committee in its study of the aforementioned items during the First Session of the Twenty-Eighth Parliament be referred to the Committee.

Mr. Howe: One question arises, Mr. Chairman, and it is in connection with the reduction of the voting age from 21 to 18. Is this not pretty well a foregone conclusion of this government? It was mentioned in the Speech from the Throne. Am I not correct in saying that any report this Committee makes will not make any difference?

The Chairman: Well, if you refer to the Speech from the Throne you will note that it says the government will ask the Committee

[Interpretation]

armées, domaine qui m'intéresse tout particulièrement.

Le président: Oui, mais avant de discuter de la possibilité d'entendre des témoins, je pense que nous devrions d'abord connaître les opinions des membres concernant le fait de dresser une liste des questions au sujet desquelles il existe un accord général.

Oui, monsieur Howe.

M. Howe: Il me semble que je n'ai pas le mandat de ce Comité.

M. Lefebvre: Il est dans votre chemise.

M. Howe: Je voulais vous demander si cette question était présentée à ce Comité par des bills privés des membres. Quel a été le mandat qui nous a été donné par la Chambre?

Le président: Je vais demander au greffier de vous lire.

M. Howe: Je voudrais simplement connaître en quoi consiste le mandat.

Le Greffier:

...que le Comité permanent des privilèges et élections soit autorisé à étudier les questions suivantes et à formuler dans son rapport les propositions qui lui sembleront opportunes:

1. La Loi électorale du Canada à l'exclusion des articles 62 à 63.

2. Le rapport du Commissaire à la représentation sur les méthodes d'inscription des électeurs et le vote des absents (1968), établi en vertu de l'article 9 de la Loi sur le commissaire de la représentation. Et que les témoignages recueillis par le comité dans son étude des questions précitées pendant la première session du vingt-huitième Parlement soient déferés au comité.

M. Howe: Il y a une question qui se pose, Monsieur le Président, c'est concernant la réduction de l'âge de vote de 21 à 18 ans. Le gouvernement n'a-t-il pas, de toute façon, décidé de cette question à l'avance? Le discours du Trône en faisait une mention, en parlait. Mais c'est exact de dire que tous les rapports que ce que notre Comité pourrait présenter n'y sont pour rien?

Le président: Si vous vous reportez au discours du Trône, vous noterez qu'on nous dit que le gouvernement demandera au Comité

[Texte]

on Privileges and Elections to study the advisability of lowering the voting age. The matter is legally referred to us is by an Order of the House which has just been read by the Clerk.

Mr. Howe: Thank you.

The Chairman: Yes, Mr. Benjamin.

Mr. Benjamin: One further point, Mr. Chairman. Is it felt that there is no need for these private members' bills, which were referred to us last Session and which we did not reach to be referred to us now, or should we not ask the House to refer these?

The Chairman: I have before me a list of those which already have been referred to us.

Mr. Benjamin: Oh, I see. They are still before us under—

The Chairman: Yes.

Mr. Benjamin: ...our Terms of Reference from the last Session?

The Chairman: Yes. Would you like me to read those which have been referred? They are precisely the same as the ones which have been referred by the House.

Mr. Benjamin: Oh, I see.

An hon. Member: Would you read the list?

The Chairman: Yes.

October 18, 1968—Subject-matter of Bill C-16 (Students Franchise).

November 15, 1968—Subject-matter of Bill C-8 (Qualifications of Voters and Candidates).

December 13, 1968—Subject-matter of Bill C-13 (Repeal of Cour of Revision).

January 20, 1969—Subject-matter of Notice of Motion No. 20.

February 20, 1969—Vote 45 relating to the Chief Electoral Officer.

February 25, 1969—Subject-matter of Bill C-21 (Age of Voters).

On April 2, 1969 the report of the Representation Commissioner on methods of registration of electors *in absentia* voting was referred to us but this already has been studied and has been the subject matter of a report by the Committee to the House.

The private bills that have been tabled in the House this Session are as follows:

Bill C-14—an act to amend the Canada

[Interprétation]

des Privilèges et Élections d'étudier l'opportunité de réduire l'âge des électeurs. Un Ordre de la Chambre qui vient de nous être lu par le secrétaire, nous enjoint de considérer la question sous ses aspects juridiques.

M. Howe: Merci.

Le président: Oui, monsieur Benjamin.

M. Benjamin: Une autre question, Monsieur le Président. Les députés pensent-ils que les bills privés qui nous ont été renvoyés lors de la dernière session et dont nous n'avons pas eu le temps de faire lecture aujourd'hui, devraient nous être renvoyés maintenant ou bien ne devrions-nous pas demander à la Chambre de les renvoyer.

Le président: J'ai devant moi la liste des bills privés qui nous ont déjà été renvoyés.

M. Benjamin: Bien. Je suppose que nous devons encore en faire lecture...

Le président: Oui.

M. Benjamin: ...conformément au mandat que nous avons reçu lors de la dernière session?

Le président: Oui. Je peux, si vous voulez, vous lire la liste des bills qui nous ont été renvoyés. Ce sont exactement les mêmes que ceux qui ont été renvoyés par la Chambre des communes.

M. Benjamin: Très bien.

Une voix: Voudriez-vous lire la liste?

Le président: Oui.

Le 18 octobre 1968—Sujet du bill C-16: (Droit de vote des étudiants).

Le 15 novembre 1968—Sujet du bill C-8: (Qualités requises des votants et des candidats).

Le 13 décembre 1968—Sujet du bill C-13: (Suppression du tribunal de Revision).

Le 20 janvier 1969—Sujet de l'Avis de motion n° 20.

Le 20 février 1969—Le crédit 45 concernant le directeur général des élections.

Le 25 février 1969—Sujet du bill C-21: (Âge des votants).

Le 2 avril 1969, le rapport du commissaire à la représentation sur la limite de temps de l'enregistrement des électeurs absents nous a été renvoyé, mais nous avons déjà étudié cette question qui fut l'objet d'un rapport du Comité à la Chambre.

Les bills privés qui ont été présentés en Chambre à propos de cette question sont les suivants: le bill C-14, Loi modifiant la Loi

[Text]

Elections Act to provide for the appearance of the Political Affiliations of the Candidates on the Ballot Papers, by Mr. Anderson.

Bill C-72, first reading on October 30, 1969—an act to amend the Canada Elections Act—(Youth Vote Participation).

Bill C-78—an act to amend the Canada Elections Act—(Qualification of voters and candidates). This is precisely the same as the one I have referred to.

Bill C-87—an act to amend the Canada Elections Act—(Qualification of electors).

Mr. Benjamin: Is that the same as C-8?

The Chairman: C-87?

Mr. Benjamin: No. Is C-87 the same as C-8 from the previous Session?

The Chairman: Yes—by Mr. Allmand.

Mr. Benjamin: All right.

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The Chairman: Bill C-97—an act to amend the Canada Elections Act—(Students' Franchise). This is precisely the same as one tabled before.

Bill C-101—an act to amend the Canada Elections Act—(Proxy Voting), by Mr. Comeau.

Bill C-120—(Qualifications of Electors and Candidates).

Mr. Forest: Last year the bills changing the name of a constituency were referred to this Committee. Mr. Howe had one and I had one.

Mr. Howe: Oh yes.

Mr. Forest: Most of them have been presented again this year. I will try to file mine this week. Perhaps those bills again could be referred to this Committee.

Mr. Howe: I think Mr. Monteith had one.

Mr. Forest: Mr. Monteith had one, Tom Goode had one—there were about six or seven.

Mr. Howe: I did not get mine in yet.

[Interpretation]

électorale du Canada (affiliations politiques des candidats sur les bulletins des votes). Ce projet de loi a été présenté par M. Anderson.

Le bill C-72 dont la première lecture a été faite le 30 octobre 1969, loi modifiant la Loi électorale du Canada.

Le bill C-78, loi modifiant la Loi électorale du Canada (qualités requises des votants et des candidats). Il s'agit ici du même bill que celui dont j'ai parlé précédemment.

Le bill C-87, loi modifiant la Loi électorale du Canada (qualités requises des électeurs).

M. Benjamin: Est-ce le même bill que le bill C-8?

Le président: Le bill C-87?

M. Benjamin: Non. Le bill C-87 est-il le même que le bill C-8 qui a été présenté lors de la session précédente?

Le président: Oui, M. Allmand a présenté ce bill.

M. Benjamin: Très bien.

Le président: Le bill C-97: loi modifiant la Loi électorale du Canada (droit de voter des étudiants). Il s'agit exactement du même projet de loi que celui qui a été déposé à la Chambre précédemment.

Le bill C-101, loi modifiant la Loi électorale du Canada (vote par procuration) est le bill présenté par M. Comeau.

Le bill C-120, loi modifiant la Loi électorale du Canada (qualités requises des électeurs et des candidats).

M. Forest: Lors de la dernière session, les projets de loi abolissent le nom des circonscriptions électorales étaient renvoyés à notre Comité. M. Howe en avait présenté un, ainsi que moi-même.

M. Howe: Oui.

M. Forest: La plupart des bills privés ont été représentés cette année. J'essaierai de représenter le mien cette semaine. Et peut-être pourrait-on renvoyer ces projets de loi à notre Comité.

M. Howe: Je crois que M. Monteith voulait en présenter un.

M. Forest: M. Monteith voulait en présenter un, ainsi que M. Tom Goode. Il y en avait en tout six ou sept.

M. Howe: Je n'ai pas encore présenté le mien.

[Texte]

The Chairman: These bills do not fall under our Terms of Reference. They do not relate to the amendments to the Elections Act.

Mr. Forest: Last year they were referred just the same.

The Chairman: They were referred. It does not much matter if they are referred or not. We are entitled to study the full list of amendments to the Elections Act, so anything which is related...

Mr. Howe: That would include change-over. Is that what you mean?

The Chairman: It might be indirectly. Yes, Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, out of courtesy to the private members, and I stand to be corrected, it seems to me that we should at least go through the formality of asking the House to refer these bills by their reference number to us, as occurred in the previous session, so that these private members as well as everybody else can see that something is being done with them.

The Chairman: Could you then make a motion?

Mr. Benjamin: I would be glad to move that:

...the Committee recommend to the House that the subject matter of the current Session's Private Members Bills and Notices of Motions pertaining to the Canada Elections Act, exclusive of Sections 62 and 63, be referred to the Committee.

In a report to the House our Committee would recommend...

The Chairman: Yes, we would make a report to the House recommending that all private bills related to the Elections Act should be referred to us.

Mr. Benjamin: And any notices of motion too—the resolutions, if there are any.

The Chairman: Well, I do not think we are entitled to proceed by any measure other than making a report to the House recommending...

Mr. Benjamin: Well, there was a private member's resolution or a notice of motion referred to us last year.

[Interprétation]

Le président: Ces projets de loi ne font pas partie de notre mandat. Ils ne se rapportent pas aux modifications à la Loi électorale.

M. Forest: Monsieur le président, on les a envoyés à notre Comité lors de la session passée.

Le président: Évidemment. Peu importe qu'ils soient envoyés au Comité ou pas. Nous pouvons étudier la liste de modifications à la Loi électorale du Canada. Par conséquent tout ce qui s'y rapporte...

M. Howe: Cela comprendrait les projets de loi qui traitent de ces changements de noms n'est-ce pas?

Le président: Indirectement, oui. Monsieur Benjamin.

M. Benjamin: Monsieur le président, j'espère, si je ne me trompe, il me semble que par courtoisie envers messieurs les députés, nous devrions au moins demander à la Chambre des communes de nous envoyer ces projets de loi en utilisant le numéro de référence, comme c'était le cas lors de la session passée, afin que ces députés ainsi que les membres parmi nous puissent réaliser qu'ils ne sont pas tombés dans l'oubli.

Le président: Voudriez-vous formuler une motion à ce sujet?

M. Benjamin: Je propose que:

...le Comité recommande à la Chambre que le sujet des bills privés de la session actuelle ainsi que les Avis de motions ayant trait à la Loi électorale du Canada, soient renvoyés devant le Comité, à l'exception des articles 62 et 63.

Dans son rapport à la Chambre, notre Comité recommande...

Le président: Oui, nous allons faire rapport à la Chambre en recommandant que les bills privés se rapportant à la Loi électorale du Canada soient renvoyés devant notre Comité.

M. Benjamin: Ainsi que tous les Avis de motions et les propositions, s'il en est.

Le président: De toute façon, nous ne pouvons rien faire d'autre que de présenter un rapport à la Chambre recommandant...

M. Benjamin: Lors de la dernière session on nous a renvoyé la proposition d'un député ou un Avis de motion.

[Text]

The Chairman: Oh, I see. All right.

Mr. Benjamin: It would be private members' bills and notices of motion.

The Chairman: Agreed?

Some hon. Members: Agreed.

Mr. Forest: Yes, we should do that quite soon because there are some coming out—like the one of Mr. Anderson, which I think is next on the public bills. Mr. Howe could file his bill to change the name of his riding with mine and then we could ask the House Leader to make a motion immediately...

Mr. Howe: Yes.

Mr. Forest: ...and then it would be complete.

The Chairman: But subject to the exclusion of those related to Sections 62 and 63, if there are any, related to the expenses.

Mr. Benjamin: Yes.

The Chairman: Thank you.

May we revert now to the first matter discussed by the Steering Committee—the possibility of trying to draw up a list on all the items on which there could be general agreement reached soon. Then we could hear witnesses on all items on which we would require further evidence.

Before proceeding, may I say that a paper has been circulated among the members which I believe is very important to our study. You will recall that at one of the last meetings we had in October it was requested that the Chief Electoral Officer prepare for us some of the main features contained in all the elections acts of the provinces as they relate to the federal Elections Act. Mr. Virr, our Clerk, has circulated this paper. Do you have it in hand?

• 1030

Mr. Forest: Are you referring to the one that was sent to us yesterday?

The Chairman: If we do start on Article 1, relating to the Chief Electoral Officer, perhaps we should note what Mr. Hamel has reported to us:

[Interpretation.]

Le président: Oui.

M. Benjamin: Il s'agissait de bills privés et d'avis de motion.

Le président: D'accord!

Des voix: D'accord.

M. Forest: Oui, nous devrions faire cela assez rapidement parce que nous devrions bientôt en étudier d'autres, comme le projet de loi présenté par M. Anderson qui vient ensuite dans la liste des bills publics. M. Howe, ainsi que moi-même, pourrions présenter notre projet de loi en vue de modifier le nom de notre circonscription électorale; nous pourrions ensuite demander au leader de la majorité à la Chambre de présenter une motion immédiatement.

M. Howe: Oui.

M. Forest: ...et le problème serait réglé.

Le président: En excluant ceux qui portent sur les articles 62 et 63, s'il en est qui traitent des dépenses.

M. Benjamin: Oui.

Le président: Merci.

Nous allons nous reporter maintenant à la première question qui s'est discuté au Comité de direction afin d'essayer de dresser la liste sont lesquels on pourrait se mettre d'accord rapidement. Par la suite, nous pourrions entendre les témoins sur tous les articles pour lesquels nous avons besoin d'autres témoignages.

Avant de continuer, je dois signaler que les députés possèdent maintenant un mémoire qui, je crois, est de grande importance pour notre étude. Vous savez sans doute que lors d'une dernière séance du mois d'octobre, nous avons demandé au directeur général des Elections de préparer un document qui nous renseignerait sur certaines des principales dispositions des lois électorales des provinces dans leur rapport avec Loi électorale du Canada. M. Virr, notre greffier, a distribué ce document. Est-ce que tous nous en avons une copie?

M. Forest: Voulez-vous parler du document qui avait été envoyé hier?

Le président: Si l'on commence par l'article 1, relativement au directeur général des élections, nous pourrions peut-être tenir compte de ce que monsieur Hamel a dit:

[Texte]

1. *Chief Electoral Officer*

In all provinces, except Quebec, the Chief Electoral Officer (or Chief Election Officer) is appointed by the Lieutenant-Governor in Council.

The provisions of the Quebec Election Act with respect to the appointment, salary and tenure of office of the Chief Returning Officer are very similar to the provisions of the Canada Elections Act. In addition, during an election period, the Chief Returning Officer of Quebec is vested with some of the powers conferred by the Act on the Lieutenant-Governor in Council.

In British Columbia, the Elections Act further provides for the appointment of a Registrar-General of Voters who, subject to the Chief Electoral Officer, has supervision over the registration of voters and the preparation of the lists of voters.

Have you read this document that has been circulated.

Mr. Macquarrie: If it is only a case of true confessions, I have read it very carefully, and I found it very valuable. Unless the Chief Electoral Officer has some tender feelings of provincialism, I think it should be printed and become part of our record. It is a very valuable summary and it is very helpful.

Mr. Howe: Is it the idea that we go over this particular paper number by number? Are we going to discuss it item by item?

Mr. Macquarrie: That is up to the Chair. I was just suggesting...

The Chairman: Would you move that it be made part of our minutes?

Mr. Macquarrie: At the appropriate time I will so move. Or would you like me to do it now?

The Chairman: Yes, you can.

Mr. Macquarrie: I move that the paper entitled "Electoral Legislation in Canada" prepared by the Chief Electoral Officer be printed as an appendix to this day's Minutes of Proceedings and Evidence. (See Appendix No. 1).

Some hon. Members: Agreed.

Mr. Forrestall: Mr. Chairman, by way of confession, I have not read it as yet, but may I ask Mr. Hamel, before I do so, if this is a good summary of those areas where there

[Interprétation]

1. *Directeur général des élections*

Dans toutes les provinces, excepté au Québec, le Directeur général des élections est nommé par le Lieutenant-Gouverneur en Conseil.

Les dispositions de la Loi électorale du Québec relatives à la nomination, au salaire et à la durée du mandat du Président général des élections sont en tous points semblables aux dispositions de la Loi électorale du Canada. De plus, durant une période électorale, le Président général des élections du Québec est investi de certains pouvoirs conférés par la Loi électorale au Lieutenant-gouverneur en Conseil.

La Loi électorale de la Colombie-Britannique prévoit en outre la nomination d'un Registraire-général des électeurs qui, sous la direction du Directeur général des élections, voit à surveiller l'inscription des électeurs ainsi que la préparation des listes des électeurs.

Avez-vous lu ce document qui a été distribué?

M. Macquarrie: Oui je l'ai lu très attentivement et je crois qu'il a beaucoup de valeur à moins que le directeur général des élections ait un esprit chauvin je crois qu'il devrait être souligné et faire partie de votre compte rendu.

M. Howe: C'est un résumé de grande valeur et il est très utile. Est-ce que nous allons étudier ce document article par article, numéro par numéro?

M. Macquarrie: Cela dépend du président. Je proposais simplement...

Le président: Proposez-vous qu'il fasse partie des procès-verbaux?

M. Macquarrie: Je vais le proposer en temps voulu. Est-ce que vous voulez que je le fasse maintenant?

Le président: Oui. Vous pouvez le faire.

M. Macquarrie: Je propose que le document intitulé «Législation électorale au Canada» préparé par le directeur général des élections soit publié en appendice aux procès-verbaux et témoignages d'aujourd'hui (Voir Appendice n° 1).

Des voix: Adopté.

M. Forrestall: Monsieur le président je n'ai pas encore lu le document, mais puis-je demander à monsieur Hamel avant de le lire s'il s'agit d'un bon sommaire de ces questions

[Text]

still are inconsistencies between the Canada Elections Act and the provincial general elections acts?

Mr. Jean-Marc Hamel (Chief Electoral Officer): I tried to stress the main differences between the provincial and federal legislation.

In some cases you will see that I have said that it is done exactly the same at all levels. I do not claim this to be all-inclusive, because I tried to make it as short as possible. There are a few things, furthermore, that I covered very rapidly in a very short sentence and may require further study or may call for a look at the legislation. In some cases, to try to explain the procedure for revision, for instance, or, in a few other areas, had we gone into details, it would have meant perhaps a 25- to 35- page document, and I wanted to keep it as short as possible.

What I tried to do, primarily, was to show the main features. When I say that, I mean the areas in which the provincial legislation may be unique. In some other cases, I have just said, "It is done the same way across the board."

Mr. Forrestall: That is fine. In other words, a careful reading of this will give us a general indication of the areas of difference between the federal act and the several provincial acts

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Mr. Hamel: Yes. If I may just illustrate my idea here, in paragraph No. 4, on Citizenship, I have said that Quebec and P.E.I. restrict voting to Canadian citizens. In the other provinces, as well as at the federal level, it is Canadian citizens and British subjects. This is how I tried to cover the various subjects.

Mr. Forrestall: Then, by way of confession again, I will look forward to reading it.

Mr. Lefebvre: Pouvez-vous répondre à des questions...

Le président: Monsieur Lefebvre.

Mr. Lefebvre: ...sur les autres articles, monsieur Hamel?

Mr. Hamel: Je suis à votre service, bien entendu.

Mr. Lefebvre: A la page 2, article 3, en vertu de la Loi électorale du Québec, les fonctions du secrétaire d'élection sont beaucoup plus onéreuses que celles de ses homologues

[Interpretation]

où il y a encore certaines contradictions.

Entre la Loi électorale du Canada et les Lois électorales provinciales?

M. Jean-Marc Hamel (directeur général des élections): J'ai essayé surtout de signaler les principales divergences entre la législation provinciale et la législation fédérale.

Dans certains cas, vous verrez que ce n'est pas tout à fait la même chose à tous les niveaux. Je ne dis pas que c'est un document compréhensif mais j'ai essayé de le faire le plus bref possible. Il y a certaines questions que j'ai mentionnées très rapidement et brièvement et qui pourraient demander des études supplémentaires ou une consultation de la législation. Dans certains cas, pour essayer d'expliquer les procédures de révision, par exemple ou certaines autres questions, si l'on avait entré dans les détails—cela aurait voulu dire un document de 25 à 35 pages, et je voulais qu'il soit aussi bref que possible.

Ce que j'ai essayé de faire surtout, c'est d'indiquer les grands traits. J'entends par là les questions où la législation provinciale peut être unique. Dans d'autres cas, j'ai dit que cela se fait partout de la même façon.

M. Forrestall: C'est bien. Autrement dit, une lecture attentive de ce document nous donnerait une indication générale des questions où il y a des divergences entre les lois provinciales et la loi fédérale?

M. Hamel: Oui. Pour illustrer mon idée, l'alinéa n° 4 par exemple sur la citoyenneté, j'ai dit qu'au Québec et dans l'Île-du-Prince-Édouard, seuls les citoyens canadiens sont habilités à voter. Dans les autres provinces, comme au niveau fédéral, ce sont les citoyens canadiens et les sujets britanniques. Voilà ce que j'ai essayé de faire pour chaque sujet.

M. Forrestall: Donc, je dois dire que j'ai hâte de le lire.

Mr. Lefebvre: Could you answer questions...

The Chairman: Mr. Lefebvre.

Mr. Lefebvre: ...on the other items, Mr. Hamel?

Mr. Hamel: I am at your disposal, of course.

Mr. Lefebvre: On page 2, item 3, under the Quebec Elections Act however, the functions of the Election Clerk are much broader than in any those of their counterparts in other

[Texte]

dans les autres juridictions. Pouvez-vous donner plus d'explications?

M. Hamel: Voici, je devrais peut-être commencer par vous expliquer très brièvement les fonctions du secrétaire d'élection au niveau fédéral. Au niveau fédéral, un président d'élection doit s'adjoindre un secrétaire d'élection dès qu'il a lui-même été nommé. Nous exigeons que le secrétaire d'élection soit présent dans le bureau du directeur du scrutin en quatre ou cinq circonstances, à savoir, lors de la mise en candidature, lors de l'aménagement des bureaux de vote, lors du scrutin et, finalement, lors du dépouillement du scrutin, et on lui paie un certain montant pour sa présence ces journées-là. Le reste du temps, bien entendu, le directeur du scrutin peut retenir le secrétaire d'élection à sa guise, mais il le paie alors suivant une entente entre eux.

Dans la plupart des provinces, le rôle du scrutateur n'est pas plus important que cela, excepté au Québec où le secrétaire d'élection entre en fonction la journée de l'émission du bref. Celui-ci ou le président d'élection doit être dans le bureau du président d'élection en tout temps, pendant toute la période de l'élection, et non pas simplement à trois, quatre ou cinq circonstances définies. Alors, le secrétaire d'élection, par le fait même est payé par l'État, c'est-à-dire de la même façon que le directeur du scrutin et je pense que son traitement est 75 p. 100 de celui du président d'élection. Alors quand j'emploie le mot *onéreux*, en français, je veux dire que ses devoirs sont beaucoup plus considérables, mais qu'en même temps et par voie de conséquence, si vous voulez, c'est beaucoup plus onéreux, beaucoup plus dispendieux pour l'État. Par contre, il y a, je pense, certains avantages, comme vous pouvez très facilement le constater.

Le président: Monsieur Duquet.

M. Duquet: Une question supplémentaire, monsieur le président. Me reportant à votre dernière phrase, monsieur Hamel, je comprends qu'à votre point de vue, il est plus avantageux, suivant la loi du Québec plutôt que la loi fédérale, d'avoir le secrétaire en permanence, de façon officielle.

M. Hamel: Disons de façon générale, que le service du bureau du président d'élection, doit être certainement meilleur, puisque la loi oblige ou le directeur du scrutin ou son secrétaire à être au bureau désigné dans la proclamation en tout temps, du moins pendant les heures difficiles au cours de la période électorale.

The Chairman: Before discussing the details of the points raised by Mr. Hamel in this

[Interprétation]

jurisdictions. Could you give us some more explanation about this?

Mr. Hamel: I should start maybe by explaining to you, the functions of the Election Clerk at the federal level. At the federal level, the Returning Officer must nominate an Election Clerk as soon as he himself is appointed. We require that the Election Clerk be present in the office of the Returning Officer in four or five circumstances, i.e. during the nomination, during setting up of the provisional polls, during the vote itself and during the official counting of the votes, and he is paid a certain amount of money for his presence on those days. For the rest of the time, of course, the Returning Officer may retain the services of the Election Clerk as he wishes, but he then pays him under an agreement concluded between him and the Election Clerk.

In most of the provinces, the role of the Election Clerk is not more important than this, except in Quebec, where the Election Clerk begins his functions the day the official notice is issued. He or the Returning Officer must be at the office of the Returning Officer at all times during the entire election period, and not only in three, four or five definite circumstances. So the Election Clerk *ipso facto* is paid by the State i.e. the same way as the Returning Officer, and I think his salary is 75 per cent of the Returning Officer's salary. So, when I use the term *onéreux* in French, I mean by this that his powers are much broader, but that at the same time and as a consequence, if you wish, it is far more burdensome or costly for the state. I think there are certain advantages however, as you can see rather easily.

The Chairman: Mr. Duquet.

Mr. Duquet: A supplementary question, Mr. Hamel. In your last sentence, Mr. Hamel, I seem to understand that according to you it is more advantageous, according to the Quebec legislation as compared with the federal legislation, to have the Election Clerk officially on a permanent basis.

Mr. Hamel: Let us say that in a general way the service provided by Returning Officer's Office must certainly be better since the law obliges either the Returning Officer or the Election Clerk to be at the designated Office at all times, at least during the crucial hours during the election period.

Le président: Avant d'entrer dans les détails au sujet des questions soulevées par

[Text]

document, which will be part of our record for today, may I ask the members of the Committee to advise me on whether the steering committee should prepare a list of all policy questions on which perhaps we could reach very rapid agreement? Perhaps you would care to comment on the advisability of having this list prepared so that we could proceed by way of elimination, in a sense.

As in private bills, I believe that the discussion on certain of the items raised would be very short.

• 1040

For example, we may reach very rapid agreement on points such as showing party affiliations on ballots. This has been recommended and has been presented in private bills.

If we do get a decision on this rapidly enough, the Chief Electoral Officer can prepare a draft copy of the amendments required which could then be referred to the members for study.

You may want the steering committee to prepare a list if you have any items in mind which you feel are related to policy.

As you know, the Chief Electoral Officer within his function is not entitled to make any policy recommendations.

Mr. Forest: Mr. Chairman, I think I would so move. It would be a good idea, if there is much involved, for the steering committee to make a list of all items on which there seems to be general agreement. Then at the next meeting we could go over it. That would speed up our work. Then we could concentrate on items on which there would not be general agreement or on which there could be discussion before we did agree.

The Chairman: Mr. Forrestall.

Mr. Forrestall: I am in complete agreement with my colleague in that it would save a lot of time. I will go a little further and ask the steering committee perhaps to include all questions that seem valid and outstanding, whether or not at the time there would seem to be agreement; to simply list them in some sensible order.

The Chairman: This has been discussed in the steering committee and it was decided to

[Interpretation]

monsieur Hamel dans ce document, qui sera consigné dans notre compte rendu d'aujourd'hui, est-ce que je peux demander aux membres du Comité s'ils recommandent ou non que le comité de direction prépare une liste de toutes les questions de principe sur lesquelles nous pourrions peut-être tomber d'accord assez rapidement? Aimerez-vous faire des commentaires concernant l'opportunité de préparer cette liste pour que nous puissions procéder par voie d'élimination.

Comme dans le cas des bills privés, je crois que l'étude de certaines questions qui sont soulevées pourrait se faire très rapidement et brièvement.

Par exemple, nous pourrions tomber d'accord assez rapidement sur certaines questions notamment le fait de mentionner les affiliations politiques sur les bulletins de vote. Cela a été recommandé et présenté dans les bills privés.

Si nous pouvons en arriver à une décision assez rapide à ce sujet, alors, le Directeur général des élections pourrait rédiger un projet d'amendement qu'on pourrait soumettre aux députés pour étude.

Il se peut que vous vouliez que le Comité directeur prépare cette liste si certaines questions vous viennent à l'esprit qui se rattachent à cette politique. Comme vous le savez, il n'entre pas dans les fonctions du Directeur général des élections de formuler des recommandations portant sur la ligne de conduite à suivre.

M. Forest: Monsieur le président, j'en fais la proposition. Le Comité de direction pourrait établir une liste de tous les articles où il semble y avoir un accord général. A la prochaine réunion, nous pourrions la revoir ce qui accélérerait nos travaux, puis nous pourrions nous concentrer sur les questions qui semblent un peu controversées et qui pourraient donner lieu à discussion.

Le président: Monsieur Forrestall.

M. Forrestall: Je suis complètement d'accord avec mon collègue. Cela épargnerait beaucoup de temps. Je demanderai donc au comité directeur d'inclure les points saillants et les questions valides, qu'il semble ou non y avoir accord.

Le président: Cela a été discuté au comité directeur et c'est là qu'on a décidé de soumet-

[Texte]

refer the idea to the main Committee so that you could decide whether to prepare this list yourselves or to have the steering committee make a tentative list and then submit it to the members for approval or rejection; but if, when we raise the points, there seems to be long discussion on it, this will be referred after we have heard evidence.

Mr. Macquarrie: Mr. Chairman, to be helpful, I hope it might be possible for members around the table today, members of the Committee, to assist the steering committee with some suggestions that they have. I suppose that most members have in mind some A-1 amendments that they would like to see adopted and some they think would be easy.

Just to start the ball rolling, I think that the suggestion of Mr. Francis in reference to an agent's being in the returning officer's office on election day—though I do not know that I would ever use it if I were a candidate—is a very fine idea, and I cannot see any problem there.

The affiliation might have some interesting ramifications since this country has a constitution which acts as if there were no such things as political parties usually, and I believe there is a great opinion in favour of this. I myself am a convert. I used to be against party affiliation on ballots. I thought it was denigration of the individual but now I have been converted.

I think we will find that the absentee voting question perhaps will be the biggest and most important and this one would have to be left until the last because it may encompass military voting, overseas voting and so on.

There are many things, and despite what I said and still believe about the government's recommendation, I do not think that we will have any need to delay the question of lowering the voting age. I have a feeling that there is pretty strong opinion in favour of the 18-year voting age—in fact we showed that when we discussed it in a previous committee which never did get around to reporting. So perhaps members might help the steering committee by bringing in what they consider the most important, and this could go on the list.

•1045

Mr. Howe: I have just one suggestion. If the steering committee goes over this paper which was prepared by the Chief Electoral Officer—a very comprehensive paper—and takes into consideration most of the subjects that we will be discussing, then if we take it item by item, we might get practically all of the things that we were discussing before us,

[Interprétation]

tre la question aux députés, en comité plénier pour que vous puissiez préparer cette liste, ou bien demander au comité directeur d'en préparer une provisoire pour fin d'approbation ou de rejet. Enfin, lorsqu'on soulève les questions qui pourraient donner lieu à discussion, cela pourrait être déferé après avoir entendu les témoignages.

M. Macquarrie: J'aimerais que ce comité présente des suggestions au comité de direction. Je suppose que la plupart des députés ont quelques amendements à l'esprit qu'ils aimeraient voir adopter. Je crois que la proposition de M. Francis concernant un agent affecté au Bureau du Directeur du scrutin le jour du scrutin serait une idée excellente. Je n'exploiterais pas cette idée si j'étais candidat, mais je n'y vois aucun inconvénient. L'affiliation peut avoir des ramifications intéressantes à cet égard puisque le Canada jouit d'une Constitution qui fonctionne comme s'il n'existait pas de partis politiques. Je crois que la plupart des gens sont en faveur de cette idée. J'étais moi-même à un moment donné, opposé à l'affiliation politique qui me semblait se faire au détriment de l'individu. Maintenant je pense que le vote des absents est la question la plus importante qu'on pourrait laisser pour la fin parce qu'elle embrasse le vote militaire et le vote d'outre-mer. Quant à la recommandation du gouvernement, je ne crois pas qu'il y ait lieu de remettre à plus tard la question de diminuer l'âge requis des votants; il faut voter à 18 ans et c'est l'opinion la plus forte. Cette opinion s'est manifestée lors des dernières réunions. Nous pourrions aider le comité directeur à dire ce qui semble le plus important et à insérer sur la liste l'âge des votants.

M. Howe: Je n'ai qu'une recommandation. Le comité directeur étudie le dossier que le Directeur général des élections a préparé. C'est un dossier qui couvre l'ensemble des sujets que nous sommes sur le point de discuter. Il le dépouille article par article, mais malheureusement nous ne trouverions rien sur le vote militaire dans ce dossier. J'ai le

[Text]

although I could not find anything about the Canadian Forces voting in this. It may be here but I do not see it. I have this bill before me but I do not find it in this paper.

Mr. Hamel: If I may, Mr. Howe, this is federal only, because the Canadian Forces voting rules apply only at the federal level.

Mr. Howe: Oh, I see. This is a comparison between the provincial and the federal.

This is the feeling that I have, having gone over this paper: that it does bring into focus many of the things that we have considered as being important for this Committee to discuss.

The Chairman: Mr. Benjamin.

Mr. Benjamin: On the point of the Canadian Forces voting, I believe that at least one province has somewhat different provisions for the eligibility of Armed Forces voters. Would it be possible for Mr. Hamel to look into what differences there are, if any, or into any special provisions in any of the provinces on Armed Forces voting as compared to the provisions under the federal election act?

Mr. Hamel: In the legislation itself I do not recall anything specific. The Ontario Government, by Order in Council passed for the general election of 1967, gave Canadian Forces personnel whose permanent residence is in Ontario the right to vote, and I have some figures here. What they did was to obtain from the Department of National Defence the complete list of Canadian Forces personnel who, according to their statement of ordinary residence, are permanent residents of Ontario. I believe the total number was in the vicinity of 35,000. These members of the Forces were invited to write to the Chief Election Officer's office in Toronto to obtain a ballot. I understand that roughly 2,000 members availed themselves of this opportunity and eventually only 1,527 votes were received on time and counted.

You probably saw that one of the recommendations of the Ontario committee on electoral matters was to extend proxy voting to members of the Forces. I do not know whether this is in the light of that experience in 1967—this perhaps may be discussed with the Ontario committee if and when you meet with them—but in 1967, as I say, the total number of members of the Forces who were eligible to vote was in the vicinity of 34,000.

By comparison, at the general election of 1968, the federal election, 20,172 votes were cast by Ontario residents under the Canadian Forces voting rules, and of these 20,172 votes, 19,706 were valid votes and counted for can-

[Interpretation]

projet de loi devant moi mais je ne vois pas ce détail dans le dossier.

M. Hamel: Il s'agit du domaine fédéral, parce que les Règles électorales concernant les Forces canadiennes relèvent du fédéral.

M. Howe: Je vois. Il y a une distinction à établir entre le domaine fédéral et celui des provinces. J'ai donc l'impression et je le répète que ce document met en lumière bon nombre de points que le Comité a jugé bon de discuter.

Le président: Monsieur Benjamin.

M. Benjamin: Au sujet du vote des Forces armées, je crois qu'il y a au moins une province où l'admissibilité des votants diffère de celle des autres provinces. M. Hamel pourrait-il nous dire comment diffèrent ces dispositions de celles que prévoit la Loi électorale du Canada.

M. Hamel: Il n'y a rien de particulier dans la loi comme tel. Par un décret-loi adopté à l'occasion des élections de 1967, le gouvernement ontarien a donné aux personnes des Forces canadiennes dont la résidence permanente était en Ontario, le droit de vote. J'ai des chiffres ici. Ils ont donc obtenu du ministère de la Défense nationale la liste complète des soldats canadiens qui ont déclaré qu'ils étaient résidents de l'Ontario. Le nombre total de votants s'élevait approximativement à 35,000. On invitait ceux-ci à écrire au bureau du directeur général des élections à Toronto pour obtenir un bulletin de vote. Deux mille membres ont saisi cette opportunité dont 1,527 ont voté parce qu'ils ont été reçus à temps.

Vous avez probablement vu que l'une des recommandations du Comité ontarien sur les questions électorales étendaient le vote par procuration aux membres des Forces armées. Je ne sais pas si l'on s'est fondé sur l'expérience de 1967, mais le nombre total des membres des Forces armées admis à exercer leur droit de vote s'élevait aux environs de 34,000.

Pour fins de comparaison, aux élections fédérales de 1968, quelque 20,172 membres des Forces canadiennes ayant leur résidence en Ontario ont exercé leur droit de vote dont 19,706 votes ont été valides, par rapport à

[Texte]

didates, as compared with 1,527. I would suspect that the potential eligible number was quite similar. There should not be that much difference.

This is not very recent history, but in 1944 the House of Commons appointed a special committee to look into what we called at that time the Canadian Forces Voting Regulations, which had been passed at the very beginning of the war, and the question was raised whether members of the Forces would prefer to vote directly under some procedure such as the one provided under the Canadian Forces voting rules or by proxy. They received some testimony and on this specific matter, one of the witnesses, Colonel Brooks, said at one time that the members of the Forces would prefer to vote direct and so on, and finally the Chairman of the Committee said:

• 1050

THE CHAIRMAN: If I may interject here I have received information from Major Lewis, chief election officer of the Province of Ontario, that about 15 per cent of the possible voters returned their completed proxies in the last Ontario election in time, and about 6 per cent of the possible votes were polled.

That was during the war, though. The explanation given was that this happened at the same time as the movement of troops from England to Italy which might have affected the turnout. As I said, this was in 1944, so the result was relatively discouraging, but in 1967, when the members of the forces were afforded direct vote by mail, only 1,500 out of roughly 35,000 actually voted.

Mr. Forrestall: That is a substantial number and I think it would make it worthwhile. I think, Mr. Hamel, you are giving rise to the question of whether or not that small percentage makes the cost and trouble worthwhile and it is my opinion that it does, but I think, Mr. Chairman, on this whole question of the Canadian forces voting rules that the overriding thing that people are concerned about is the loss of the secrecy of the ballot. Over the years there have been many attempts through various amendments and various other ways to collect and register the vote of the armed forces, but never to the complete satisfaction of the secrecy of the ballot. For example, the subject matter of a Notice of Motion No. 20(b), which was referred to us reads as follows:

(b) to provide the Armed Services ballots shall henceforth be called absentee ballots and be counted simultaneously with

[Interprétation]

1,527. Je dirais que le nombre possible de votants admissibles est plus ou moins le même. Il ne devrait pas y avoir tellement de différence.

En 1944, la Chambre des communes a nommé un comité spécial chargé de l'étude des Règles électorales concernant les Forces canadiennes adoptées au début de la guerre. On a alors soulevé la question de savoir si les membres des forces armées préféreraient voter directement suivant une procédure comme celle qui est prévue dans lesdites Règles ou bien par procuration. On a alors entendu des témoignages à ce sujet. Un des témoins, le colonel Brooks, a dit alors que les militaires préféreraient voter directement et le président du Comité a dit:

LE PRÉSIDENT: Le major Lewis, directeur des élections pour la province d'Ontario, m'a appris qu'environ 15 p. 100 des votants possibles avaient retourné à temps leurs formules de procuration remplies lors de la dernière élection ontarienne, et qu'environ 6 p. 100 des votes possibles avaient été déposés.

Ceci se passait durant la guerre, cependant. On a expliqué ce fait en disant qu'il y avait alors un mouvement de troupes du Royaume-Uni à l'Italie. Cela s'est passé en 1944, mais les résultats ont été assez décevants. En 1967, lorsque les militaires ont eu l'occasion de voter directement par le courrier, seulement 1,500 militaires sur environ 35,000 ont voté.

M. Forrestall: C'est quand même un nombre assez important. Je crois que M. Hamel se demande si les frais et les peines en cause peuvent se justifier par ce faible pourcentage. Monsieur le président, à propos des Règles électorales concernant les Forces canadiennes, ce qui prime tout, à mon avis, c'est la perte du secret du suffrage. Au cours des ans, on a présenté divers amendements à la loi électorale pour recueillir et inscrire le vote militaire, sans assurer entièrement le suffrage. Par exemple, l'avis de motion 20 b) qui nous a été présenté se lit comme il suit:

b) porter que les bulletins de vote des membres des Forces armées seront désormais appelés bulletins de vote d'absents

[Text]

other absentee ballots without, however, altering the present method of balloting by the Armed Services;...

This type of question on the surface seems to me to be just another ad hoc attempt to provide secrecy for the voters in the Canadian armed services. This section might do it; it might well be that this would provide secrecy.

The point I am trying to get at really is that the question is so broad that it, indeed, should be an item on your list of topic headings, but I would hope that we would not attempt to deal with it without a fairly lengthy discussion—perhaps a whole meeting or, if necessary, even more than one meeting. I would hope that we would have an opportunity to call in front of us one or two people who have had a particular responsibility in connection with the collection of the armed services vote in recent years.

Mr. Hamel: I am sorry, Mr. Forrestall, I was not trying to prove that it was not worth the cost.

Mr. Forrestall: I did not say you did; I just said that what you were saying gave rise in my mind to the question of whether or not it was worth the cost.

Mr. Hamel: The only thing I wanted to point out was that the members of the forces vote in much greater number under the procedure provided under the Canadian Forces voting rules, if we go by the experience of Ontario, and if they are offered a ballot paper. When I said that in 1967, 1,527 ballots were cast while at the last federal election in the same area 20,000 ballots were cast, I meant that this was the only thing the figures seemed to indicate.

Mr. MacQuarrie: For clarification, you were referring, however, to proxy voting.

Mr. Hamel: Yes, as discussed in 1944.

Mr. MacQuarrie: There is a great dilution of the voter's will between proxy voting and absentee voting, perhaps.

Mr. Forrestall: You see, the fact remains, Mr. Chairman, that it is quite possible in my riding, for example, to stand outside the gates of the base, and if you were politically-inclined to wack three out of four on the chops, be reasonably accurate and know that you were striking out at your enemies. This is wrong, this is basically wrong and surely in 1970 we can find some way of changing this.

[Interpretation]

et comptés en même temps que ceux des autres personnes absentes de la circonscription électorale, sans, toutefois, modifier la méthode actuelle de vote des membres des Forces armées.

Ce genre de question, superficiellement parlant, me semble une simple tentative pour assurer le secret du suffrage militaire. Cet article pourrait l'assurer.

Ce que je veux faire ressortir, c'est que la question a tant d'ampleur qu'elle devrait figurer sur la liste des sujets à étudier. J'espère qu'elle fera l'objet d'une assez longue discussion, peut-être pour toute une réunion. J'espère qu'on aura l'occasion de faire venir une ou deux personnes qui ont des responsabilités particulières à l'égard du vote militaire depuis quelques années.

M. Hamel: Je suis désolé, monsieur Forrestall, je n'essayais pas de prouver que ça n'en valait pas la peine.

M. Forrestall: Ce n'est pas ce que j'ai dit; ce que vous avez dit m'a amené à me poser cette question.

M. Hamel: La seule chose que je voulais signaler, c'est que les votes des militaires sont beaucoup plus nombreux avec les Règles électorales concernant les Forces canadiennes si l'on tire profit de l'expérience de l'Ontario et si l'on offre aux militaires des bulletins de vote. Lorsque j'ai dit qu'en 1967, il n'y avait eu que 1,527 bulletins alors qu'il y a eu 20,000 lors de l'élection précédente, je voulais dire que c'était ce que semblaient indiquer.

M. Macquarrie: Vous parliez cependant du vote par procuration.

M. Hamel: Selon la formule étudiée en 1944.

M. Macquarrie: On semble très indécis entre le vote par procuration et le vote des absents.

M. Forrestall: Il reste que, monsieur le président, dans une circonscription comme la mienne, par exemple, où l'esprit politique est très développé, quelqu'un pourrait se tenir près des portes de la base et frapper les trois quarts des gens en pleine figure en pensant frapper l'ennemi. Cela est fondamentalement mauvais et nous trouverons sûrement moyen de remédier à la situation. Le vote des

[Texte]

That, essentially, was my point. Perhaps absentee voting does get around it, but, again, my question was that when this item comes up—and I hope it would be included on your list—I would hope that Mr. Hamel could get the last armed forces electoral officer to come to talk to us about his experiences.

The Chairman: Yes. Mr. Benjamin.

• 1055

Mr. Benjamin: Mr. Chairman, I apologize, but I think I need to be straightened out on the order in which we are taking things. If we are off the document that you wanted us to discuss, it is my fault for bringing up the armed forces.

The Chairman: As far as the agenda for today is concerned, I raised all the points that were discussed at the steering committee meeting. I would like you, as a Committee of the whole, either to request the steering committee to prepare a tentative list of all the policy items on which we could reach an early decision or to give us suggestions of items that should be put on this list. I think, first, this is what we need to know. I believe the steering committee would welcome suggestions and views from the members of the Committee as a whole on the items that should be put on this list.

Do you agree with the principle that we should proceed by way of trying to eliminate in advance all the items on which we could reach an early agreement? If there are some points on which members oppose our making an early decision, this is all right as we then will discuss them thoroughly.

Mr. Forrestall: I do not believe Mr. Macquarrie's motion would include the right of any member to make any other suggestions to the steering committee, to the Chairman or any other member of the steering committee, either verbally or in writing. I think Mr. Macquarrie's motion was designed to place in your hands, or the steering committee's hands, the initiative of reducing the items, perhaps, to 38 different points and to use your judgment on their order.

The Chairman: To the contrary, we do not want to have the initiative of suggesting the items. We would like to have suggestions from you on the items that should be put on this list. The steering committee will discuss this list thoroughly in advance and then submit it to the members item by item and if we reach a decision, the Chief Electoral

[Interprétation]

absents sera peut-être la solution, mais j'espère que lorsque cette question viendra à l'étude—et j'espère qu'elle figurera sur votre liste—le dernier directeur des élections pour les forces armées pourra venir témoigner.

Le président: Oui, monsieur Benjamin.

M. Benjamin: Monsieur le président, je m'excuse, mais j'aimerais avoir quelques précisions sur la façon dont nous abordons les sujets à l'étude. Si nous nous sommes écartés de notre sujet, c'est un peu ma faute, car c'est moi qui ai soulevé la question du vote dans les Forces armées.

Le président: Quant à l'ordre du jour d'aujourd'hui, j'ai soulevé tous les points dont on a discuté au comité de direction. J'aimerais que vous tous, en tant que comité plénier, demandiez au comité de direction de préparer une liste provisoire de toutes les questions de principe sur lesquelles nous pourrions arriver à un accord rapidement, ou de formuler des propositions quant aux questions qui devraient figurer sur cette liste. C'est la première chose que nous devons savoir. Je crois que le comité de direction aimerait avoir les propositions du comité plénier à ce sujet.

Premièrement, est-ce que vous êtes d'accord pour procéder en essayant d'éliminer toutes les questions sur lesquelles nous pourrions tomber d'accord rapidement? S'il y a certaines questions à l'égard desquelles des membres ont des vues divergentes, nous pourrions alors en discuter.

M. Forrestall: Je ne crois pas que la motion de M. Macquarrie prévoie que les membres du Comité puissent faire des suggestions, verbalement ou par écrit, au président ou à un membre quelconque du comité de direction. M. Macquarrie voulait vous laisser libre de réduire à 38 le nombre des questions et de vous servir de votre jugement quant à leur priorité.

Le président: Au contraire, nous ne voulons pas avoir le choix de proposer toutes ces questions. Nous voulons avoir vos propositions sur les questions qui doivent figurer sur la liste, et nous allons en discuter en détail au comité de direction et la soumettre aux membres point par point. Le directeur général des élections aura beaucoup plus de temps pour

[Text]

Officer then will have much more time to prepare his draft amendments to the Canada Elections Act and refer them to us. Does this meet with your approval?

Some hon. Members: Agreed.

The Chairman: Yes, Mr. Alkenbrack?

Mr. Alkenbrack: Mr. Chairman, has Mr. Hamel had many requests from the electorate regarding any of these non-contentious questions that would give us some indication of those items on which we could give ready and almost unanimous agreement?

The Chairman: I believe Mr. Hamel regards—and, I think, quite rightly—all problems which involve politics, as policy questions.

Mr. Alkenbrack: Yes, but as a director of a federal office he probably receives mail as well as the elected members sitting on this Committee. My question is this, has he received any requests or recommendations from the electors at large across the country regarding some of these questions that might arise or develop into contentious ones?

Mr. Hamel: All the requests or recommendations I received either directly, through a member of Parliament or through a Minister have been distributed to the members of the Committee, I believe, or were tabled at the first meeting of the Committee. As the Committee progresses I intend to submit to the Chairman any new recommendations that I may receive during that period.

• 1100

The Chairman: If you have not received these, the Clerk will have them circulated. Is it agreed that the steering committee prepare a tentative list of all the items on policy matters on which to reach an early decision?

Some hon. Members: Agreed.

The Chairman: At the steering committee, as I have already stated, we discussed possible witnesses who might be able to contribute to our hearings. There is Professor A. C. Cairns from the University of British Columbia; Professor Norman Ward of the University of Saskatchewan; Miss Flora MacDonald, of Queen's University, and the Chief Electoral Officers of British Columbia and Saskatchewan.

Last week I asked our Clerk, Mr. Virr, to get in touch with these people to see if they were available. Would Mr. Virr indicate if he

[Interpretation]

préparer un projet d'amendement à la Loi électorale du Canada. Cela vous va?

Des voix: D'accord.

Le président: Oui, monsieur Alkenbrack?

M. Alkenbrack: Monsieur le président, est-ce que M. Hamel a reçu beaucoup de demandes de la part des électeurs au sujet de ces diverses questions non litigieuses? Pourrait-il nous donner une idée du genre de questions sur lesquelles nous pourrions nous mettre d'accord plus ou moins à l'unanimité?

Le président: Je crois que M. Hamel envisage uniquement les questions de principe qui donnent lieu à des problèmes d'ordre politique.

M. Alkenbrack: Oui, mais en tant que directeur d'un bureau fédéral, il reçoit certainement du courrier, tout comme les députés, et je me demande s'il a reçu de la part des électeurs des demandes ou des recommandations au sujet de questions qui pourraient prêter à litige?

M. Hamel: Toutes les demandes ou recommandations que j'ai reçues soit directement, soit par l'intermédiaire d'un député ou d'un ministre, ont été présentées à la première réunion du Comité. Au fur et à mesure du progrès des travaux du Comité, je soumettrai au président toutes les recommandations que je recevrai dans l'intervalle.

Le président: Si vous ne les avez pas reçues, le greffier vous les fera parvenir. Êtes-vous d'accord, messieurs, que le Comité de direction prépare une liste provisoire de toutes les questions de principe sur lesquelles nous pourrions nous entendre rapidement?

Des voix: D'accord!

Le président: Lors de la réunion du Comité de direction, comme je l'ai déjà dit, nous avons parlé des témoins qui pourraient comparaître: le professeur A. C. Cairns de l'Université de la Colombie-Britannique, le professeur Norman Ward de l'Université de la Saskatchewan, M^{lle} Flora MacDonald de l'Université Queen et les directeurs des élections de la Colombie-Britannique et de la Saskatchewan.

La semaine dernière, j'ai demandé à notre greffier, monsieur Virr, de communiquer avec ces personnes et de leur demander si elles

[Texte]

has been in touch with these people and what their answers are?

The Clerk of the Committee: I have been in touch with Miss Flora MacDonald, of Queen's University, and she would not be available before Tuesday, December 9, but she would be quite happy to come down on that date.

Professor Cairns, from the University of British Columbia, has indicated possibly December 11, but he will confirm that either tomorrow or the next day.

Professor Ward indicated that all his views on this subject had already been documented and put on paper and that he could only reiterate them before the Committee. However, he is going to write a memo to the Chairman explaining this in further detail.

The Ontario Select Committee on Elections has been approached; I have been speaking to the Clerk of the Committee and she is going to discuss with the Chairman, Mr. Dunlop, the feasibility of their Committee's coming down here or perhaps, if that is not possible, this Committee travelling to Toronto to have a joint meeting with them. I have not heard yet from the Ontario Committee.

The Chairman: Mr. Forrestall.

Mr. Forrestall: I am perhaps a little bit at sea now that I realize from a quick perusal of the Act that the rules under the Canadian Forces Regulations or sections of the general Act come directly under your sole responsibility. I assume there was appointed someone who assumes for you, as an assistant to you or in some capacity, some responsibility for the administration of this Act. While you assume responsibility, you do not, in fact, preoccupy yourself with it.

Mr. Hamel: Well, the same applies to the rest of the Act; I cannot do the whole thing alone. Mr. Nash is primarily responsible for the Canadian Forces Voting Rules, with the staff of the Judge Advocate General in National Defence.

Mr. Forrestall: That was the point. I wonder if I may add to your list and request that Mr. Nash—is it?

The Chairman: I am sorry. I should have introduced these gentlemen earlier. Mr. Walter Nash is Assistant Chief Electoral Officer, and Mr. Maurice Villeneuve is an Administrative Officer in the Office of the Chief Electoral Officer.

[Interprétation]

pouvaient se présenter devant le Comité. J'aimerais que monsieur Virr nous dise s'il a communiqué avec ces personnes et quelle a été leur réponse.

Le greffier: J'ai communiqué avec M^{lle} Flora MacDonald de l'Université Queen. Elle ne sera pas disponible avant mardi le 9 décembre, mais elle serait heureuse de venir témoigner ce jour-là.

Le professeur Cairns de l'Université de la Colombie-Britannique a mentionné la date du 11 décembre. Il va confirmer sa réponse demain ou après-demain. Le professeur Ward a déclaré que toutes ses opinions avaient déjà été consignées dans un document et qu'il ne viendrait que les répéter devant le Comité. Toutefois, il enverra un mémoire au président avec plus de détails. On a communiqué avec le Comité spécial de l'Ontario sur les élections; j'ai parlé au greffier de ce Comité et elle va étudier avec le président, Monsieur Dunlop, la possibilité d'envoyer des représentants de leur Comité ici, ou si cela n'est pas possible, notre Comité pourrait se rendre à Toronto pour tenir une réunion avec eux. Je n'ai pas encore eu de réponse du Comité de l'Ontario.

Le président: Monsieur Forrestall.

M. Forrestall: Je me trouve un peu désemparé maintenant que je me rends compte, après avoir examiné rapidement la Loi, que les Règles électorales concernant les Forces armées ou des articles de la Loi générale relèvent entièrement de vous. Je présume qu'on a nommé une personne qui se charge pour vous à titre d'assistant, de l'application de la Loi. Même si vous en avez la charge, en fait, vous ne vous en préoccupez pas.

M. Hamel: La même chose s'applique au reste de la Loi. Je ne peux pas tout faire seul. En ce qui concerne les Règles électorales concernant les Forces canadiennes, c'est monsieur Nash qui s'en occupe principalement avec le personnel du juge-avocat général du ministère de la Défense nationale.

M. Forrestall: Je me demande si je peux ajouter un nom à votre liste et demander que M. Bash,—est-ce son nom?

Le président: Je m'excuse. J'aurais dû présenter ces messieurs plus tôt. Monsieur Walter Nash est directeur adjoint des élections et M. Maurice Villeneuve est un fonctionnaire du bureau du directeur général des élections.

[Text]

Mr. Forrestall: That is fine. There is no difficulty. We could ask him if he will appear then.

The Chairman: Yes. Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, on this matter of witnesses appearing, should the Committee indicate to people such as Professor Cairns, Miss MacDonald and any others who might appear what it is we want them to give us their views on any detail or should we just leave it wide open and let them cover the waterfront if they wish? They might want to know so that they can prepare something in advance.

The Chairman: That is a very good point you raise. I do not think we need much evidence from these people on the items on which we can make up our own minds.

• 1105

Mr. Benjamin: Right.

The Chairman: Perhaps they could indicate what particular points they wish to discuss. I do not think it would be wise to ask them to come then merely to have a general discussion on elections.

Mr. Benjamin: I think it might be helpful if, as a general principle, we asked them to comment on the areas on which we know there is going to be a lot of discussion and difficulty in arriving at conclusions such as absentee balloting, methods of enumeration, armed forces voting and any of the areas which are going to take us some time. I think we should get their views on these.

The Chairman: I do not know if as Chairman I may make a suggestion but I think they could give us some views on the lowering of the voting age, which will have a very profound significance and which will add more than 1 million voters to the electoral list.

Mr. Benjamin: I quite agree. I think it would be helpful to them if we were to list at least a number of areas on which we would like their views, including these and any others we might think of. And if there are any we do not think of on which they choose to comment anyway, there is nothing wrong with that.

The Chairman: Such as proxy voting, absentee voting and so on.

Mr. Benjamin: Surely.

[Interpretation]

M. Forrestall: C'est bien. Il n'y a pas de difficultés. Nous lui demanderons donc de comparaître.

Le président: Oui. Monsieur Benjamin.

M. Benjamin: Monsieur le président, en ce qui concerne les témoins qui doivent comparaître, est-ce que le Comité devrait faire savoir à M. Cairns, à M^{lle} MacDonald et aux autres témoins possibles, ce que nous tenons à savoir, sur quel sujet nous voulons qu'ils nous éclairent, ou est-ce qu'on doit leur laisser tout le loisir de parler de ce qui les intéresse. Ils voudront peut-être le savoir afin de se préparer d'avance.

Le président: Vous avez tout à fait raison, monsieur Benjamin. Je ne pense pas qu'il faille que ces personnes nous donnent leurs idées sur des questions au sujet desquelles nous pouvons nous-mêmes prendre une décision.

M. Benjamin: C'est exact.

Le président: Ils pourraient peut-être vous faire savoir quels sont les sujets qu'ils désirent étudier. Je ne pense pas qu'il serait sage de leur demander de venir ici pour discuter simplement des élections en général.

M. Benjamin: A mon avis, cela serait peut-être utile que nous leur demandions de nous éclairer sur des sujets à propos desquels on sait qu'il y aura beaucoup de discussions et de difficultés avant de prendre une décision, notamment le vote des absents, les méthodes d'énumération, le vote des Forces armées et toutes les autres questions qui prendront du temps à être réglées. Je crois qu'on devrait connaître leurs idées sur ces sujets.

Le président: A titre de président, je ne sais pas si je peux faire une suggestion, mais, je pense qu'ils pourraient nous exprimer leurs idées sur la question d'abaisser l'âge requis pour voter, question qui aura une très grande importance et qui ajoutera plus de 1 million de votants à la liste électorale.

M. Benjamin: Je suis d'accord avec cela. Je pense qu'il leur serait utile si nous établissions une liste d'un certain nombre de questions sur lesquelles nous aimerions avoir leurs opinions, notamment celles qui nous préoccupent et d'autres auxquelles nous pourrions penser. Quant aux autres sujets auxquels nous ne pensons pas, ils seraient libres de formuler des commentaires.

Le président: Notamment, le vote par procuration, le vote des absents, et d'autres.

M. Benjamin: Certainement.

[Texte]

Mr. Paproski: Have you heard from the Chief Returning Officer of British Columbia if he was coming?

The Chairman: No. Mr. Paproski has made a very good suggestion.

Mr. Paproski: I asked, Mr. Chairman, if we were going to give terms of reference to these people who are coming to be our witnesses.

Mr. Alkenbrack: Mr. Chairman, what particular, unique qualifications do these three witnesses have to speak to us on all the broad subjects applying to Canadian general elections? It might be embarrassing to ask any one of them to speak on all subjects.

The Chairman: An election in itself is not only a technical procedure. It is up to us to decide now if it is useful for them to come. If we do decide to have them come, we should try to derive the most benefit from it.

Mr. Alkenbrack: I asked that question because I think terms of reference should be a matter of good ethics and should be laid down for each one. We could contact them before they come and ask them what they wish to speak on.

The Chairman: I do not think these people will come here and discuss the entire Canada Elections Act. I think they will stick to major issues. Mr. Macquarrie.

Mr. Macquarrie: Mr. Chairman, perhaps because I am an ex-egghead myself I am one of the advocates of bringing before us occasionally people who might stand back a little from the machinery. With many years of thought and study they might give us some ideas that we might just not have thought of, although all of us do think a lot about election acts.

One of these witnesses is Miss Flora MacDonald, who used to be in a certain political party, and who has had quite a bit of experience. I was chided the other day for not suggesting someone from another political party, and a name has been submitted to me—a very prominent academician of the Liberal Party—but I do not know that you could go too far in tying these people down and telling them, “You can talk about Section 13 (a), but we do not want to hear a damn word about Section 14 (2).”

Perhaps the Chairman, or the Clerk—it might be a good job for the Vice-Chairman—

[Interprétation]

M. Paproski: Est-ce que vous savez si le président général des élections de la Colombie-Britannique viendra?

Le président: Non. M. Paproski a fait une bonne suggestion.

M. Paproski: J'ai demandé à monsieur le président si nous allions donner un mandat aux personnes qui vont venir témoigner.

M. Alkenbrack: Monsieur le président, quelles qualifications particulières possèdent ces trois témoins pour nous parler de tous les sujets relatifs aux élections générales du Canada. Il serait peut-être embarrassant de demander à ces personnes de parler de tous les sujets.

Le président: Il n'y a pas que le côté technique dans des élections. Nous devons décider maintenant s'il est utile qu'ils viennent témoigner. Si l'on décide de les faire comparaître, nous devrons essayer d'en tirer le plus d'avantages possibles.

M. Alkenbrack: J'ai demandé cette question car, à mon avis, on devrait leur exposer notre mandat avant de leur demander de venir comparaître. Nous pourrions communiquer avec eux avant leur arrivée et leur demander sur quels sujets ils veulent parler.

Le président: Je ne crois pas que ces personnes viendront ici pour nous parler de toute la Loi électorale du Canada. Je pense qu'ils s'en tiendront aux sujets importants. Monsieur Macquarrie.

M. Macquarrie: Monsieur le président, c'est peut-être parce que je suis un ancien intellectuel moi-même que je voudrais que l'on fasse venir de temps en temps devant le Comité des personnes qui peuvent voir les choses d'une manière différente. Puisqu'ils ont étudié pendant de nombreuses années, ils pourraient nous faire part de certaines opinions qui ne nous sont pas venues à l'idée, même si nous étudions tous beaucoup les lois électorales.

Un de ces témoins est M^{lle} Flora MacDonald, qui faisait partie d'un certain parti politique et qui a eu pas mal d'expérience à ce sujet. L'autre jour, on m'a reproché de n'avoir pas suggéré de faire venir une personne qui représente un autre parti politique, et on m'a soumis un nom, celui d'un membre très en vue du parti libéral, mais, je ne pense pas qu'on puisse limiter ces gens à parler de certains sujets et non pas d'autres, par exemple de leur dire de parler de l'alinéa a) de l'article 13—mais non du paragraphe (2) de l'article 14. Le président du Comité, le greffier ou même le vice-président, pourraient peut-

[Text]

should send them along the terms of reference and perhaps a summary of what we have discussed today and this list, if we ever get it drawn up, and tell them that this is what they are likely to be interrogated on. I think they would be able to cope with it and be helpful to us.

The Chairman: Mr. Lefebvre?

Mr. Lefebvre: I have no objection to the person Mr. Macquarrie named—Miss MacDonald, I believe it is, but I do not see why we should not go a little further. Politics is the name of the game and the electoral act and politics are tied very closely together, as you were mentioning. Why not invite the leaders of the opposition parties in some of the provinces to give us their views on what they think is wrong with the electoral law? Why not go right into it? They may have personal opinions, through their years of experience, and perhaps can suggest things that we may not have thought of.

Also, I believe the meeting we were to have with the Select Committee on Election Laws in Ontario is a very important one. I understand they have travelled half way around the world to look into this subject, if that is correct. Instead of our travelling all the way around the world perhaps we can use some of their experiences. I just make this suggestion to the Committee.

The Chairman: This is a good discussion. You have raised the idea of meeting with the Select Committee of the Legislative Assembly of Ontario. I think we would have to get authority for either deciding to invite them here or for going to them. Mr. Dunlop, who is the Chairman, thought it would be much more appropriate for us to go to Toronto we would need authority to go. I personally would request authority from the members for our Clerk to get in touch with these people, and if Mr. Dunlop says it is all right to come Toronto then I will call a meeting and the Committee can decide if they want the authority to go. Do not let us put ourselves in what I consider might be a ridiculous situation.

Mr. Lefebvre: Does this Committee have authority to travel?

The Chairman: No. We had it earlier, but in the terms of reference by the House there is no mention of it.

Mr. Lefebvre: Then if the Select Committee in Ontario feels that they have done enough

[Interpretation]

être leur communiquer le mandat et leur donner un sommaire de ce que nous avons étudié aujourd'hui, et leur communiquer la liste si on parvient à l'établir aujourd'hui, et de les prévenir qu'ils seront interrogés sur ces questions. Je pense qu'ils pourraient être à la hauteur de la tâche et nous être utiles.

Le président: Monsieur Lefebvre.

M. Lefebvre: Je ne m'oppose pas à la personne qu'a nommée monsieur Macquarrie, M^{lle} MacDonald, mais nous pourrions aller un peu plus loin. Il s'agit vraiment de politique et la loi électorale et la politique sont étroitement liées. Pourquoi ne pas inviter les chefs des partis de l'Opposition dans quelques-unes des provinces pour nous exprimer leurs idées sur les corrections à apporter dans la loi électorale? Pourquoi ne pas entrer immédiatement dans le sujet? Ils ont peut-être des idées personnelles à la suite de leurs nombreuses années d'expérience et ils pourraient peut-être nous suggérer certaines choses auxquelles nous n'avons pas pensé.

Je crois aussi que la réunion que nous devons tenir avec le Comité spécial de l'Ontario sur les lois électorales est très importante. Je pense qu'ils ont fait le tour du monde pour étudier ce sujet. Au lieu d'aller partout dans le monde, nous pourrions peut-être profiter de l'expérience de ces personnes.

Le président: C'est simplement une suggestion que je fais au Comité. Vous avez mentionné l'idée d'une réunion avec ce Comité spécial de l'Assemblée législative de l'Ontario. Je pense qu'il faut obtenir l'autorisation de les faire venir ou d'aller les voir. Si monsieur Dunlop qui est le président, croit qu'il vaut mieux que nous allions à Toronto, il nous faudrait autorisation nécessaire pour y aller. Je demanderais personnellement l'autorisation des membres de ce Comité pour que le greffier communique avec ces personnes et, si monsieur Dunlop est d'accord et qu'on nous dit de venir à Toronto, alors je convoquerai une réunion et le Comité décidera s'il veut obtenir l'autorisation d'y aller. Ne nous mettons pas dans une situation qui pourrait être ridicule.

M. Lefebvre: Est-ce que ce Comité a l'autorisation de se déplacer?

Le président: Non, nous l'avions plus tôt, mais le mandat que la Chambre nous a donné n'en fait pas mention.

M. Lefebvre: Si le comité spécial de l'Ontario pense qu'il a suffisamment voyagé et s'il

[Texte]

travelling for a while and would like us to go to Toronto we would have to ask the House for permission?

The Chairman: We would have to ask the House for permission, yes.

Mr. Lefebvre: That is fine.

Mr. Forest: Mr. Chairman, once the list of all the items we agree upon is made up I think we could ask them to deal with it. We could send them the list of the items on which there is to be discussion and they could comment on whatever they want to in that list of controversial subjects. I think that would be easier for them than to concentrate on and discuss all the amendments or all of the act. This would allow them to concentrate on the items on which we want to get special advice.

The Chairman: I understand from Mr. Dunlop that they want to get our views on the proxy voting system, on the absentee voting system and on the lowering of the voting age. These are the three major items which they want to discuss with us.

Mr. Macquarrie: Mr. Chairman, I do not want to belabour this. I agree with this, but there is the other aspect that we are asking these people because they are experts, and I think we have to leave them some scope for their own expertise.

One of these men, Professor A. C. Cairns, is an expert in proportional representation. I personally am not sold on proportional representation, but we would probably be a bit irresponsible if we did not look at that. That is a very important, broad concept. It is difficult to keep professors in line, anyway, but I think we should hear from him on that. I quite agree that they would find it helpful to have an idea of what we ourselves were considering to be important. I think a good letter from the Chairman or the Clerk, or a telephone call, will tie everything up pretty well.

I like the idea of hearing in some way from political parties. Whether it be the leaders of the parties or those in the headquarters, these people should have experiences that might be worth while bringing out in relation to the

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operation of the electoral machinery. But the general idea of hearing from political parties, as structures, is, I think, a pretty good one.

Mr. Lefebvre: We could leave it to the parties to appoint the persons they wish to come before us.

[Interprétation]

veut nous inviter à nous rendre à Toronto, il faudrait demander à la Chambre l'autorisation de nous y rendre.

Le président: Oui, nous devons demander la permission à la Chambre.

M. Lefebvre: C'est bien.

M. Forest: Monsieur le président, une fois qu'on aura dressé la liste des sujets sur lesquels nous sommes d'accord, je pense qu'on devrait leur demander de s'en occuper. Nous pourrions leur envoyer la liste des sujets que nous étudierons, et ils pourraient donner leurs idées sur les sujets controversés de cette liste. A mon avis ce serait plus facile pour eux au lieu d'avoir à examiner et d'étudier toutes les modifications et toute la Loi. Cela leur permettrait d'étudier les sujets sur lesquels nous voulons avoir leur avis.

Le président: D'après monsieur Dunlop, ils voudraient avoir nos idées sur le système du vote par procuration, celui du vote des absents et sur le fait d'abaisser l'âge requis pour voter. Ce sont les trois principaux sujets qu'ils veulent étudier avec nous.

M. Macquarrie: Monsieur le président je ne veux pas prendre trop de temps sur ce sujet. Je suis d'accord avec cela, mais il y a un autre aspect à savoir que nous demandons les opinions de ces gens-là parce que ce sont des spécialistes, et, à mon avis, il ne faut pas limiter le champ de leur expertise. Parmi ces personnes, monsieur Cairns est un spécialiste sur la représentation proportionnelle. Pour ma part, je ne suis pas convaincu que nous devrions avoir la représentation proportionnelle, mais je pense qu'il faudrait étudier ce sujet. C'est une question très importante. Il est difficile de restreindre les professeurs, de toute façon, mais je pense que nous devrions lui demander son opinion sur ce sujet. Je suis d'accord qu'ils trouveraient très utile de connaître les sujets que nous considérons les plus importants. A mon avis, une lettre du président ou du greffier ou un appel téléphonique, arrangera les choses.

Je suis d'accord avec l'idée de faire venir des représentants de partis politiques. Que ce soit les chefs des partis ou des membres du quartier général nous pourrions tirer profit de leurs expériences concernant le fonctionne-

ment de la machine électorale. Je pense que c'est une bonne idée d'entendre des représentants de partis politiques.

M. Lefebvre: On pourrait laisser aux partis politiques l'opportunité de choisir les personnes qui viendraient comparaître devant nous.

[Text]

The Chairman: Is it agreed, then, that perhaps we call two people, one who would be available on December 9 and the other on December 11? We could decide to hear Miss Flora MacDonald on December 9 and Mr. Cairns on December 11? Is it agreed?

Some hon. Members: Agreed.

Mr. Benjamin: Or if Miss MacDonald could come on December 11, we could hear them both on the same day. Would that be practical, as another alternative?

The Chairman: She said she would not be available before December 9, so perhaps she could be here on the December 11. Do you agree with the suggestion made by Mr. Benjamin that we hear them both on December 11?

Mr. Benjamin: If this can be arranged, yes.

Some hon. Members: Agreed.

The Chairman: And what of the idea raised by Mr. Lefebvre, of requesting the views of opposition parties?

Mr. Duquet: All parties, or their representatives.

The Chairman: All parties.

Mr. Lefebvre: All parties, I should have said, yes.

The Chairman: I believe we touched a bit on that. I understand that Miss Flora MacDonald presented a very valuable paper at the last meeting of the thinkers of the Conservative Party. Is that right?

Mr. Macquarrie: Yes.

The Chairman: I will advise the Clerk on getting in touch with the parties so that they can indicate to us who will be the person assigned, either to assist or take part. Do you agree with this?

And on the third item, the joint meeting with the Ontario Select Committee, about one or two months ago we did attach great importance to this meeting, because these people have been working on the same matter, and they accepted the principle and the idea of meeting jointly with us either in Toronto or in Ottawa. Should we present a report to the House requesting that we travel to meet them in Toronto, if requested?

Some hon. Members: Agreed.

[Interpretation]

Le président: Nous sommes donc d'accord d'entendre deux personnes; une qui pourrait venir le 9 décembre, et l'autre, le 11 décembre, n'est-ce pas? Nous pourrions décider si nous allons entendre M^{lle} Flora MacDonald le 9 et monsieur Cairns le 11? Vous êtes d'accord?

Des voix: D'accord.

M. Benjamin: Ou si M^{lle} MacDonald pouvait venir le 11 décembre, on pourrait les entendre tous les deux le même jour. Est-ce que ce serait une autre éventualité d'ordre pratique?

Le président: Elle a dit qu'elle ne serait pas disponible avant le 9 décembre, elle pourrait donc comparaître le 11. Êtes-vous d'accord avec la suggestion de monsieur Benjamin pour que nous les entendions tous les deux le 11?

M. Benjamin: Si cela peut se faire, oui.

Des voix: D'accord.

Le président: Que dire de la suggestion de monsieur Lefebvre selon laquelle on demanderait les opinions des partis de l'Opposition.

M. Duquet: Tous les partis, ou leurs représentants.

Le président: Tous les partis.

M. Lefebvre: J'aurais dû dire tous les partis, oui.

Le président: Je crois que nous en avons parlé un peu. M^{lle} Flora MacDonald a présenté un mémoire de très grande valeur lors de la dernière réunion du parti conservateur.

M. Macquarrie: Oui, c'est vrai.

Le président: Je demanderai au greffier de communiquer avec les partis politiques afin qu'ils nous disent quelle sera la personne désignée pour assister à la réunion ou pour participer à la discussion. Êtes-vous d'accord?

Et à propos de la troisième question, la réunion conjointe avec le Comité spécial de l'Ontario, il y a environ un ou deux mois, nous avons attaché beaucoup d'importance à cette réunion vu que ces personnes ont étudié les mêmes questions, et ils ont accepté le principe et l'idée de tenir une réunion conjointe avec vous à Toronto ou à Ottawa. Devrions-nous présenter un rapport à la Chambre demandant l'autorisation de nous rendre à Toronto pour les rencontrer, s'il le faut.

Des voix: D'accord.

[Texte]

The Chairman: They may say that they will not come here. Could I have a motion that, if requested, the Committee will travel to Toronto to meet jointly with the Select Committee of Ontario?

Mr. Benjamin: I move that the Committee seek permission to travel to Toronto, if necessary, to meet with the provincial Select Committee on Election Laws.

Motion agreed to.

The Chairman: Then what about the schedule of the meetings we will hold? Would two meetings on Tuesday and two on Thursday be acceptable, or do you believe that we should sit in the evening, with three meetings a day, or on Monday or on Friday? What are your views on that?

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Mr. Paproski: Mr. Chairman, may I just ask one question. Is there a deadline?

The Chairman: No.

Mr. Paproski: It seems to me that we are going to get bogged down in exactly the same way we did last session. Quite a few of us are on other committees and the lists are getting larger and larger because we are trying to close the session on December 19. If it is possible that there is no deadline, and this committee has a little longer time to study the items than some of the other committees, I think we should have one meeting a week instead of two. I am simply saying that if there is no hurry...

The Chairman: There is a hurry.

Mr. Paproski: But there is no deadline to meet for the end of this session.

The Chairman: There is no deadline for this report, but legislation has to be put before the House before the end of this session.

Mr. Paproski: Yes, but it is two years before the next election, so that gives us another two years, I think you said.

The Chairman: But before drafting the legislation we have to table our report in the House.

Mr. Paproski: I am only suggesting this because I know that members on both sides of the House are swamped with committee work now and it is going to get worse before it gets

[Interprétation]

Le président: Ils vont peut-être nous dire qu'ils ne veulent pas venir ici. Est-ce que quelqu'un veut bien faire une motion selon laquelle, si on en fait la demande, le Comité se rendra à Toronto pour tenir une réunion conjointe avec le Comité spécial de l'Ontario.

M. Benjamin: Je propose que le Comité demande la permission de se rendre, à Toronto si nécessaire, pour rencontrer le Comité provincial spécial sur les lois électorales.

Motion adoptée.

Le président: Et à propos de l'horaire des réunions que nous allons tenir? Est-ce que deux réunions le mardi et deux le jeudi, seraient suffisantes, ou pensez-vous que nous devrions siéger le soir et tenir trois réunions par jour, ou le lundi et le vendredi? Qu'est-ce que vous en pensez?

M. Paproski: Monsieur le président, y a-t-il une date limite?

Le président: Non.

M. Paproski: J'aimerais poser une question. Je pense que nous allons être débordés tout comme pendant la dernière session. Bon nombre d'entre nous sommes membres de d'autres comités et les réunions se multiplient parce nous essayons d'ajourner le 19 décembre. S'il est possible de ne pas imposer de date limite, et si notre Comité a plus de temps à sa disposition pour étudier les questions que n'en ont certains autres comités, je pense que nous devrions tenir une réunion par semaine au lieu de deux. Je veux simplement dire que s'il n'y a pas urgence...

Le président: Si, il y a urgence.

M. Paproski: Mais il n'y a pas de délai pour la fin de la session.

Le président: Il n'y en a pas pour le rapport, mais il faut présenter un projet de loi à la Chambre avant la fin de la session.

M. Paproski: Oui, mais deux ans nous séparent des prochaines élections, par conséquent il nous reste encore deux ans, c'est ce que vous avez dit, je crois.

Le président: Avant de préparer des mesures législatives, nous devons déposer notre rapport à la Chambre.

M. Paproski: C'est simplement une suggestion, car je sais que les députés des deux côtés de la Chambre sont débordés par les comités et la situation ne va pas s'améliorer.

[Text]

better. If there is any possibility of our just having one day a week this would...

Mr. Duquet: You say one day a week, but we could have one in the evening...

Mr. Paproski: Yes, one in the evening with the possibility of...

Mr. Duquet: For instance, if we sat on Tuesday we could sit three times a day.

Mr. Paproski: Yes, at 10 o'clock, 3 o'clock and 8 o'clock.

Mr. Lefebvre: Mr. Chairman, while we have the Chief Electoral Officer here, if we make some major changes in the Elections Act about balloting and everything else, perhaps Mr. Hamel could give us some idea how many months it would take—a year, or whatever it might be—for him to change all his machinery and documents in order to be ready. This is very important.

Mr. Hamel: Unless you were to merely adopt something like permanent lists, and that kind of thing, but if you make fairly major changes in the present Act I would be in a rather impossible situation if the new Act were not adopted by the House during the present session. When I say during the present session I mean before May or June of next year. It would be almost impossible for me because I would have less than two years from the normal date of the next election, and this is a strict minimum.

Mr. Lefebvre: In other words, we would have to finish our deliberations early this winter so that it could go through the House by the middle of April or sometime around there—May at the latest.

Mr. Hamel: That is correct.

Mr. Benjamin: In that context, Mr. Chairman, I think there is some urgency in terms of our getting a report to the House, because the legislation is then going to have to come back to this Committee and we are going to be thrashing over some old straw a second time. I think we should plan to meet twice a week and to meet twice on each of those days. In the event of additional witnesses, and what not, we may have to add a third meeting on a particular day or a third day in some week. I would like to see us get the investigative and the hearing of witnesses stage of our work completed by the Christmas recess, and then we may have to have one, two or three meetings after the recess on the matter of

[Interpretation]

S'il y a possibilité d'avoir qu'un seul jour dans la semaine, cela...

M. Duquet: Vous avez dit un jour par semaine, mais nous pourrions nous réunir le soir...

M. Paproski: Oui, le soir, avec la possibilité de...

M. Duquet: Par exemple, si nous nous réunissons le mardi, nous pourrions siéger trois fois par jour.

M. Paproski: Oui, à 10 heures, 3 heures et 8 heures.

M. Lefebvre: Pendant que nous avons le Directeur général des élections avec nous, si nous apportons des modifications importantes dans la Loi électorale pour ce qui est du scrutin et de bien d'autres choses, M. Hamel pourrait peut-être nous dire combien de mois ou d'années il lui faudrait pour changer tous les documents et toute la structure afin d'être prêt. Cela est très important.

M. Hamel: Si vous n'adoptez simplement que des listes permanentes et autres choses du genre ça va, mais si vous apportez des changements assez importants à la loi actuelle, je serais dans une situation à peu près intenable, si la nouvelle Loi n'était pas adoptée par la Chambre pendant la présente session. Je veux dire, par présente session, avant le mois de mai ou de juin l'année prochaine. La situation serait presque impossible pour moi, parce que j'aurais moins de deux ans à partir de la date normale de la prochaine élection, et c'est là le strict minimum.

M. Lefebvre: Autrement dit, il nous faudrait terminer nos délibérations au début de cet hiver, afin que la Loi puisse être adoptée par la Chambre vers le milieu d'avril, au mois de mai au plus tard.

M. Hamel: Vous avez raison.

M. Benjamin: Par conséquent, monsieur le président, il faut se hâter de présenter le rapport à la Chambre, parce qu'on va nous renvoyer la loi et nous allons tout reprendre une seconde fois. Je crois que nous devrions prévoir deux réunions par semaine, avec deux réunions chaque jour. S'il y a d'autres témoins, nous devrions peut-être tenir une troisième réunion pendant une certaine journée, ou nous réunir une troisième journée. J'aimerais que l'on finisse la phase d'enquête et d'interrogation des témoins d'ici Noël. Ensuite, nous devrions peut-être tenir une, deux ou trois réunions à la rentrée pour étudier la question de terminer notre rapport à présenter au Parlement pour le 12 janvier, ou

[Texte]

completing our report to present to Parliament on January 12, or as early after the session starts again as we can, and even then some time is going to elapse between that point and the time we get legislation to work on. The next thing we know we will be into April or May. I think if possible we should try to complete this stage of our work by the Christmas recess.

The Chairman: I believe if we are going to succeed in making a viable report that we should meet at least twice a week and have two sittings each day. I mean meetings in the forenoon and in the afternoon on Tuesdays and Thursdays. If it is required because of the witnesses we will have, then occasionally we can have meetings in the evenings. Later on we will see if we cannot have fewer meetings.

Mr. Lefebvre: Has this Committee agreed to hear witnesses without a quorum?

The Chairman: No, but the question is coming up right now.

Mr. Lefebvre: In view of the fact that there are a lot of committees working and we wish to speed up the work, I think it will be a good idea to do this, as many other committees have done.

• 1125

The Chairman: This is the next item on the agenda and as the matter has been raised I think it should be put right away. May I have a motion in this respect?

Mr. Forrestall: I move that the Chairman be authorized to hear witnesses and print evidence when a quorum is not present.

Mr. McQuarrie: I am sorry to be talking so much, I am usually very reticent everywhere I go, but I remember a very agreeable experience which we had in the Broadcasting Committee last year when we passed a motion along these lines and refined it a bit. We had a minimum of five people representing two parties and it worked very well. If you would accept that I will support your suggestion. I just do not like the idea of some witness talking to each member for five or ten minutes.

Motion as amended agreed to.

The Chairman: Mr. Hamel will not be available to us after 11.30 a.m., because he has a meeting to attend.

If there is nothing else, I think we will adjourn.

[Interprétation]

le plus tôt possible après la reprise de la session, et même dans ce cas il s'écoulera du temps entre ce moment et celui où nous devrions étudier la loi. Sans nous en rendre compte, nous serons en avril ou en mai. Je pense que nous devrions essayer de compléter cette partie de notre travail avant le congé de Noël.

Le président: Si nous voulons rédiger un bon rapport, nous devrions, à mon avis, nous réunir au moins deux fois par semaine, avec deux séances par jour. Je veux dire les mardis et jeudis, le matin et l'après-midi. Si les témoins à venir nous y obligent, nous devrions alors, occasionnellement, nous réunir le soir. Nous verrons plus tard si nous pouvons nous réunir moins souvent.

M. Lefebvre: Le comité a-t-il convenu d'entendre les témoins sans quorum?

Le président: Non, mais cette question va être abordée maintenant.

M. Lefebvre: Comme il y a beaucoup de comités qui siègent et que nous voulons activer le travail, et je crois que ce serait une bonne idée et beaucoup d'autres comités l'ont fait.

Le président: C'est le poste suivant à l'ordre du jour et puisque la question a été soulevée, on devrait la trancher sans plus tarder. Voulez-vous présenter une motion à cet effet?

M. Forrestall: Je propose que le président soit autorisé à entendre des témoins et à faire imprimer des témoignages même sans quorum.

M. Macquarrie: Je m'excuse de tant parler, d'habitude je suis très réservé, mais je me souviens d'une expérience très agréable au Comité de la Radiodiffusion l'an dernier, alors que nous avons adopté une motion analogue, pour ensuite la perfectionner. Nous avions un minimum de 5 personnes représentant deux partis et tout a très bien marché. Si vous êtes d'accord, j'appuie votre motion. L'idée qu'un témoin parle à chaque député pendant cinq ou dix minutes ne me sourit pas du tout.

La motion modifiée est adoptée.

Le président: M. Hamel ne sera pas disponible après 11h.30, parce qu'il doit assister à une réunion. Si vous n'avez pas d'autres questions, nous allons lever la séance.

[Text]

Mr. Trudel: On absentee and proxy voting will the terms of reference be wide enough to include the civil servants in the Trade Commissioner Service and the foreign service?

The Chairman: Yes.

Mr. Trudel: Thank you, that is all I wanted to know.

Mr. Howe: Could we not sit next week and hear Mr. Nash on the armed forces, or do we have to wait until December 9?

The Chairman: No, we will have a meeting this Thursday. There is no use in having a meeting this afternoon because we are going to a steering committee meeting tomorrow to try to draft this out.

Mr. Duquet: Could we not agree in advance what will be discussed on Thursday, so that we can look at the documentation and in this way possibly shorten the session?

The Chairman: I believe we have already authorized the steering committee to prepare a tentative list of all policy matters on which we could reach early agreement. We will have a steering committee meeting tomorrow and we will prepare a tentative list that will be submitted to the members on Thursday. So, if there are no other points, the Committee is adjourned until Thursday at eleven o'clock.

[Interpretation]

M. Trudel: En ce qui concerne la procuration et le vote des gens absents le mandat sera-t-il suffisant pour inclure les fonctionnaires du Service des délégués commerciaux et du service extérieur?

Le président: Oui.

M. Trudel: Merci, c'est tout ce que je voulais savoir.

M. Howe: Ne pourrions-nous pas nous réunir la semaine prochaine et entendre M. Nash sur les Forces armées ou devons-nous attendre au 9 décembre?

Le président: Non, nous aurons une réunion jeudi de cette semaine. Il est inutile de nous réunir cet après-midi car nous aurons la réunion du comité directeur demain pour essayer de mettre cela au point.

M. Duquet: Ne pourrions-nous convenir à l'avance de ce que nous discuterons jeudi, pour que nous puissions étudier la documentation et, de ce fait, peut-être abréger la séance?

Le président: Je crois que nous avons déjà autorisé le comité directeur à préparer une liste provisoire de toutes les lignes de conduite sur lesquelles nous pourrions tomber d'accord rapidement. Le comité directeur se réunit demain et nous allons préparer une liste provisoire qui sera présentée aux députés jeudi. Donc, si vous n'avez pas d'autres questions, la séance est levée jusqu'à jeudi à 11 heures.

APPENDIX "I"

OFFICE OF THE
CHIEF ELECTORAL OFFICER
ELECTORAL LEGISLATION IN CANADA*Some of the main features*

1. Chief Electoral Officer

In all provinces, except Quebec, the Chief Electoral Officer (or Chief Election Officer) is appointed by the Lieutenant-Governor in Council.

The provisions of the Quebec Election Act with respect to the appointment, salary and tenure of office of the Chief Returning Officer are very similar to the provisions of the Canada Elections Act. In addition, during an election period, the Chief Returning Officer of Quebec is vested with some of the powers conferred by the Act on the Lieutenant-Governor in Council.

In British Columbia, the Elections Act further provides for the appointment of a Registrar-General of Voters who, subject to the Chief Electoral Officer, has supervision over the registration of voters and the preparation of the lists of voters.

2. Returning Officer

The authority to appoint returning officers is vested in all provinces in the Lieutenant-Governor in Council. At the federal level, that authority is with the Governor in Council. Appointments are without a term, except in the case of Ontario, Alberta and Newfoundland. In Alberta, the appointment is for one year. In Ontario and Newfoundland, it is for the duration of the election.

In Alberta, returning officers receive a nominal annual allowance. In Quebec, they are required to prepare annually a complete revision of their polling divisions for which they receive the payment provided in the tariff of fees.

3. Election Clerks

There is no fundamental difference in the provisions of the eleven various pieces of legislation pertaining to the appointment and tenure of office of the election clerk.

APPENDICE «1»

BUREAU DU DIRECTEUR GÉNÉRAL DES
ÉLECTIONS
LÉGISLATION ÉLECTORALE AU CANADA*Quelques-unes des caractéristiques principales*

1. Directeur général des élections

Dans toutes les provinces, excepté au Québec, le Directeur général des élections est nommé par le Lieutenant-gouverneur en Conseil.

Les dispositions de la Loi électorale du Québec relatives à la nomination, au salaire et à la durée du mandat du Président général des élections sont en tous points semblables aux dispositions de la Loi électorale du Canada. De plus, durant une période électorale, le Président général des élections du Québec est investi de certains pouvoirs conférés par la Loi électorale au Lieutenant-gouverneur en Conseil.

La Loi électorale de la Colombie-Britannique prévoit en outre la nomination d'un Registraire-général des électeurs qui, sous la direction du Directeur général des élections, voit à surveiller l'inscription des électeurs ainsi que la préparation des listes des électeurs.

2. Officiers rapporteurs

La nomination des officiers rapporteurs relève dans toutes les provinces du Lieutenant-gouverneur en Conseil. Au niveau fédéral, cette responsabilité est conférée au Gouverneur général en Conseil. Ces nominations sont pour une durée indéterminée, à l'exception de l'Ontario, de l'Alberta et de Terre-Neuve. La nomination des officiers rapporteurs de l'Alberta est pour une durée d'un an. En Ontario et à Terre-Neuve, elle n'est valide que pour la durée de l'élection.

En Alberta, les officiers rapporteurs reçoivent une allocation annuelle. Au Québec, ils doivent faire annuellement une révision complète de leurs arrondissements de votation; ils reçoivent pour ce travail les honoraires prévus.

3. Secrétaires d'élection

Il n'y a aucune différence fondamentale dans les dispositions des différentes législations, tant provinciales que fédérale, relativement à la nomination et à la durée du mandat du secrétaire d'élection.

Under the Quebec Election Act, however, the functions of the election clerk are much broader than in any other legislation.

4. Qualifications of Electors

(a) Citizenship

In the Quebec and Prince Edward Island Election Act, the eligibility to vote is restricted to Canadian citizens.

The provisions of the other provincial election laws in that respect are the same as in the Canada Elections Act.

(b) Residence

All provinces require a minimum of six to twelve months residence in the province.

With the exception of Quebec, the residence of an elector for the purpose of his being registered as such is usually determined as of the date of the issue of the writ. This is also the requirement under the Canada Elections Act. Under the Quebec Election Act, the domicile of an elector is established as of the date fixed for the beginning of the enumeration.

(c) Age

Minimum voting age is twenty-one (21) in Ontario, New Brunswick and Nova Scotia.

It is nineteen (19) in British Columbia, Alberta and Newfoundland.

It is eighteen (18) in Quebec, Prince Edward Island, Manitoba and Saskatchewan.

At the federal level, it is twenty-one (21), although an exception is made for members of the Canadian Forces and for Veteran electors.

5. Lists of Electors

(a) British Columbia is the only Canadian province to have adopted a system of continuous electoral rolls. More information in this respect may be found on pages 10 to 12 of the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting, 1968 tabled in the House of Commons at the beginning of the last session of the present Parliament.

In the other provinces, as at the federal level, lists must be prepared for each election. Newfoundland, however, allows lists that may have been established up to five years before to be used. Manitoba also allows the use of an existing list if it is not older than two years.

En vertu de la Loi électorale du Québec, toutefois, les fonctions du secrétaire d'élection sont beaucoup plus onéreuses que celles de ses homologues dans les autres juridictions.

4. Conditions du droit de vote

a) Citoyenneté

En vertu des lois électorales du Québec et de l'Île-du-Prince-Édouard, seuls les citoyens canadiens sont habiles à voter.

Les dispositions des autres lois électorales provinciales à ce sujet sont semblables à celles contenues dans la Loi électorale du Canada.

b) Résidence

Toutes les provinces exigent que l'électeur ait résidé dans la province au moins de six à douze mois.

À l'exception de Québec, la résidence de l'électeur aux fins de son inscription sur les listes électorales est habituellement établie en fonction de la date de l'émission du bref. Cette condition apparaît également dans la Loi électorale du Canada. En vertu de la Loi électorale du Québec, le domicile d'un électeur est déterminé en fonction de la date fixée pour le début de l'énumération.

c) Âge

L'âge minimum requis pour être électeur est de vingt et un (21) ans en Ontario, au Nouveau-Brunswick et en Nouvelle-Écosse.

L'âge minimum est de dix-neuf (19) ans en Colombie-Britannique, en Alberta et à Terre-Neuve.

Il est de dix-huit (18) ans au Québec, à l'Île-du-Prince-Édouard, au Manitoba et en Saskatchewan.

Il est fixé à vingt et un (21) ans aux fins des élections fédérales, bien que la Loi fait une exception dans le cas des membres des Forces canadiennes et des anciens combattants.

5. Listes des électeurs

a) La Colombie-Britannique est la seule province canadienne qui ait adopté un système d'inscription permanente des électeurs. Pour de plus amples renseignements à ce sujet, on peut consulter le Rapport du Commissaire à la Représentation sur les Méthodes d'inscription des électeurs et le vote des absents, 1968, page 11 à 13, Rapport qui a été déposé à la Chambre des communes au début de la dernière session du présent Parlement.

Dans les autres provinces, tout comme au niveau fédéral, des listes doivent être préparées pour chaque élection. Terre-Neuve, toutefois, permet l'usage de listes qui ont pu être établies jusqu'à cinq ans auparavant. Le Manitoba permet également l'usage d'une liste déjà existante, pourvu qu'elle n'ait pas été établie plus de deux ans auparavant.

(b) Enumeration

The enumeration is generally done by two enumerators in urban areas and by one enumerator in rural areas. Exceptions to this general rule with respect to urban enumeration are found in Manitoba, Saskatchewan and Newfoundland.

The two urban enumerators usually represent different political interests. This is ensured by making provisions for the selection or nomination by political organizations or by candidates.

(c) Revision of the Lists

All provinces, including British Columbia, provide for a revision of the lists of electors during an election period. The procedure followed varies considerably, however, from one jurisdiction to another.

6. Qualifications of Candidates

In all jurisdictions, the overriding qualification to be a candidate is to be qualified as an elector. British subjects other than Canadian citizens are therefore disqualified in Quebec and Prince Edward Island. Some provinces prescribe additional requirements. For example, in Quebec, Prince Edward Island and Newfoundland, a candidate must be at least twenty-one (21) years of age even if the minimum voting age is eighteen (18) in the first two provinces and nineteen (19) in the other. In British Columbia, in addition to being qualified as an elector, a candidate must be registered as such.

Finally, the Quebec Election Act disqualifies any person who, having been a candidate at a previous election, has failed to submit a declaration relating to his expenses.

7. Nomination of Candidates

(a) There is no provision in the Ontario or British Columbia Elections Act for any deposit. The minimum number of signatures required is one hundred (100) in Ontario and twenty-five (25) or fifty (50) in British Columbia, depending on the number of electors in the electoral district in which the candidate wishes to be nominated.

In Manitoba and Quebec, the requirements are exactly the same as at the federal level, i.e. twenty-five (25) signatures and a deposit of \$200.00.

In Saskatchewan and Alberta, the minimum number of signatures is four (4) and the deposit \$100.00.

The deposit is also \$100.00 in the four (4) Atlantic provinces; the minimum number of

b) Énumération

L'énumération est généralement faite par deux énumérateurs dans les secteurs urbains et par un énumérateur dans les secteurs ruraux. Le Manitoba, la Saskatchewan et Terre-Neuve font exception à la règle relativement à l'énumération urbaine.

Les deux énumérateurs urbains d'habitude représentent des intérêts politiques différents. On s'en assure en confiant aux organisations politiques ou aux candidats la sélection ou la nomination des énumérateurs.

c) Revision des listes

Dans toutes les provinces, y inclus la Colombie-Britannique, on rencontre des dispositions pour la revision des listes des électeurs durant une période d'élection. La procédure suivie varie considérablement, toutefois, d'une juridiction à l'autre.

6. Éligibilité des candidats

Partout, la condition primordiale pour être candidat est d'être un électeur habile à voter. Les sujets britanniques autres que les citoyens canadiens sont par conséquent inéligibles au Québec et à l'Île-du-Prince-Édouard. Quelques provinces prescrivent des conditions supplémentaires. Par exemple, au Québec, à l'Île-du-Prince-Édouard et à Terre-Neuve, un candidat doit avoir vingt et un (21) ans révolus même si l'âge minimum requis pour être électeur est de dix-huit (18) ans dans les deux premières provinces et de dix-neuf (19) ans dans l'autre. En Colombie-Britannique, en plus d'être un électeur habile à voter, le candidat doit être inscrit comme tel.

Finalement, la Loi électorale du Québec rend inéligible à être candidat toute personne qui, ayant été candidat à une élection précédente, n'a pas fourni une déclaration relative à ses dépenses.

7. Mise en candidature

a) En vertu des Lois électorales de l'Ontario et de la Colombie-Britannique, aucun dépôt n'est requis. Le nombre minimum de signatures requis est de cent (100) en Ontario et de vingt-cinq (25) ou cinquante (50) en Colombie-Britannique, selon le nombre d'électeurs dans le district électoral où candidat désire être mis en candidature.

Les conditions exigées par les lois électorales du Manitoba et du Québec sont exactement les mêmes que celles exigées au niveau fédéral, i.e. vingt-cinq (25) signatures et un dépôt de \$200.

En Saskatchewan et en Alberta, le nombre minimum de signatures requis est de quatre (4) et le dépôt est de \$100.

Le dépôt est également de \$100 dans les quatre (4) provinces de l'Atlantique; le

signatures varies, however, from ten (10) in New Brunswick to five (5) in Nova Scotia and two (2) in both Prince Edward Island and Newfoundland.

(b) The date set for nominations is always mentioned in the writ of election. In Ontario and Quebec, there are provisions to adjourn from day to day in exceptional circumstances.

8. Ballot Papers

(a) Format

The format of the ballot papers in eight (8) of the ten (10) provinces is basically the same as that of the ballot paper used at federal elections.

The main feature of the Quebec and British Columbia ballots is that, completely separate from the space provided for the printing of the names and particulars of the candidates, there is a square space provided solely for marking the ballot by the elector.

(b) Political Affiliations

Political affiliations of candidates are indicated on the ballot papers in the following provinces: Quebec, Nova Scotia, New Brunswick, Prince Edward Island, British Columbia, Alberta and Saskatchewan.

(c) Listing of Names

In Quebec and Nova Scotia, the names of the official candidates of recognized parties are listed first, in the alphabetical order of their surnames, on the ballot papers and the names of the other candidates follow, also in the alphabetical order of their surnames.

In New Brunswick, the names of the candidates on the ballot papers are printed in the following order:

- (i) first, the candidate or candidates of the Government party;
- (ii) the candidate or candidates of the party forming the official opposition;
- (iii) the candidate or candidates of any other recognized parties; and
- (iv) independent candidates.

The provisions of the British Columbia Elections Act are similar to those in the New Brunswick Act with a minor deviation with respect to independent candidates.

(d) Special Provision

In one province, namely Alberta, the ballot papers for any city constituency are printed in batches of one hundred (100) and are so

nombre minimum de signatures requis varie, cependant, de dix (10) au Nouveau-Brunswick à cinq (5) en Nouvelle-Écosse et à deux (2) tant à l'Île-du-Prince-Édouard qu'à Terre-Neuve.

(b) La date fixée pour les mises en candidature apparaît dans tous les cas dans les brefs d'élection. En Ontario et au Québec, des dispositions de la Loi permettent d'ajourner les mises en candidature de jour en jour dans certains cas exceptionnels.

8. Bulletins de vote

(a) Format

Les bulletins de vote en usage dans huit des dix provinces sont foncièrement les mêmes que ceux en usage aux élections fédérales.

La caractéristique principale du bulletin de vote du Québec et de la Colombie-Britannique est que, complètement séparé de l'espace prévu pour l'impression des noms et autres détails relatifs aux candidats, il y a un espace en forme de carré où apparaît la couleur naturelle du papier, spécialement et exclusivement réservé à l'apposition de la croix du votant.

(b) Affiliations politiques

Les bulletins de vote des provinces suivantes font mention des affiliations politiques des candidats: Québec, Nouvelle-Écosse, Nouveau-Brunswick, Île-du-Prince-Édouard, Colombie-Britannique, Alberta et Saskatchewan.

(c) Ordre des noms

Au Québec et en Nouvelle-Écosse, les noms des candidats officiels des partis reconnus sont d'abord indiqués sur les bulletins de vote, dans l'ordre alphabétique des noms de famille, puis les noms des autres candidats suivent, également dans l'ordre alphabétique de leurs noms de famille.

Au Nouveau-Brunswick, les noms des candidats sur les bulletins de vote sont imprimés de la façon suivante:

- (i) d'abord, le ou les candidats du parti formant le gouvernement;
- (ii) le ou les candidats du parti constituant l'opposition officielle;
- (iii) le ou les candidats de tout autre parti reconnu; et
- (iv) les candidats indépendants.

Les dispositions de la Loi de la Colombie-Britannique sont semblables à celles de la Loi du Nouveau-Brunswick avec une légère divergence pour les candidats indépendants.

(d) Dispositions particulières

Dans une province, nommément l'Alberta, les bulletins de vote pour toute circonscription électorale située à l'intérieur d'une cité

printed that upon the first batch the surnames of the candidates are in alphabetical order and that upon each successive batch, the alphabetical order of the surnames is altered only by advancing each name one position and by placing at the bottom of the list the name that appeared at the top of the list in the preceding batch.

9. Deputy Returning Officers and Poll Clerks

In all jurisdictions, the deputy returning officers are appointed by the returning officer. In Quebec and Prince Edward Island, the returning officer must appoint his deputy returning officers from a list of names provided by the candidate or a representative of the party forming the government.

Under the Quebec, New Brunswick, Nova Scotia and British Columbia legislation, the returning officer is also responsible for the appointment of the poll clerks. In Quebec, they must be nominated by the candidate or a representative of the party forming the official opposition. In the other provinces, as at the federal level, the responsibility for the appointment of the poll clerks is vested in the deputy returning officers. In British Columbia, the deputy returning officer may appoint his poll clerk if the returning officer has failed to do so.

10. Voting

(a) Advance Poll

There is provision in every provincial legislation, including British Columbia, for the establishment of advance polling stations. By and large, however, the facilities of advance polls are much more restricted at the provincial level than at the federal level.

(b) Absentee Voting

Two provinces, Manitoba and British Columbia, make provisions in their electoral legislation for absentee voting. Further information on the British Columbia method of absentee voting may be found at page 29 of the Report of the Representation Commissioner referred to above.

The Legislature of Manitoba, through a recent amendment to its election legislation, has made provision to allow physically incapacitated electors to vote by mail.

(c) Proxy Voting

Two provinces, Ontario and Nova Scotia, make provisions for proxy voting. The provi-

sont imprimés en lots de cent (100), et sont imprimés de telle façon que sur le premier lot les noms de famille des candidats sont par ordre alphabétique; dans chacun des lots suivants, l'ordre alphabétique est changé seulement en avançant d'une place chaque nom et en plaçant au bas de la liste le nom qui, lors du lot précédent, apparaissait en tête de la liste.

9. Sous-officiers rapporteurs et greffiers du scrutin

Dans tous les cas, les sous-officiers rapporteurs sont nommés par l'officier rapporteur. Au Québec et à l'Île-du-Prince-Édouard, l'officier rapporteur doit nommer ses sous-officiers rapporteurs d'après une liste de noms qui lui est fournie par le candidat ou un représentant du parti formant le gouvernement.

En vertu des législations du Québec, du Nouveau-Brunswick, de la Nouvelle-Écosse et de la Colombie-Britannique, l'officier rapporteur est également responsable pour la nomination des greffiers du scrutin. Au Québec, toutefois, ceux-ci sont désignés par le candidat ou le représentant du parti constituant l'opposition officielle. Dans les autres provinces, de même qu'au niveau fédéral, la responsabilité de la nomination des greffiers du scrutin incombe aux sous-officiers rapporteurs. En Colombie-Britannique, le sous-officier rapporteur peut nommer son greffier du scrutin si l'officier rapporteur a négligé de le faire.

10. Le scrutin

a) Bureau provisoires de votation

Les différentes législations provinciales, y compris celle de la Colombie-Britannique, prévoient l'établissement du bureaux provisoires de votation. De façon générale, toutefois, les dispositions régissant la tenue des bureaux provisoires de votation sont beaucoup plus restrictives au niveau provincial qu'elles ne le sont au niveau fédéral.

b) Vote des absents

Les lois électorales du Manitoba et de la Colombie-Britannique contiennent des dispositions relatives au vote des absents. Pour de plus amples renseignements concernant le vote des absents en Colombie-Britannique, on peut consulter, à la page 32, le Rapport du Commissaire à la Représentation dont il a été fait mention plus tôt.

Par une modification récente à sa législation électorale, la Législature du Manitoba a introduit un système de vote par la poste pour les électeurs souffrant d'une incapacité physique.

c) Vote par procuration

Deux provinces, soit l'Ontario et la Nouvelle-Écosse permettent le vote par procura-

sions in the Ontario legislation, however, are much more restrictive than those in the Nova Scotia legislation, from an application as well as from a control point of view.

(d) *Marking the Ballot*

The standard mark for voting seems to be the symbol "X". Ontario and Saskatchewan allow the use of a pen or ball point in addition to the black lead pencil in marking the ballots. The Manitoba legislation, while requesting that ballots be marked with a black lead pencil, specifies that they should not be rejected solely because they were marked with another "writing instrument".

(e) *Polling Day*

Polling day is always mentioned in the writ of election. Provisions are made in the Ontario and Quebec laws to adjourn the poll from day to day in exceptional circumstances.

11. *Official Addition and Recount*

Under the Quebec Election Act, the returning officer has and must cast a deciding vote only if there is a tie following a judicial recount. If there is a tie following the official addition of the votes, the returning officer must make an application to the appropriate judge for a recount. The costs of such recount are then borne by the public treasury.

The provisions of the other provincial acts in that respect are similar to those contained in the Canada Elections Act.

12. *Miscellaneous*

Under the British Columbia legislation, it is an offence to take a straw vote during the period of an election.

tion. Les dispositions de la Loi de l'Ontario, cependant, sont beaucoup plus restrictives que ne le sont celles de la Loi de la Nouvelle-Écosse, tant du point de vue application que du point de vue contrôle.

d) *Manière de voter*

La façon courante de voter semble être l'usage du symbole «X». L'Ontario et la Saskatchewan permettent l'usage de la plume ou du crayon à bille, en plus du crayon de mine noire, pour marquer le bulletin de vote. La législation du Manitoba, tout en requérant que les bulletins soient marqués avec le crayon de mine noire, précise qu'un bulletin ne doit pas être rejeté seulement parce que le vote a été marqué avec un autre dispositif pour écrire.

e) Le jour du scrutin est toujours indiqué dans le bref d'élection. La législation du Québec et celle de l'Ontario permettent que le scrutin soit ajourné de jour en jour dans certains cas exceptionnels.

11. *Addition officielle et recomptage*

En vertu de la Loi électorale du Québec, l'officier rapporteur n'a et ne doit déposer un vote prépondérant que lorsqu'il y a égalité de suffrages à la suite d'un recomptage judiciaire. S'il y a égalité à la suite de l'addition officielle des votes, l'officier rapporteur doit demander au juge compétent un nouveau dépouillement. Les frais d'un tel recomptage sont alors à la charge du trésor public.

Les dispositions des autres législations provinciales à ce sujet sont semblables en tous points à celles contenues dans la Loi électorale du Canada.

12. *Divers*

En vertu de la Loi électorale de la Colombie-Britannique, les sondages électoraux sont considérés comme des manœuvres frauduleuses, si faits pendant une période d'élection.

October 1969

Octobre 1969

OFFICIAL BILINGUAL ISSUE

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HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969

vingt-huitième législature, 1969

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 2

THURSDAY, NOVEMBER 27, 1969

LE JEUDI 27 NOVEMBRE 1969

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir les *procès-verbaux*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président

and Messrs.

et MM.

Alkenbrack,
Benjamin,
Cafik,
¹ Code,
Côté (Richelieu),
Duquet,

Forest,
Forrestall,
Fortin,
Francis,
Howard (Skeena),
Howe,

Jerome
Lefebvre,
Macquarrie,
Marceau,
Murphy,
Trudel—20.

(Quorum 11)

Le greffier du Comité,

R. V. Virr,

Clerk of the Committee.

Pursuant to Standing Order 65 (4) (b), Suivant l'article 65(4)b) du Règlement,
¹Replaced Mr. Nesbitt on November 25, ¹Remplace M. Nesbitt le 25 novembre 1969.
1969.

[Text]

REPORT TO THE HOUSE

THURSDAY, November 27, 1969

The Standing Committee on Privileges and Elections has the honour to present its

SECOND REPORT

Your Committee recommends that it be granted permission to sit in Toronto, Ontario.

Respectfully submitted,

[Traduction]

RAPPORT À LA CHAMBRE

Le JEUDI 27 novembre 1969

Le Comité permanent des privilèges et élections a l'honneur de présenter son

DEUXIÈME RAPPORT

Le Comité recommande qu'il lui soit permis de siéger à Toronto (Ontario).

Respectueusement soumis,

Le président,
OVIDE LAFLAMME,
Chairman.

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, November 27, 1969
(3)

The Standing Committee on Privileges and Elections met this day at 11.10 a.m., the Chairman, Mr. Laflamme presiding.

Members present: Messrs. Benjamin, Duquet, Forest, Forrester, Jerome, Laflamme, Macquarrie, Paproski (9).

Also present: Mr. Badanai, M.P.

Witnesses: Mr. J. M. Hamel, Chief Electoral Officer; Mr. Walter Nash, Assistant Chief Electoral Officer; Colonel J. P. Dewis, Assistant Judge Advocate General, Department of National Defence.

The Committee resumed its study of the Canada Elections Act.

The Chairman invited Colonel Dewis to give a brief résumé of the Canadian Forces voting rules. After a short statement, Colonel Dewis, assisted by Messrs. Hamel and Nash responded to questions.

At 12.40 p.m., the Committee adjourned to the call of the Chair.

[Traduction]

PROCÈS-VERBAL

Le JEUDI 27 novembre 1969
(3)

Le Comité permanent des privilèges et élections se réunit ce matin à 11h10. Le président, M. Laflamme, occupe le fauteuil.

Présents: MM. Benjamin, Duquet, Forest, Forrester, Jerome, Laflamme, Lefebvre, Macquarrie, Paproski (9).

Aussi présent: M. Badanai.

Témoins: M. J. M. Hamel, directeur général des élections; M. Walter Nash, directeur général adjoint des élections; le colonel J. P. Dewis, juge-avocat général adjoint, ministère de la Défense nationale.

Le Comité reprend son étude de la Loi électorale du Canada.

Le président invite le colonel Dewis à donner un bref résumé des règlements électoraux concernant les Forces armées canadiennes. Après une brève déclaration, le colonel Dewis, aidé de MM. Hamel et Nash, répond aux questions.

A 12h40, le Comité suspend ses travaux jusqu'à l'appel du président.

Le greffier du Comité,

R. V. Virr,

Clerk of the Committee.

[Texte]

[Interprétation]

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, November 27, 1969

• 1111

The Chairman: Gentlemen, we have a quorum to hear evidence.

Before putting to the members some items that could be decided in a very few minutes perhaps we should call on Mr. Nash, the Assistant Chief Electoral Officer, or Col. J. P. Dewis, of the Department of National Defence, who are very well acquainted with the procedure followed in the army to have people register their votes.

Would the Committee agree to that procedure?

Some hon. Members: Agreed.

The Chairman: Either Mr. Nash or Col. Dewis?

Col. (N) J. P. Dewis (Department of National Defence): Mr. Chairman, thank you for the opportunity of being here.

I might say that the Forces are very grateful for the special voting privileges we have. As I believe you know, there are some aspects of the voting system that we do not like, but I have been in this business with the Forces and the Chief Electoral Officer since approximately 1944, and although it has a number of failings we just have not been able to come up with any satisfactory solution to them. But it boils down to the fact that practically nobody in the Canadian forces is not able to vote at a general election.

The regulations are rather complicated to one who is not familiar with them, so I will try to keep my explanation as reasonably short as I can, consistent with clarity.

I am now speaking mainly of the Regular Forces. There are provisions that if a reserve officer or man is on full-time training or service he has the same privilege of voting as a member of the Regular Force, but I will confine my remarks to the Regular Force, which comprises the bulk.

Every person on enrolment in the Regular Force must complete a statement of ordinary residence, in which he designates as his place of ordinary residence for voting purposes the place where he was ordinarily residing at the time of enrolment.

TÉMOIGNAGES

(Enregistrement électronique)

Le jeudi 27 novembre 1969.

Le président: Messieurs, nous avons quorum et nous pouvons entendre les témoins. Avant de discuter de certains articles dont nous pourrions disposer en quelques minutes, peut-être devrions-nous entendre M. Nash, sous-directeur général des élections, ou le colonel J. P. Dewis du ministère de la Défense nationale qui sont bien au courant de toute la procédure suivie relative au scrutin dans les Forces armées. Le Comité est-il d'accord sur cette procédure?

Des voix: D'accord.

Le président: Monsieur Nash ou le colonel Dewis?

Colonel (N) J. P. Dewis (Ministère de la Défense nationale): Monsieur le président je vous remercie de m'avoir invité.

Les Forces armées vous sont très reconnaissantes pour les privilèges électoraux particuliers que nous avons. Il y a certains aspects du système de votation que nous n'approuvons pas, mais je m'occupe de cela avec les Forces et avec le directeur général des élections depuis environ 1944. Il y a des faiblesses et nous n'avons pas encore trouvé de solution adéquate. Cela se résume au fait que tous les soldats dans les Forces ne peuvent pas voter lors d'une élection générale.

Les règlements sont compliqués pour les personnes qui ne sont pas au courant et je vais être aussi bref que possible mais en même temps aussi clair que possible dans mes explications.

Je parle surtout de l'armée régulière. Il y a des règlements qui stipulent que les officiers de réserve et les soldats en service ou en formation à plein temps ont les mêmes droits que ceux de l'année régulière, mais je restreindrai mes observations à cette dernière catégorie qui est la plus importante. Toute personne lors de son enrôlement dans les Forces armées doit faire une déclaration de résidence habituelle et il indique le lieu de sa résidence habituelle aux fins de votation, son adresse habituelle au moment de son enrôlement dans l'armée.

[Text]

• 1115

In January or February of any year he has the opportunity of changing that place of ordinary residence to where he is then serving as a result of his duties, or of changing it to the address of a relative, such as his mother or father, or, if he is not living with his family, to where his wife and family are living.

When a general election is called service voting places are set up in all the units of the Canadian forces, and the candidate for whom a member of the forces is entitled to vote is the member of the electoral district in which his place of ordinary residence is situated, as designated in the statement. In other words, he is at all times bound by the statement of ordinary residence which he completes at the time of enrolment, or which he can change in January or February. There is a little provision, of course, in the regulations that if there happened to be an election during that period this change would not be applicable to that general election, or to a by-election, should there be one in the electoral district to which he has changed his statement.

For the purpose of taking the service vote, Canada is divided into three voting territories, with the Chief Electoral Officer's civilian officials in Edmonton, which looks after all of western Canada; Ottawa, which looks after all of Ontario and Quebec; and Halifax, which looks after the Maritimes.

There is also a provision that where there are sufficient numbers of members of the Canadian forces in other parts of the globe, the Chief Electoral Officer can establish a territory there. Ever since we have adopted these rules he has always established a headquarters in London, England, to look after the votes of members of the forces in Europe and in the Middle East.

At this point I might say that not only has a member of the force serving outside Canada the right to vote in the service procedure, but his wife also has that right. Her place of ordinary residence is, of course, deemed to be the same as that designated by her husband. So wives of members of the Canadian Forces outside Canada vote in the same manner as members of the forces. In Canada a wife votes as an ordinary Canadian citizen.

In each unit the Commanding Officer is required to establish a service voting place in charge of which is a deputy returning officer, also a member of the Canadian Forces, who is designated by the Commanding Officer.

From these four voting territory headquarters, Ottawa, Edmonton, Halifax and London, the Chief Electoral Officer's officials send to

[Interpretation]

En janvier ou février il a l'occasion de changer son lieu de résidence habituelle pour l'endroit où il est en poste ou l'adresse d'un parent, comme son père ou sa mère, ou s'il n'habite pas avec sa famille l'endroit où habite sa femme et ses enfants.

Lorsqu'on annonce une élection générale on établit des bureaux de votation dans toutes les unités des forces canadiennes et le candidat pour lequel le militaire a le droit de voter est le membre du district électoral où se trouve son lieu de résidence habituelle, tel qu'il est désigné dans sa déclaration. En d'autres termes, il est en tout temps lié par sa déclaration sur son lieu de résidence, qu'il a remplie lors de son enrôlement ou qu'il peut modifier en janvier ou en février. Il n'y a pas une disposition dans les règlements qui prévoit que, s'il y a une élection durant cette période, ce changement ne s'applique pas à l'élection générale ou partielle devrait-il y en avoir dans le nouveau district électoral qu'il a déclaré.

Pour les fins de la votation dans les Forces armées, le Canada est divisé en trois territoires de votation. Les officiers civils du directeur général des élections à Edmonton s'occupent de tout l'Ouest du Canada; Ottawa s'occupe de l'Ontario et du Québec; et Halifax s'occupe des Maritimes.

On a aussi prévu que, lorsqu'il y a un nombre suffisant de membres des forces canadiennes dans d'autres parties du monde, le directeur général des élections peut y établir un bureau. On a toujours établi un poste à Londres pour les forces armées en Europe et au Moyen-Orient.

Non seulement le soldat qui est en service hors du Canada a-t-il le droit de voter à ce bureau spécial, mais sa femme aussi. La femme a le droit de voter à l'endroit désigné comme lieu de résidence pour son mari. Par conséquent, les épouses votent de la même façon que leur mari. Au Canada, les épouses votent comme simple citoyen canadien.

Dans chaque unité, l'officier commandant doit établir un bureau de votation dirigé par un sous-directeur du scrutin qui est aussi un membre des forces armées et qui est désigné par l'officier commandant.

De ces quatre quartiers généraux de votation, soit Ottawa, Edmonton, Halifax et Londres, les officiers du directeur général des

[Texte]

every service voting place a sufficient number of ballots and other material required for voting.

The service voting takes place on the Monday preceding the ordinary polling day, and continues for the entire week.

I will not go into the details of the kind of ballots they sign and the envelopes, but in any event when they are voting they have to complete a statement on the outside of an envelope, indicating their place of ordinary residence, as designated in their statement of ordinary residence; the ballot itself is enclosed in a sealed inner envelope in the outer envelope, and it is addressed to the appropriate election official at one of the headquarters I have mentioned; and when it gets there it is then fully in the hands of the Chief Electoral Officer's officials.

The counting is actually done by from six to eight scrutineers, depending on how many the Chief Electoral Officer thinks he needs. The scrutineers are nominated by the various political groups in the House of Commons, and are appointed by the Chief Electoral Officer.

As I have indicated, the voting takes place for the entire week prior to ordinary civilian polling day. No counting is done until Tuesday morning at nine o'clock following ordinary civilian polling day. It takes the Chief Electoral Officer and his officials the better part of the week following civilian polling day to get all of the ballots counted, and each of these four voting territories headquarters report the total vote to the Chief Electoral Officer. He then breaks it down to the various electoral districts in Canada and sends a telegram to the Returning Officer saying how many votes there are for whom in an electoral district.

This, of course, means that the service vote is announced on the Friday night, or perhaps the Saturday, following the civilian polling day. This is one of the features we do not like. It seems to segregate, to quite an extent, the taking of the service vote. We should sooner see it merged with the civilian vote.

As I have indicated, I have worked with the Chief Electoral Officer on this problem ever since about 1944, but to enable all of us in the forces to have the facilities to vote that we have now, we have never have been able to come up with any other solution. There have been suggestions that we should vote earlier, maybe only vote on one day and have all the ballots counted by civilian polling day, but this would mean then that service ballots would be counted prior to the closing of civilian polls and there has been great objec-

[Interprétation]

élections envoient à tous les bureaux de votation un nombre suffisant de bulletins et d'autres accessoires pour la votation.

La votation des Forces armées se tient le lundi précédant le jour de l'élection et se continue pendant toute la semaine.

Je n'entrerai pas dans les détails au sujet des bulletins et des enveloppes, mais lorsque les soldats déposent leur bulletin ils doivent indiquer sur la face extérieure d'une enveloppe, le lieu de résidence habituelle qu'ils ont désigné dans la déclaration de leur lieu de résidence habituelle. Les bulletins sont placés dans une enveloppe intérieure scellée à l'intérieur de l'enveloppe extérieure qui est adressée à l'officier d'élection de l'un des quatre bureaux. Une fois rendue à destination, elle est entre les mains des officiers du directeur général des élections.

Le dépouillement est fait par des scrutateurs, 6 à 8, selon le nombre jugé nécessaire pas le directeur général des élections. Ils sont proposés par divers partis politiques à la Chambre des communes et ils sont nommés par le directeur général des élections.

Comme je l'ai déjà indiqué, la votation dure toute la semaine qui précède la date de la tenue des élections pour les civils. On ne dépouille pas les bulletins avant le mardi à neuf heures du matin, qui suit le jour de votation pour les civils. Le directeur général des élections et ses officiers prennent presque toute la semaine pour dépouiller tous les bulletins. Chacun de ces quatre territoires de votation communique le chiffre total de votes au directeur général des élections. Il fait la répartition et envoie un télégramme au directeur du scrutin, lui donnant le résultat du vote dans le district électoral.

Cela veut dire que le vote des forces armées est habituellement annoncé le vendredi soir, ou le samedi, qui suit le jour de l'élection pour les civils. C'est une des caractéristiques que nous n'aimons pas. Cela semble faire une sorte de ségrégation pour les forces armées. Nous aimerions que le vote soit intégré au vote civil.

Je travaille à ce problème depuis 1944 avec le directeur général des élections. Même si nous avons obtenu toutes les installations que nous avons, on n'a jamais pu trouver une solution à cette impasse.

On a suggéré parfois de tenir le vote plus tôt, de n'avoir qu'une journée de vote et que tous les bulletins soient complets pour le jour de l'élection civile, ce qui voudrait dire que les bulletins des militaires seraient comptés avant la fermeture des bureaux civils. On a soulevé des objections à cela. Le directeur

[Text]

tion raised to that. The Chief Electoral Officer has always maintained that he could never guarantee the secrecy of the service vote prior to the counting of the civilian vote. As I said, that is a bad feature, but frankly I know of no way to get around it if we are going to have the free, full voting privileges we now have.

I think, Mr. Chairman, this sort of covers it in a thumb-nail way. I would be pleased to answer any particular questions the members might have.

The Chairman: Thank you, Colonel Dewis. I do not want to ask any questions myself, but I will recognize Mr. Badanai.

Mr. Badanai: I would like to ask Mr. Nash what provisions, if any, are made for the convenience of patients in hospitals. Is any provision contemplated to provide facilities for voting for patients in hospitals? This is one of the important problems during election.

Mr. Walter Nash (Assistant Chief Electoral Officer): Mr. Chairman, I am not at all sure that this question should be directed to me.

Mr. Badanai: I am sorry, not being a regular member of your Committee, I did not realize that.

Mr. Nash: There are provisions for taking votes in hospitals, but only within the framework of the rules and the rules, of course, do not extend to the taking of votes in hospitals for ordinary civilians.

Mr. Badanai: I am talking about patients.

Mr. Nash: Yes, if you are a service man and you are a patient in a hospital there are...

Mr. Badanai: No, I am talking about civilian patients.

An hon. Member: But this is for the armed forces this morning.

Mr. Badanai: Oh, I see. I am very sorry.

The Chairman: We are studying the procedure of the Canadian Forces.

Mr. Badanai: All right, Mr. Chairman, I am sorry.

The Chairman: I thought your question was about the voting facilities for veterans, maybe, in National Defence hospitals.

Mr. Macquarrie.

[Interpretation]

générale des élections a toujours dit qu'il ne pouvait pas garantir le secret du vote des Forces armées jusqu'au compte du vote des civils. Comme je l'ai dit, c'est vraiment dommage mais je ne sais pas comment ou pourrait résoudre ce problème, si nous voulons conserver tous les privilèges électoraux que nous avons en ce moment.

Je pense, monsieur le président, avoir touché à tout bien que de façon assez superficielle. Je suis à votre disposition si vous avez des questions à me poser.

Le président: Merci, colonel Dewis. Je n'ai pas de questions à poser moi-même, mais M. Badanai voudrait peut-être commencer?

M. Badanai: Je voudrais demander à M. Nash quelles mesures ont été prises pour faire voter les malades dans les hôpitaux? Prévoit-on prendre des mesures de ce genre? C'est l'un des problèmes importants au cours des élections.

M. Nash (Directeur général adjoint des élections): Je ne sais pas si cette question devrait m'être adressée.

M. Badanai: Je regrette, comme je ne suis pas membre régulier de votre Comité, je ne m'en suis pas rendu compte.

M. Nash: Il existe des mesures en vue de faire voter les malades dans les hôpitaux mais les règlements ne permettent pas de faire voter les simples particuliers hospitalisés.

M. Badanai: Je parle des patients.

M. Nash: Oui, si le militaire est hospitalisé il y a...

M. Badanai: Non, je parle des patients qui sont des particuliers.

Une voix: Il s'agit toutefois ce matin des militaires.

M. Badanai: Je vois. Excusez-moi.

Le président: Nous étudions les procédures qui concernent les Forces armées canadiennes.

M. Badanai: Très bien, monsieur le président, je m'excuse.

Le président: Je pensais que votre question s'appliquait au vote des anciens combattants, dans les hôpitaux de la défense nationale. Monsieur Macquarrie.

[Texte]

Mr. Macquarrie: I would like to ask the witness—I know of the position of scrutineers at the various places which he has mentioned such as London, Halifax and Edmonton—what representatives of parties are at the actual place where the balloting is done, what we would call a polling station in civilian parlance.

Colonel Dewis: There is provision, Mr. Chairman, in the voting rules that any accredited representative of a candidate by filling out a certain certificate and giving it to his Commanding Officer, is entitled to be in the service voting poll during the whole time that voting is taking place. I do not know if there is any difference in his function there compared to his counterpart's in a civilian poll.

Mr. Macquarrie: Has it been the experience over the years that these people do show up and are there?

Colonel Dewis: I would say in only a relatively few cases, Mr. Macquarrie, very few, particularly outside of Canada, as I guess there would be quite a financial expense involved. I have heard of a few cases over the years in Canada, but very few, if I said half a dozen, maybe I might be out one or two.

Mr. Macquarrie: I am interested, as I am sure everyone is—and you underlined it yourself—in the problem of the vote being later and therefore isolated. Would a week's earlier start—there would have to be concomitant changes—allow, in your judgment, the job to be done and the counting to be completed by the night of a civilian election?

• 1125

Colonel Dewis: As far as the mechanics, the physical action, are concerned there is no problem, but it would mean setting nomination day one week ahead, too, making the period 21 days, and there are certain objections to that. If you set it ahead it would still end up so that the counting of the service vote would be finished, say, on the Saturday before the closing of civilian polls on the following Monday and the members of the Committee have always taken objection to this. So, physically, mechanically, it could be done, certainly, but there are political objections, I gather, to either moving nomination day ahead one week or counting the service vote before civilian polls are closed. There is no mechanical problem.

Mr. Macquarrie: I have always been impressed with two things, the counting and the releasing of the figures. I believe that

[Interprétation]

M. Macquarrie: Je voudrais demander ceci au témoin. Je connais la position des scrutateurs aux divers endroits qu'il a mentionnés, comme London, Halifax et Edmonton. Quels représentants de partis sont sur les lieux du scrutin, dans les bureaux de votation pour employer le terme consacré.

Colonel Dewis: Des dispositions dans le règlement sur le vote prévoient que tout représentant accrédité d'un certain candidat a le droit d'être présent au bureau de votation militaire pendant toute la durée du scrutin, s'il remplit un certificat qu'il remet à son officier commandant. Je ne sais pas s'il existe une différence entre les fonctions de cet homme et celles de celui qui occupe le même poste dans un bureau ordinaire.

M. Macquarrie: Est-ce que, d'après votre expérience, ces gens se présentent?

Colonel Dewis: Les cas sont très rares, surtout à l'étranger car cela représenterait une dépense assez lourde. Il y a eu certains cas au Canada, mais ils furent très rares, peut-être une demi-douzaine, peut-être moins.

M. Macquarrie: Tout le monde s'intéresse au problème que vous avez souligné, celui du scrutin qui a lieu plus tard et qui est isolé. Si l'on commençait une semaine plus tôt, il y aurait alors des modifications accessoires, est-ce que d'après vous le travail pourrait être fait et le compte se terminer pour le soir du vote des simples particuliers?

Colonel Dewis: Il n'y a pas de problème au point de vue matériel. Cela voudrait dire que la mise en candidature se ferait une semaine avant aussi, la période serait alors de 21 jours et il y aurait certaines objections. Si vous devancez la date, le compte des votes militaires serait terminé, mettons, le samedi avant la fermeture des bureaux ordinaires de votation le lundi suivant, et les membres du Comité s'y sont toujours opposés.

La chose serait possible matériellement, mais il y a des objections d'ordre politique, je crois, à devancer la nomination d'une semaine ou à dépouiller le scrutin militaire avant la fermeture des bureaux ordinaires de votation. Il n'y a pas de problème technique.

M. Macquarrie: J'ai toujours été impressionné par deux choses, soit le dépouillement et la publication des résultats. Je crois que

[Text]

many people have become more interested and more sensitive to the release at a different time, but I am interested in your view on the week's difference.

Colonel Dewis: It could be done. There is no mechanical or physical problem if those two dates were moved, but it does raise the question of the longer nomination period and the counting of them before civilian polls close. As far as we in the forces are concerned it would not affect us. We would assume the Chief Electoral Officer would maintain the secrecy, but on the other hand Mr. Hamel's predecessor was not prepared to give assurance that he could maintain the secrecy if the counting were done before the civilian polls closed.

Mr. Macquarrie: I would think that the question of guaranteeing secrecy—I am thinking out loud—would prevail either before or after and that this problem will still be a problem, the maintaining of the secrecy. This was really just an observation of mine.

Colonel Dewis: It is not really a problem now because the counting does not start until the day after the civilian polls close, so the sooner it is counted the better. If the counting could be completed by the Wednesday following the closing of civilian polls, that would be fine and there could be no question of any leakage. The sooner it is counted and the news is out the better, but the Chief Electoral Officer's staff has found it physically impossible to do it under three or four days.

Mr. Macquarrie: The point I am trying to make is that the question of leaks and the secrecy will exist either before or after election day, and, as you mentioned, Mr. Castonguay was concerned about that. I would submit that he would have to be concerned about it either before or after; he has to be concerned about it now.

Colonel Dewis: I do not believe he ever had any concern about any leakage of the service vote once the civilian polls were closed. The only fear of leakage is before the civilian polls close. For example, a scrutineer might say that they had counted all the ballots in Algoma East, which, I believe, is the first electoral district, by Tuesday noon and I do not suppose there would be anything particularly wrong if he sprung that information Tuesday noon because the civilian polls would be closed, although it all should be announced together.

[Interpretation]

bien des gens s'intéressent plus à la publication à un autre moment, mais votre opinion concernant la différence d'une semaine m'intéresse.

Colonel Dewis: La chose pourrait se faire. Il n'y a pas de problème d'ordre matériel si les deux dates sont changées, mais la question soulevée est celle de la période de nomination prolongée et le dépouillement qui aurait lieu avant la fermeture des bureaux ordinaires de votation. En ce qui nous concerne dans les Forces armées, nous ne serions pas touchés. Nous présumerions que le directeur général des élections pourrait conserver ces résultats comme confidentiels, mais d'un autre côté le prédécesseur de M. Hamel n'était pas disposé à assurer qu'il pouvait garder les résultats confidentiels si le dépouillement avait lieu avant la fermeture des bureaux ordinaires.

M. Macquarrie: Je serais porté à croire que la question de garantir le caractère confidentiel—je pense tout haut—prévaudrait soit avant ou après et que le problème du caractère confidentiel demeurerait. Je fais ici une observation personnelle.

Colonel Dewis: Ce n'est pas vraiment un problème maintenant, parce que le dépouillement ne commence pas avant le jour qui suit la fermeture des bureaux ordinaires de votation. Plus le dépouillement se fait tôt, mieux c'est. S'il pouvait être terminé pour le mercredi suivant la fermeture des bureaux ordinaires, ce serait très bien et on ne craindrait pas que les résultats soient dévoilés. Le plus tôt le dépouillement est terminé, le mieux c'est, mais le personnel du directeur général des élections est dans l'impossibilité physique de faire le travail en trois ou quatre jours.

M. Macquarrie: J'essaie de faire ressortir la question de la divulgation. Le caractère confidentiel existera soit avant ou après le jour de l'élection. Comme vous l'avez mentionné, c'est une question qui préoccupait M. Castonguay. Je dirais qu'il doit s'en préoccuper soit avant ou après; il doit s'en préoccuper maintenant.

Colonel Dewis: Je ne crois pas qu'il se soit jamais préoccupé de la divulgation du vote militaire après la fermeture des bureaux ordinaires de votation. Par exemple, un scrutateur pourrait dire que tous les bulletins d'Algoma-Est ont été comptés—il s'agit je crois du premier district électoral—avant mardi midi et je ne crois pas qu'on ait quoi que ce soit à redire s'il donnait ces renseignements le mardi midi, parce que les bureaux ordinaires seraient fermés bien que tous les résultats devraient être annoncés en même temps.

[Texte]

Mr. Macquarrie: I will not pursue this any further as we will have to deal with this later on, but he will have to do the same thing with the advance poll.

I have on more question and then I will pass. Would you care to tell us something about the manner in which party designation is conveyed to the military service voters?

Colonel Dewis: Every service voting place receives election supplies from the Chief Electoral Officer, one of which is a book containing the names of the candidates and, as provided in the voting rules, the normally accepted party or political group designation is placed after the candidate's name. In other words, the initials NDP will appear after an NDP candidate, with the same thing applying to a Liberal, Progressive Conservative or independent candidate.

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Mr. Macquarrie: So this comes from the Chief Electoral Officer?

Colonel Dewis: That is right.

Mr. Macquarrie: I am treasuring this up, Mr. Chairman, for a later day.

Thank you very much.

The Chairman: Mr. Benjamin.

Mr. Benjamin: Some of these are supplementary to what Mr. Macquarrie asked. On the matter of polling stations for armed forces voters, I assume that they have a DRO and a poll clerk the same as any other normal poll. Is that not correct?

Colonel Dewis: They have a deputy returning officer. He is the only one who is officially appointed. There is no particular provision for assistants, but of course he always has some clerical help. As far as any of the voting procedures are concerned, he has to sign the declaration which the voter makes and it is only the deputy returning officer who signs it. So, the difficulty in distinguishing a service voting place from a civilian poll is that they do not have a polling book. The deputy returning officer has a unit list which is prepared by the commanding officer of all officers and men in his unit showing the address that the voter has stated to be his place of ordinary residence, and a copy of that form is in the unit records with respect to every officer and man. I might say that when those forms are completed at the unit they are sent to headquarters and they go to the chief electoral officer and he looks at the address which

[Interprétation]

M. Macquarrie: Je ne poursuivrai pas plus longtemps puisqu'il faudra traiter de ce sujet plus tard, mais il lui faudra faire de même avec le vote devancé.

J'ai une autre question et je céderai la parole. Pourriez-vous nous parler de la façon dont les partis sont désignés aux votants du service militaire?

Colonel Dewis: Chaque bureau militaire de votation reçoit le matériel d'élection du directeur général des élections dont un livre contenant les noms des candidats et, comme on le mentionne dans le règlement sur les élections, le parti ou groupe politique du candidat est placé après son nom. Autrement dit, les initiales NPD suivront le nom d'un candidat NPD et le même procédé s'applique aux Libéraux, Conservateurs progressistes ou aux candidats indépendants.

M. Macquarrie: Tout cela provient du directeur général des élections?

Colonel Dewis: C'est exact.

M. Macquarrie: Je conserve ces renseignements pour un autre jour, monsieur le président.

Merci beaucoup.

Le président: Monsieur Benjamin.

M. Benjamin: Certaines sont complémentaires à celles que M. Macquarrie a posées. Au sujet des bureaux de scrutin à l'intention des Forces armées, je présume qu'il y a un sous-directeur du scrutin et un greffier du scrutin, comme on en trouve dans un bureau ordinaire?

Colonel Dewis: Oui, il y a un sous-directeur du scrutin, c'est le seul qui soit officiellement nommé. Il n'y a pas de dispositions expresses pour les adjoints et il a, bien sûr, des préposés aux écritures. Pour ce qui est des procédures de vote, il doit signer la déclaration que le votant fait, et c'est seulement le sous-directeur du scrutin qui la signe. La difficulté de distinguer entre un bureau militaire et un bureau civil réside dans le fait qu'il n'y a pas de cahier de scrutin. Le sous-directeur du scrutin a une liste pour l'unité préparée par le commandant où figurent tous les officiers militaires, avec l'adresse donnée comme lieu de domicile et dont copie est consignée dans les dossiers. Ces listes sont remplies à l'unité et envoyées aux quartiers généraux, puis au directeur de l'élection qui vérifie l'adresse et l'affecte à un arrondissement électoral; la liste revient à l'unité. Au moment de l'élection, le sous-directeur du scrutin, non seule-

[Text]

the declarant has stated in his statement and he puts a stamp on it indicating what electoral district it is in, and that form of course goes back to the unit. So, when an election comes along the deputy returning officer not only has available the name of the address that he has designated but also the chief electoral officer's official designation that that place lies within such and such an electoral district.

Mr. Benjamin: I would like to come back to this matter of the address in a moment. I do not understand why, except for some of the paper work, a polling station for armed forces personnel cannot be staffed and operated the same as a civilian poll. Is there not a provision for the DRO to appoint a poll clerk? Why not? What is the reason for not having one?

Colonel Dewis: I do not think, sir, that we have ever found it necessary because the deputy returning officer has any number of clerks in the unit available to him and the CO just says, "If you need a couple or clerks, here they are".

Mr. Benjamin: Does that DRO get paid the same as a DRO at a civilian poll?

Colonel Dewis: No, he does not get paid at all.

Mr. Benjamin: Why not?

Colonel Dewis: This is part of his duties. If he is officially designated by the commanding officer for that day or those days, this is his military duty. He does not do anything else.

Mr. Benjamin: Does the commanding officer hold any electoral position? Is he a returning officer?

Colonel Dewis: No, none at all, except that under the voting rules the responsibility is placed on him to ensure that adequate voting facilities are provided and that he gets the proper election material and turns it over to the deputy returning officer.

Mr. Benjamin: The reason I am asking is that last time I voted when I was in the services was in 1946 and there was one person manning the poll and we were lined up for over three hours. The poor guy just could not cope with it. In any event, this can be discussed later. I fail to see why an armed forces voting station cannot be set up with the same election officials as a civilian poll.

On the point of credentials for a candidate's agent, or scrutineer, are they the same as the credentials that would have to be used in a civilian poll, or is it a different form?

[Interpretation]

ment a à sa disposition le nom et l'adresse désignés, mais aussi la désignation du président d'élection que cet endroit se trouve dans ledit district électoral.

M. Benjamin: Je reviendrai tantôt à cette question d'adresse. Mais je ne comprends pas pourquoi un bureau de scrutin militaire ne peut pas être administré de la même façon qu'un bureau civil, exception faite de certaines formules. N'y a-t-il pas une disposition qui prévoit la nomination d'un greffier du scrutin par le sous-directeur du scrutin?

M. Dewis: Nous ne l'avons jamais jugé nécessaire, car le sous-directeur du scrutin peut compter sur un certain nombre de secrétaires, et le commandant peut lui en fournir d'autres.

M. Benjamin: Ce sous-directeur du scrutin reçoit-il la même rémunération que celui d'un bureau civil?

M. Dewis: Non, il ne reçoit rien.

M. Benjamin: Pourquoi?

M. Dewis: C'est une partie de ses fonctions. S'il est désigné officiellement par l'officier commandant pour ce jour, il est alors de service. Il n'a rien d'autre à faire.

M. Benjamin: Quel poste électoral a l'officier commandant?

M. Dewis: Aucun, sauf celui qui lui échoit en vertu du règlement électoral et qui lui adjoint de s'assurer que les installations de scrutin sont fournies, que les accessoires d'élection sont fournis et remis au sous-directeur du scrutin.

M. Benjamin: Je demande cela parce que, la dernière fois que j'ai voté, c'était en 1946 et il n'y avait qu'une personne au bureau de scrutin. Nous avons dû attendre en ligne pendant trois heures. De toute façon, nous pourrions en discuter plus tard. Je ne vois pas pourquoi le suffrage militaire ne peut être établi de la même façon qu'un bureau de votation civil.

Pour ce qui est de l'identité des votants, y a-t-il une formule spéciale?

[Texte]

Colonel Dewis: It is a special form which the candidate signs and it says that so-and-so is my appointed representative and pursuant to rule so-and-so he wants to scrutineer.

Mr. Benjamin: As the commanding officer is not an election official, why would the credential have to be handed to him rather than to the deputy returning officer?

Colonel Dewis: It is.

Mr. Benjamin: This implies that the commanding officer could prevent a candidate's agent from going to the poll.

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Colonel Dewis: The duty and responsibility for ensuring that a poll is set up there is placed on the commanding officer. He is the person who is responsible for designating a deputy returning officer. So, technically and legally, if anything goes wrong in the polling booth it is not only the responsibility of the deputy returning officer, it is the commanding officer as well, and therefore it is the commanding officer who will originally get the form, but he will have to turn it over to the deputy returning officer so that the deputy returning officer will know who the scrutineer is. What happens is that if the poll is already going the scrutineer will just hand it to the deputy returning officer, but normally if there is going to be a scrutineer the service voting place would not be set up. This would probably be done a few days before the poll actually opened, so at that time the DRO is not really in business.

Mr. Benjamin: It still escapes me why the commanding officer should be the person who oversees the matter of an agent's credentials. Certainly right up to the time or within 15 or 30 minutes before a poll opens any candidate has the right to send anyone he chooses there as an agent. To me this implies that the commanding officer has the right to refuse someone if he wishes.

Colonel Dewis: Under the rules...

Mr. Benjamin: The deputy returning officer surely should be the election official who is responsible for and in charge of that poll.

Colonel Dewis: If the commanding officer is presented with one of these certificates there is no provision for him to turn it down. If on the face of it it is valid, and so on, he has no discretion. He must let the scrutineer in. He cannot say, "I think we are too busy; I do not think we need you there". He has no alternative, he must let the scrutineer in.

[Interprétation]

M. Dewis: Oui. Le candidat la signe disant que celui-ci est mon représentant et que conformément aux règles, il veut vérifier.

M. Benjamin: Vu que l'officier commandant n'est pas fonctionnaire de l'élection, pourquoi devrait-il plutôt que le sous-directeur du scrutin examiner le document?

M. Dewis: C'est ainsi.

M. Benjamin: Cela laisse sous-entendre que l'officier commandant peut empêcher le votant de se présenter au scrutin.

M. Dewis: C'est à l'officier commandant qu'il revient de s'assurer qu'il y a là un bureau de scrutin. C'est lui qui nomme le sous-directeur du scrutin. Donc, au point de vue technique et juridique, s'il y a quelques anicroches au bureau de votation, ce n'est pas seulement au sous-directeur du scrutin qu'il faut s'en prendre, mais aussi à l'officier commandant. A son tour, il devra en faire part au sous-directeur du scrutin qui seul a été chargé d'examiner les suffrages. Si le scrutin est déjà en marche, l'examineur va simplement les remettre au sous-directeur du scrutin. Mais normalement, s'il y a un scrutateur, il n'y aura pas de bureau de scrutin militaire. Il ne sera installé que quelques jours avant le scrutin lui-même, de sorte que, à ce moment, le sous-directeur du scrutin n'est pas réellement en fonction.

M. Benjamin: Je ne sais pas encore pourquoi l'officier commandant doit être celui qui vérifie la preuve d'identité. Il me semble que, jusqu'à 15 ou 30 minutes avant l'ouverture des bureaux de scrutin, l'officier commandant a le privilège de choisir qui il veut comme agent, et qu'il peut refuser qui il veut.

M. Dewis: En vertu du règlement...

M. Benjamin: Mais le sous-directeur du scrutin a charge du bureau de scrutin et en est responsable.

M. Dewis: Il n'y a qu'une disposition visant le refus d'une telle demande, si on présente à l'officier commandant un tel certificat, il n'a pas le pouvoir de le rejeter. S'il semble valide, il doit accepter.

[Text]

Mr. Benjamin: I have been told of instances where—and I have no documentary evidence to support this—a candidate appointed a service man in that area to be his agent and the man was refused relief of duty in order to represent that candidate.

Colonel Dewis: On that point, the rules expressly state that anybody except a member of the Canadian forces can act as a scrutineer, so under the election statute a serviceman cannot act as a scrutineer.

Mr. Benjamin: This is ridiculous. No wonder service people are angry about their voting privileges. With respect to the matter of enumeration, I gather that this is done by way of an annual declaration by armed forces personnel as to their...

Colonel Dewis: It is taken from the form that he completed when he enrolled and then in January or February he has the right to change it. If he does not change it, his original statement could carry on for 15 or 30 years, or until he does change it.

Mr. Benjamin: Are there any provisions, in terms of the election law, that limit a person with respect to where he may show as his place of residence?

Colonel Dewis: Yes. These people have three choices. One, where they were ordinarily residing at the time of enrolment; two, where they are living as a result of their service, and the only time this can be done is in January or February; three, they can change it to the address of a relative. However, this change can only be made in January or February of any year, and if it is done and if his address is a place where there is a by-election, then that change is not valid for that by-election. He would have to vote in his former constituency.

Mr. Benjamin: Do the forces have any criteria with respect to what a permanent residence is in terms of a man's service, where he is working? I am referring to a person who is on the permanent staff at a base versus one who is only there for training purposes. What is to prevent...

Colonel Dewis: All it says is where he ordinarily resides as a result of his service. It does not say permanent address. It expressly says where he ordinarily resides as a result of his service.

Mr. Benjamin: The provisions that apply with respect to the civilian qualifications of an electorate do not apply here?

[Interpretation]

M. Benjamin: On m'a cité des cas—je n'ai aucune preuve ici—où un candidat a nommé un militaire dans une région donnée et on lui a refusé un congé à cette fin.

M. Dewis: Le règlement est clair à ce sujet: n'importe qui peut être scrutateur, sauf un militaire.

M. Benjamin: C'est ridicule. Les militaires s'indignent à juste titre quant à leur droit de vote. Si je comprends bien, il s'agit d'une déclaration annuelle du personnel des forces armées...

M. Dewis: C'est tiré de la formule remplie par le militaire lorsqu'il s'enrôle et, en janvier et en février, il a le droit de la modifier. S'il ne le fait pas, la formule vaut jusqu'à temps qu'il le fasse.

M. Benjamin: La loi renferme-t-elle des dispositions quant au lieu de résidence du votant?

M. Dewis: Oui. Il y a trois choix. Premièrement, leur lieu de résidence au moment de l'enrôlement, deuxièmement, celui où les appellent les exigences du service et, troisièmement, ils peuvent en janvier ou février donner l'adresse d'un parent. S'il s'agit d'une élection complémentaire, ce changement n'est pas valable. Il lui faudrait voter dans son ancienne circonscription.

M. Benjamin: Quel est le critère de l'armée quant à la permanence de la résidence d'un militaire; je parle d'un militaire affecté en permanence à une base, par opposition à un autre qui n'y serait que pour fins de formation? Qu'est-ce qui empêche...

M. Dewis: Il n'est fait mention que du lieu où il demeure, à cause des exigences du service. Il n'est pas question d'adresse permanente.

M. Benjamin: Les dispositions qui s'appliquent aux civils ne s'appliquent pas ici?

[Texte]

Colonel Dewis: No. There is no rule that you have to be there, as you are suggesting, six months. If you were posted from Halifax to Vancouver in December and although your previous statement might have shown your residence as Halifax, in January or February you could change it to Vancouver even though you had only been there a month provided that you were ordinarily residing there. If he were out there on a month's temporary duty, then I would have no hesitation in saying that he is not ordinarily residing there and if it came to my attention I would say that this form was not valid.

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Mr. Benjamin: If he were sent out for an 8 or 12-week course surely he could not change his...

Colonel Dewis: No.

Mr. Benjamin: But have there not been instances where they in fact have shown it?

Colonel Dewis: I certainly would not say there have not been because all of these cases do not come to my attention. I would find it rather unusual if a fellow went out there—and this would have to be January or February—for only a couple of months on a course and was then going back to his old place, or he knew he was going to be posted some other place. I would find it difficult to understand why he would want to change it, but it could happen.

Mr. Benjamin: Would it really be very difficult for either the forces or the Chief Electoral Officer to police this in the way it is set up now? You would have to go through it name by name and check back and it would be very difficult, would it not?

Colonel Dewis: Every form which is completed comes into headquarters and then they go over to the Chief Electoral Officer for review of the electoral district. There have been a number of cases where he picked up something that looked rather funny. It was completed in August, for example, but you look at the form and his rank and you get the idea; well he is not just a new enrollee, he is 45 years of age. What is he doing completing this statement in August? The only way he could complete it in August would be if he was just then enrolling. So on a number of occasions the Chief Electoral Officer has called me and given me the names. We have checked them out and sometimes found that the form was all right. In fact, in the particu-

[Interprétation]

M. Dewis: Non, il n'y a pas de règles portant que vous devez avoir été là, comme vous le suggérez, pendant six mois. Si vous êtes affecté d'Halifax à Vancouver, en décembre, et même si votre ancienne formule donne Halifax comme adresse, vous pouvez, en janvier, la changer et mettre Vancouver, même si vous n'y avez résidé qu'un mois. Si le votant a été là durant un mois de service provisoire, je n'hésiterais pas à dire que ce n'est pas son lieu de résidence ordinaire, et si on me demandait mon avis, je dirais que cette formule n'est pas valable.

M. Benjamin: S'il participait à un cours de 8 ou 12 semaines, sûrement, il ne pourrait pas changer son...

M. Dewis: Non.

M. Benjamin: Mais ne s'est-il pas produit des cas où, effectivement, on l'a montré?

M. Dewis: Je ne dirais pas que cela ne s'est jamais fait, car tous ces cas ne me sont pas signalés. Je trouve inusité qu'un type s'en aille là—ce devrait être en janvier ou février—pour suivre un cours de deux mois et revenir ensuite à son ancien domicile ou qu'il sache qu'il va être affecté ailleurs—je comprendrais difficilement pourquoi il voudrait changer, mais cela pourrait se faire.

M. Benjamin: Il serait très difficile pour les forces ou le directeur général des élections d'exercer un contrôle sur cela, compte tenu des conditions à l'heure actuelle. Il vous faudrait vérifier nom par nom et ce serait difficile n'est-ce pas?

Colonel Dewis: Lorsque la formule arrive à l'administration centrale, elle est envoyée au directeur général des élections pour faire l'examen du district électoral. Il y a un certain nombre de cas où il a découvert certaines choses qui semblaient assez étranges. Par exemple la formule avait été remplie en août et on peut voir que ce n'est pas une recrue, que c'est une personne de 45 ans. Pourquoi l'a-t-il remplie en août? Cela pourrait se faire uniquement s'il s'agissait d'une recrue. C'est là où le directeur général des élections m'appelle et me donne le nom à vérifier; on s'aperçoit alors que la formule peut être exacte. De fait, dans ce cas précis il s'agissait d'une personne qui s'inscrivait de nouveau après une absence de dix ou quinze ans. Il y a bien des

[Text]

lar case I mentioned it turned out this was a matter of re-enrolment. He had been in for 10 or 15 years before and went out and then re-enrolled again a couple of years later. So there are things like that. When you get used to the form they come to your attention but this does not mean there is 100 per cent accuracy.

Mr. Benjamin: We have had cases drawn to our attention where armed service personnel have shown themselves resident in a riding they have never in their lives been anywhere near.

Colonel Dewis: If they have a relative there under the rules this is all right. If they have never served there and they have never lived there then, of course, that is wrong.

Mr. Benjamin: If they have never served there and never lived there but had a relative there they could vote?

Colonel Dewis: Yes.

Mr. Benjamin: How close a relative?

Colonel Dewis: Blood relative, marriage.

The Chairman: The law, Section 25 of the Act states:

(i) the city, town, village or other place in Canada, with street address, if any, in which is situated the residence of a person who is the spouse, dependant, relative or next of kin of such member,

Which is quite wide.

Mr. Benjamin: What section was that again?

The Chairman: Section 25, subsection (3) paragraph (a)(i).

Mr. Benjamin: Further on this enumeration, I am calling it that, it is not the term you people use, if an election happens in October and the last list is January or February there is not a large number of the armed forces members, who in that intervening period have been transferred?

Colonel Dewis: Yes, that is true.

Mr. Benjamin: Your list has a high percentage of inaccuracy?

Colonel Dewis: No. Once you complete the statement of ordinary residence you are deemed to reside there until some time in the future, in January or February you change

[Interpretation]

cas comme ceci qui vous sont signalés. Les formules ne sont pas exactes à 100 p. 100.

M. Benjamin: Il y a des cas qui nous sont signalés, où il peut arriver qu'un membre des forces armées soit inscrit dans une circonscription où il n'a jamais habité.

M. Dewis: Si ces personnes ont un parent à cet endroit, en vertu du règlement, c'est juste si elles n'ont jamais vécu là, alors ce n'est pas juste.

M. Benjamin: Si elles n'ont jamais vécu là mais qu'elles ont un parent à cet endroit, elles pourraient voter?

M. Dewis: Oui.

M. Benjamin: Quel genre de parent?

M. Dewis: Un parent naturel ou par mariage.

Le président: L'article 25 de la Loi est libellé comme suit:

(i) la cité, la ville, le village ou autre endroit du Canada, avec la rue et le numéro, s'il en est, où est située la résidence d'une personne qui est le conjoint, une personne à charge, un parent ou une personne désignée comme plus proche parent de ce membre;

Ce qui est très vaste.

M. Benjamin: De quel article s'agit-il?

Le président: L'article 25, paragraphe (3) alinéa (a), sous-alinéa (i).

M. Benjamin: Si une élection se produit en octobre, mettons et que la dernière liste remonte à janvier ou février n'y a-t-il pas un grand nombre de militaires qui dans l'intervalle ont été mutés?

M. Dewis: Oui, c'est vrai.

M. Benjamin: Votre liste n'a-t-elle pas un grand nombre d'imprécisions?

M. Dewis: Une fois que vous avez rempli la formule indiquant la résidence ordinaire, on juge que vous résiderez là jusqu'à un certain temps dans l'avenir mais si en janvier ou

[Texte]

this so it does not matter. This chap say in Halifax completed the form there and is posted to Vancouver. An election comes along a year or two later and he has made no change in his form. When he votes he must attribute his ballot to the electoral district of Halifax in which is located the place he designated in his statement. Once you complete a statement that is it for all time; it is good until you complete a new one.

Mr. Benjamin: Let us take the case of this person you say is in Halifax. He is shown as residing in Halifax. On March 1 he gets posted to Vancouver on permanent staff and he is obviously going to be there for an indefinite period of time. He moves March 1, there is an election in October and he would have to vote for a candidate in Halifax.

Colonel Dewis: That is right if that was his statement. When he was in Halifax his statement might have been Borden. He might have changed it in Borden and then he was posted to Halifax and he did not bother changing it there and then he is posted to Europe or he is posted anywhere. Until he completes a new statement, and that can only be done in January or February, then the rules deem him to continue to reside in the place he designated in his statement.

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Mr. Benjamin: I know even better why armed forces people are so unhappy with the way voting runs for them and a lot of other people. I just want to comment, Mr. Chairman, I fail to understand, except maybe for some of the people working in some other detail, why armed forces polls cannot be run the same and the law apply equally to both, the election law, not armed forces regulations or anything else. It just escapes me. We had an instance last year where a person who was on the armed forces roll then ended up in a hospital for the chronically ill, where a polling place was because of it being that kind of a hospital, and he voted twice.

The Chairman: Thank you, Mr. Benjamin. Mr. Forest.

Mr. Forest: The members of the armed forces vote by inscribing the name of the candidate on a ballot. Is this rendered necessary by the question of timing so they could not vote on a regular ballot where all the names of the candidates would appear?

Colonel Dewis: That is the main reason. Nominations, as you know, do not close until 14 days before our civilian polling day. Service voting starts seven days before our civil-

[Interprétation]

février il y a changement de résidence cela ne change rien. Supposons une personne qui a rempli une formule à ce moment-là, alors qu'il est à Halifax et qu'il soit envoyé par la suite à Vancouver, si l'élection est convoquée un ou deux ans après, et qu'il n'a pas modifié sa formule il doit voter à Halifax. Une fois que la formule est remplie, elle est valable jusqu'à ce qu'une nouvelle formule soit remplie.

M. Benjamin: Vous dites que si la formule fait voir qu'un militaire est à Halifax, mettons, et qu'en mars il est envoyé à Vancouver, il pourrait y être pour un temps indéfini, n'est-ce pas? Il déménage le 1^{er} mars, il a une élection en octobre, il doit voter pour le candidat à Halifax, n'est-ce pas?

M. Dewis: Oui, si c'est ce qui paraît dans sa déclaration. Lorsqu'il était à Halifax, il se peut que sur sa formule Borden ait été inscrit. Il peut être affecté en Europe ou ailleurs, mais rien ne change à moins qu'il n'ait rempli une nouvelle déclaration en janvier ou en février. C'est le règlement; il est censé résider à l'endroit désigné dans la formule.

M. Benjamin: Maintenant, je comprends pourquoi les militaires sont si peu satisfaits des règles électorales. Une seule observation, monsieur le président, je ne comprends pas, sauf pour quelques cas, pourquoi les bureaux militaires ne peuvent être administrés de la même façon que les bureaux civils de scrutin. Par exemple, un militaire qui s'était inscrit sur la liste des forces armées et qui se retrouve dans un hôpital pour les malades chroniques a eu l'occasion de voter deux fois.

Le président: Merci, monsieur Benjamin. Monsieur Forest.

M. Forest: Lors du scrutin le militaire inscrit le nom du candidat sur le bulletin de vote. Cela est-il nécessaire? Ne pourrait-il pas se servir d'un bulletin ordinaire où tous les noms des candidats figureraient?

M. Dewis: Oui, c'est la raison principale car les présentations ne se font pas quatorze jours avant le jour de l'élection pour les civils. Les militaires votent sept jours avant les civils,

[Text]

ian polling day so it means that the Chief Electoral Officer has only one week to get ballots and lists of candidates to every service voting place no matter where it might be. We find quite often that if we get them by Friday in some places before we start voting on Monday, this is pretty good. To get all individual ballots printed as they are done in an ordinary civilian constituency in Canada would just take too long. I think probably, Mr. Hamel, you are better able to speak on that than I.

Mr. Jean-Marc Hamel (Chief Electoral Officer): You must remember that the ballot papers used in civilian polls are printed locally within the electoral district so it would mean getting these ballots to Ottawa and then shipping them all over the world. Even if nomination day were advanced by a week, we just could not do it.

Mr. Forest: How do they know who the candidate in such a riding is? Is there a list mailed to everybody or given by the Commanding Officer or how does it proceed?

Mr. Hamel: Under Section 16 of the rules I have to publish right after nomination a complete list of all candidates officially nominated with the political affiliation. We print a few hundred, I should say a few thousand copies of this, and it is sent and is available in each military poll. So when a serviceman comes in to vote, after having filled out his statement and so on, he can check that list once he knows what electoral district his vote is to be applied to, he can check who are the candidates there, and not only the names of the candidates but also the political affiliation.

Mr. Forest: Can he inscribe the name of the candidate in any way? Does it have to be in block letters?

Colonel Dewis: No the rules say it can be written. It does not have to be pencil, it does not have to be ink, as long as it is legible you just write it in. Even if he mis-spells the name a little bit, if it is obvious this is the candidate for whom he is voting, the rules provide that our scrutineers will accept that.

Mr. Forest: If he put Liberal or Conservative at the end would that invalidate the vote?

Colonel Dewis: I do not think that would make any difference because that is already provided on the official list which each person has. Political affiliations are not put in civilian polls.

Mr. Forest: One observation made by candidates at recounts when they were looking at

[Interpretation]

par conséquent, le directeur général des élections n'a qu'une semaine pour envoyer les bulletins de vote quel que soit le poste où est affecté le militaire. Nous constatons bien souvent que si cela est un vendredi et que l'élection commence un lundi c'est très serré. Pour imprimer tous les bulletins de vote, comme dans les circonscriptions civiles, l'impression prendrait trop de temps.

M. Jean-Marc Hamel (Directeur général des élections): Il faut se rappeler que les bulletins de vote utilisés dans les bureaux civils de votation sont imprimés localement dans le district, ce qui veut dire les envoyer à Ottawa et les expédier partout dans le monde. Même si on avance le jour des présentations d'une semaine, cela est impossible.

M. Forest: Comment savent-ils qui sont les candidats? Envoie-t-on une liste à tout le monde, ou est-elle fournie par l'officier commandant?

M. Hamel: Selon l'article 16, je dois publier, après le jour des présentations, une liste complète de tous les candidats officiellement présentés, avec leur affiliation politique. Nous en imprimons, je dirais, quelques centaines et des milliers même, qui sont mis à la disposition de tous les bureaux de scrutin militaire. Et lorsqu'un militaire vient voter, après avoir rempli sa déclaration, etc., il peut vérifier cette liste, une fois qu'il sait dans quel district électoral il doit voter, il peut vérifier non seulement leur nom, mais aussi leur affiliation politique.

M. Forest: Peut-il inscrire le nom du candidat de quelque façon? En capitales d'imprimerie?

M. Dewis: Non, selon le règlement, on peut se servir du crayon ou de la plume aussi longtemps que le nom est lisible. Même s'il fait une erreur d'orthographe, s'il est évident que c'est le candidat pour lequel il veut voter, l'examineur acceptera son bulletin de vote.

M. Forest: Et s'il met libéral ou conservateur au bout du nom, cela rend-il le vote non valide?

M. Dewis: Peu importe. Cela est déjà stipulé dans la liste officielle qu'il a en sa possession. Dans un bureau civil, on ne met pas l'affiliation politique.

M. Forest: Une observation qu'on a faite, lors des recomptages, était que les bulletins

(Texte]

the military votes was that they all looked the same. I suppose this is because they print in block letters and they all look the same. Would that be the reason?

Colonel Dewis: I do not really know. I had not heard that; it could be. They could be printed, they could be written. I do not know. I really could comment on that. I would be surprised if I saw too many of them.

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Mr. Forest: I have heard this remark by candidates at recounts when they were looking at military votes, saying that they all look the same. If they write in square block letters maybe they would look the same.

Colonel Dewis: Well, there is no requirement. You can print it, write it, or scribble it, as long as it is legible.

Mr. Forest: The military vote lasts for a week, does it not?

Colonel Dewis: Yes, sir. From Monday to Saturday. We always try to complete it before Saturday, or early in the week, if possible, because these other envelopes must get to the appropriate voting headquarters, either London, England, or Halifax or Ottawa or Edmonton. And if someone is voting say, in the Middle East, that envelope has to get to the office in London, England, by 0900 hours on Tuesday following the civilian polling day. So it is obvious that if it is left too late, transportation might delay it and it might not get there in time for 0900 hours Tuesday, and if it does not it is not counted. So they do try to complete it as early in the week as possible.

Mr. Forest: The Armed Forces are spread out all over the world. That is why the delay is so long.

Colonel Dewis: That is right.

The Chairman: Mr. Lefebvre, have you any supplementary questions? I have Mr. Paproski on the list.

Mr. Lefebvre: Yes. When a serviceman overseas wishes to vote and shows up at the polling place, is his name already on the Returning Officer's list?

Colonel Dewis: Normally, it is. As I indicated, the Commanding Officer must prepare a list of everybody in his unit and he must show what the place of ordinary residence is according to records. So you could say that most people who come into a service voting place have their names on that DRO's list. But a man could be on leave or he could be

[Interprétation]

de vote militaire ont l'air tous pareils. Y a-t-il une raison pour cela?

M. Dewis: Je ne le sais pas. Je n'en ai jamais entendu parler, mais il se peut que si tous les bulletins sont imprimés qu'ils aient la même apparence, mais je ne peux vraiment pas faire d'observation à ce sujet.

M. Forest: J'ai entendu cette remarque de la part de candidats lors d'un comptage du scrutin militaire parce qu'on se servait de lettres moulées et qu'elles se ressemblaient.

M. Dewis: Il n'y a pas d'exigences à cet égard aussi longtemps que l'écriture est lisible.

M. Forest: Le vote militaire dure une semaine, n'est-ce pas?

M. Dewis: C'est-à-dire du lundi au samedi. Nous essayons de tout terminer le plus tôt possible car les enveloppes doivent être envoyées aux quartiers généraux appropriés soit à Londres, à Halifax, à Ottawa ou à Edmonton. Si quelqu'un vote au Moyen-Orient, l'enveloppe doit arriver à Londres avant le mardi suivant le jour du vote à 9 heures du matin. Si on envoie la lettre trop tard, des délais de transport peuvent empêcher la lettre d'arriver à temps et elle ne serait pas comptée. C'est pourquoi nous essayons de terminer le plus tôt possible.

M. Forest: Les Forces armées étant réparties dans le monde entier, c'est ce qui fait que les retards soient si longs.

M. Dewis: C'est exact.

Le président: S'agit-il d'une question supplémentaire, monsieur Lefebvre? J'ai M. Paproski sur ma liste.

M. Lefebvre: Oui, lorsqu'un militaire outre-mer veut voter, il se présente au bureau de scrutin; est-ce que son nom figure sur la liste du directeur du scrutin.

M. Dewis: Normalement oui. L'officier commandant doit normalement rédiger une liste pour son unité où figure le lieu de résidence ordinaire selon les dossiers. On peut dire que tous les militaires se trouvent sur la liste du sous-directeur du scrutin. Si un homme est en congé ou en voyage commandé, il peut voter à n'importe quel bureau militaire. S'il n'est pas

[Text]

travelling on duty and away from his own unit, and the rules provide that he can vote at any service place. If he is not a member of that unit, he has to produce identification, his leave chit, or his ID card, or his travel orders or something of that nature. He must identify himself before that DRO, but his name will not be on that DRO's list.

Mr. Lefebvre: In order that he may know the names of the candidates in his own particular riding, he is provided with a list at that time, or he asks for the list and looks up the name of his riding and sees the names of the three, four or five candidates, whatever it may be, in his particular riding.

Colonel Dewis: Yes, sir. In every service voting place there is a copy, or maybe two or three, of the list of candidates Mr. Hamel mentioned.

Mr. Lefebvre: There is no other attempt made to provide the serviceman with campaign literature on behalf of the parties, if not the candidates? This is all he gets in the matter of electoral information, you might say, only the candidates name and the name of the party he represents?

Colonel Dewis: That is right. His name and the party he represents; that is all he gets at the service voting place. But, of course, in Canada it is not uncommon for a candidate to obtain a list of the names of the persons in a unit, and he is entitled to mail them his own campaign material or whatever he wishes to mail, either to their private houses or to the service address.

Mr. Lefebvre: But no campaign is allowed on an Armed Forces base in Canada.

Colonel Dewis: That is right.

Mr. Lefebvre: None whatsoever.

Colonel Dewis: Or outside Canada either, as far as that goes.

Mr. Lefebvre: Well, maybe there would be many other citizens who would not mind it either if we would not bother them during an election.

Quite frequently during an election or after an election some persons claim that the Armed Forces vote is not secret enough. I have heard this every election, I think. I see here on page 3 of the English copy of the Canadian Forces Voting Rules that Mr. Hamel has gone to quite a bit of trouble to explain why he feels that the Armed Forces vote is indeed very secret. I understand that the

[Interpretation]

membre de l'unité, il doit s'identifier avec sa carte d'identité ou son ordonnance de déplacement, etc.... devant le sous-directeur du scrutin.

M. Lefebvre: Afin qu'il connaisse les noms des candidats dans sa circonscription, on lui fournit une liste ou il la demande. De cette façon il connaît les 3, 4 ou 5 noms des candidats dans sa circonscription.

M. Dewis: Oui, dans chaque bureau, il y a deux ou trois listes de tous les candidats.

M. Lefebvre: Il n'y a pas d'autres tentatives pour fournir de la documentation électorale aux militaires, c'est tout ce qu'il a, en matière de renseignements électoraux? Le nom du candidat et le nom du parti qu'il représente?

M. Dewis: Oui, le nom du candidat et le parti qu'il représente. C'est tout ce qu'il a au bureau de scrutin. Bien sûr, au Canada, il n'est pas rare qu'un candidat ait une liste des noms d'une unité et bien sûr il peut faire parvenir sa documentation électorale par la poste, s'il le désire.

M. Lefebvre: Mais au Canada on ne permet pas de publicité électorale sur les bases militaires, n'est-ce pas?

M. Dewis: C'est exact.

M. Lefebvre: Aucune?

M. Dewis: Ni en dehors du Canada.

M. Lefebvre: Il y a bien des citoyens qui nous sauraient gré de ne pas les déranger avec cela au cours d'une élection.

Bien souvent après une élection, les gens prétendent que le vote militaire n'est pas suffisamment secret. J'ai entendu cela souvent. Je vois à la page 3 de la version anglaise du règlement électoral que M. Hamel a pris beaucoup de peine à nous expliquer pourquoi le vote militaire est très secret. Le bulletin est marqué, vous le mettez dans une enveloppe scellée et dans une autre enveloppe aussi scel-

[Texte]

ballot paper is marked, it goes into one envelope which is sealed, and then into another envelope which is sealed, and this is mailed by the voter to the Returning Officer.

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Mr. Hamel or Mr. Nash, on these complaints about lack of secrecy in Canadian Forces voting, what is the major complaint? The procedure seems to be covered here quite thoroughly, but apparently there are still people who are concerned that it is not secret enough. What complaints do you get about the lack of secrecy, if any?

Colonel Dewis: Could I say something on that? As I have indicated, I have been in this business for the Forces since about 1944 and I quite agree that this is always the complaint I get every time I go into the Mess, particularly around election time. I am always castigated for this terrible system, this lack of secrecy of the ballot. You write your name on the outside of the envelope and it goes into the mail.

Mr. Lefebvre: Is it on the inner envelope that you write your name?

Colonel Dewis: No, no, on the outer envelope. Then I explain just what Mr. Hamel has gone through here. I point out that this inner envelope is sealed. The elector himself puts the ballot in the small envelope and it is sealed, and then the small envelope is put in the big one, and it goes in the mail. The scrutineers and the special Returning Officer at headquarters get it.

There are two opposing political groups acting as scrutineers who deal with each individual outer envelope which is still sealed. It remains sealed until 0900 hours on the Tuesday following the civilian polling day. The two scrutineers check the envelopes again as to electoral districts and so on. Then both of them together open the outer envelope and take the small sealed envelope out, which has nothing on it except the notation, "This is an inner ballot envelope". There are no markings and, of course, there is no identification on the ballot itself. That small unopened envelope is dropped into a locked ballot box. Then when they have done all that...

Mr. Lefebvre: In other words, when the outer envelope is opened and the inner envelope which is also sealed is removed then no identification is left whatsoever.

Colonel Dewis: Right. It is immediately dropped into a locked ballot box, and they keep doing that until they have done it for the entire electoral district. When there are

[Interprétation]

lée qui est postée par le votant au directeur du scrutin.

M. Hamel, M. Nash, à l'égard de ces plaintes concernant le manque de discrétion du vote militaire, quelles sont les principales plaintes? On semble tenir compte de tout, mais il y a encore des gens qui prétendent que le vote n'est pas assez secret. Quelles sont les plaintes que vous recevez à cet égard?

M. Dewis: Puis-je dire un mot à ce propos? Comme je l'ai dit tantôt, je m'occupe du vote militaire depuis 1944, je suis tout à fait d'accord qu'il y a toujours des plaintes, chaque fois que je me rends au «mess» surtout en temps d'élection, on me parle du manque de secret parce qu'il faut écrire son nom sur l'enveloppe et la poster.

M. Lefebvre: C'est sur l'enveloppe intérieure que vous inscrivez votre nom?

M. Dewis: Non, sur l'enveloppe extérieure. Je tiens à signaler que l'enveloppe intérieure est scellée. Le directeur lui-même met le bulletin de vote dans la petite enveloppe il la scelle et la met dans la grande qui est aussi scellée et mise à la poste.

Le scrutateur ou le directeur du scrutin spécial la reçoit.

Il y a deux scrutateurs, un de chaque parti politique, qui reçoivent ces enveloppes scellées. L'enveloppe reste scellée jusqu'à 9 heures du matin, le mardi suivant le jour de l'élection. Les deux scrutateurs vérifient les enveloppes et ensemble enlèvent le sceau de l'enveloppe extérieure. Ils en sortent l'enveloppe intérieure qui contient le bulletin de vote mais qui ne porte aucune identification. Cette enveloppe cachetée est déposée dans l'urne scellée. Alors...

M. Lefebvre: Autrement dit, quand vous ouvrez l'enveloppe extérieure pour y prendre l'enveloppe intérieure, il n'y a aucune identification quelconque qui paraît.

M. Dewis: Non. On les verse immédiatement dans l'urne scellée et cela se fait pour tout district électoral. Lorsqu'il n'y a plus d'enveloppes pour, disons, Algoma-Est, les

[Text]

no more envelopes for say, Algoma East, the two scrutineers then open the locked ballot box. They open the small inner envelopes and take the ballots out. There is a pile of small envelopes which are all sealed, but there is no way in the world of telling out of which outer envelope a particular small envelope came.

Everybody says, "But I write my name on the back and I put my envelope in". Well, I keep telling them, and I go through the procedure again. After I have done so, that person is convinced. But then the next day there will be somebody else.

Mr. Forrestall: I wonder if I could ask a supplementary question.

The Chairman: Yes, Mr. Forrestall.

Mr. Forrestall: I ask it with all the respect in the world. The issue is not the possibility of identification of the individual who has marked the ballot. The issue follows a week or 10 days later when we sit in the comfort of our armchairs and say, "Ah, the Navy voted so and so, or the Army voted so and so, following true to pattern".

Are you suggesting, Mr. Hamel—I am sorry I was late but the External Affairs Committee also met at eleven o'clock. I have heard from Mr. Macquarrie what your remarks have dealt with, and this is my question. Do I understand that there is no way we can change this? Is this essentially what you are suggesting?

The issue is the general identification of the patterns of voting in the Canadian Armed Forces. They have been so marked in the past. For example, in the riding that I represent it was quite possible, as I have suggested here before, to stand at the gate and you know that for every five who come out, you know exactly how they voted. The odds would be—they are so public and so well-known to everybody that, in fact, the secrecy of the franchise has been lost to them.

Mr. Lefebvre: In total, you mean, but not individually.

Mr. Forrestall: Not individually. And as I have suggested, while this is a criticism, I think it is a psychological thing. The safeguards are there and anybody who wants to look closely at it will recognize that the secrecy is preserved. But let me just ask this question again. Is there no conceivable way within the present machinery to ensure anonymity to the members of our Canadian Armed Forces?

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Mr. Hamel: I do not think Colonel Dewis suggested, and I do not think I ever suggested,

[Interpretation]

deux scrutateurs enlèvent les scellés de la boîte de scrutin. Ils ouvrent les enveloppes extérieures, puis sortent les enveloppes intérieures qu'ils déchachètent pour en tirer les bulletins de vote. Il n'y a aucun moyen de dire d'où vient telle ou telle enveloppe.

Bien sûr, les votants se plaignent parce qu'ils écrivent leurs noms au verso de l'enveloppe et je leur dis à chaque fois ce que je viens de vous dire. Le lendemain, c'est une autre plainte.

M. Forrestall: J'aurais une question supplémentaire.

Le président: Oui, monsieur Forrestall.

M. Forrestall: Je pose ma question avec le plus grand respect. La question n'est pas de savoir s'il est possible d'identifier un votant quelconque, mais la question se pose 8 ou 10 jours plus tard lorsque le résultat du vote militaire est publié. Nous disons alors: «Ah, la marine a voté pour celui-ci et l'armée pour celui-là».

Je suis désolé d'avoir été en retard, mais le Comité des Affaires extérieures se réunissait aussi à 11 heures. M. Macquarrie m'a mis au courant de vos remarques et voici ma question. N'y a-t-il aucun moyen de changer le système? Est-ce cela que vous proposez? Le problème c'est qu'il est possible de connaître les diverses tendances du scrutin dans les Forces armées. Par exemple dans la circonscription il est très facile de se tenir à la barrière et de savoir comment chacun a voté. Les gens qui viennent voter sont tellement bien connus qu'en fait, leur vote est aussi connu et l'aspect secret du vote ne tient plus pour eux.

M. Lefebvre: Vous voulez dire collectivement et non individuellement.

M. Forrestall: Collectivement, oui, mais je crois qu'il s'agit d'un phénomène psychologique. Quiconque regarde la chose de près s'aperçoit que le secret du vote est sauf mais permettez-moi de vous reposer cette question. N'y a-t-il aucun moyen concevable de changer le rouage actuel pour conserver l'anonymat du vote militaire?

M. Hamel: Ni le colonel Dewis ni moi avons suggéré qu'il n'y a aucun moyen de remédier

[Texte]

that there was no way of correcting this. What I may have...

[Interprétation]

à cette situation.

Mr. Forrestall: Well, Mr. Hamel, with all respect, if there is a possible way then I think it becomes part of our responsibility to find out what that way is and move with it.

Mr. Hamel: That is correct. What I was going to add is that if, as under the present procedure, we count the military vote a week later or before the civilian poll, the identification as a group will still be there, and if you announce the result of the armed forces vote on polling night or a week later it will still be identified as such. So under the present procedure I cannot see how it could be done.

In 1963 the committee considered two alternatives—I do not know if you recall this—one being to allow members of the forces in Canada to vote as civilians and only those abroad would vote under the Canadian Forces voting rules. Under this procedure you would still identify as a group the vote of this much smaller group, maybe about 10 per cent of the total force. The other alternative which was considered by the committee then but which would not solve your problem—at that time the Committee was much more concerned about another problem, such as the one which we had at Comox-Alberni at the last election—was that the Forces would vote strictly under the rules. That though would definitely not solve your problem, it would even be worse, because at the moment a certain percentage of the Forces vote as civilians because they can vote as civilians if they happen to be at election time in the electoral district where they have their normal residence.

Of course, there are other ways. If Parliament decided to have a permanent list—I believe Mr. Castonguay went into this in much more detail—then the members of the forces would vote absentee, as any other Canadian.

Mr. Benjamin: May I ask a supplementary?

Mr. Forrestall: Just a moment please. We do have a permanent list in connection with the armed forces.

Mr. Hamel: That is true. This is a permanent list on absentee voting.

M. Forrestall: Ceci dit en toute déférence, monsieur Hamel, s'il y a une possibilité, j'estime qu'il est de notre devoir de la découvrir et d'agir en conséquence.

M. Hamel: C'est juste. Voici ce que j'allais ajouter. Si, comme cela se fait à l'heure actuelle, on compte les votes des militaires une semaine après ou avant les votes des civils, ce groupe fera toujours l'objet d'une distinction; et si l'on annonce les résultats des votes des Forces armées le soir des élections ou une semaine plus tard, là encore ce groupe sera cité séparément. Donc, selon la méthode actuelle, je ne vois pas comment la chose serait possible.

En 1963, le Comité a envisagé deux solutions possibles—je ne sais pas si vous vous en souvenez. La première était d'autoriser les membres des Forces armées en garnison au Canada à voter en tant que civils; seuls alors les militaires en garnison à l'étranger voteraient selon les Règles électorales concernant les Forces canadiennes. Selon cette méthode, on pourrait toujours distinguer les votes d'un certain groupe, mais il s'agirait alors d'un groupe beaucoup moins nombreux, 10 p. 100 peut-être de l'ensemble des Forces armées. L'autre solution envisagée alors par le Comité, mais qui ne résoudrait pas votre problème—à l'époque, le Comité se préoccupait bien davantage d'autres difficultés, de l'ordre de celles que nous avons eues à Comox-Alberni lors des dernières élections—était de faire voter les membres des Forces armées strictement en conformité des règles. Toutefois, cela ne résoudrait assurément pas votre problème, et ne ferait même que l'aggraver, puisqu'à l'heure actuelle, un certain pourcentage des membres des Forces armées votent en tant que civils, comme ils en ont le droit s'ils se trouvent être, au moment des élections, dans la circonscription électorale dans laquelle est situé leur domicile habituel.

Évidemment, il y a d'autres solutions. Si le Parlement décidait d'établir une liste permanente—je crois que M. Castonguay a exposé cela de façon beaucoup plus détaillée—les membres des Forces armées voteraient simplement en tant qu'absents comme les autres Canadiens.

M. Benjamin: Puis-je poser une question supplémentaire?

M. Forrestall: Un instant, s'il vous plaît. Il existe une liste permanente en ce qui concerne les Forces armées.

M. Hamel: C'est exact. Il s'agit d'une liste permanente pour le vote des absents.

[Text]

Mr. Forrestall: Let me ask you this one question. I think this has to be talked out. We have to explore the methods. I do not know for sure what the answer is. Would you concede, Mr. Hamel, that there is a possibility of overcoming this under the absentee voting system?

Mr. Hamel: Yes. If you adopted a system of absentee voting with a much broader base than it has at the moment and included other groups, because at the moment the only absentee voting system we have is restricted to the members of the forces and their wives if they are abroad, then the votes of the forces would be diluted in this.

Mr. Forrestall: With minor modifications, the Canadian Forces voting rules could be re-entitled "Voting Rules for all Canadians Outside Canada" with the adoption of an absentee voting system. The basic thing I am trying to get at is that people abroad are identifiable and there is a permanent ongoing changing list, as changes are made, that is available to you as the Chief Electoral Officer of Canada.

Mr. Hamel: Are you referring to specific groups of people abroad such as civil servants, or any Canadians?

Mr. Forrestall: I am not trying to confuse the issue; I am just saying that the procedural course charted in this Canadian forces voting rules, where it deals with voters outside Canada, could with minor modifications be applicable to every Canadian outside the country or every voter outside the country who remains a Canadian citizen, whether he is outside for his company, outside for the Canadian armed forces, on extended vacations, or has retired in the South. I do not want to confuse the issue. The point I am getting at is that we have not only in theory but in practice a permanent list of members of our Canadian armed forces outside Canada and one that satisfies the one major requirement in any procedure that involves absentee voting from a point of view of safeguard and protection against abuse of the franchise.

Mr. Hamel: Yes.

[Interpretation]

M. Forestall: Permettez-moi de vous poser la question que voici. Je crois qu'il nous faut tirer cela au clair. Il nous faut examiner en profondeur les diverses méthodes. Je ne suis pas certain de la réponse. Estimez-vous, monsieur Hamel, qu'il serait possible de surmonter cette difficulté grâce au régime du vote des absents?

M. Hamel: Oui. Si vous adoptez un régime de vote des absents qui soit fondé sur des critères beaucoup plus larges qu'à l'heure actuelle et inclut d'autre groupes, car pour l'instant, il est restreint aux membres des Forces armées en garnison à l'étranger et à leurs épouses, les votes des Forces armées y seront assimilés.

M. Forrestall: Avec de légères modifications, on pourrait désormais intituler les Règles électorales concernant les Forces canadiennes «Règles électorales concernant tous les Canadiens à l'étranger» en adoptant un régime de vote des absents. Ce à quoi je veux en venir, avant tout, c'est qu'il est possible d'identifier les Canadiens résidant à l'étranger, et qu'il existe une liste permanente continuellement remise à jour que vous, directeur général des élections du Canada, avez à votre disposition.

M. Hamel: Voulez-vous parler de groupes particuliers de gens à l'étranger, comme les fonctionnaires, ou de n'importe quels Canadiens?

M. Forrestall: Je n'essaie pas d'embrouiller les choses. Je dis simplement que la partie de cette méthode établie dans les Règles électorales concernant les Forces canadiennes relatives aux électeurs qui se trouvent en dehors du Canada pourraient, avec de légères modifications, s'appliquer à tout Canadien ou à tout électeur qui se trouve en dehors du pays tout en restant citoyen canadien, qu'il soit à l'étranger parce qu'il y a été envoyé par son entreprise ou par les Forces armées du Canada, ou qu'il s'y trouve pour des vacances prolongées, ou encore qu'il ait pris sa retraite dans le Sud. Je ne veux pas embrouiller les choses. Ce à quoi je veux en venir, c'est que nous avons, non seulement en théorie, mais aussi en pratique, une liste permanente des membres des Forces armées du Canada qui se trouvent en dehors du pays, et que cette liste est conforme à la seule exigence véritable de toute méthode ayant trait au vote des absents, à savoir, la question des sauvegardes et de la protection contre un abus du droit de vote.

M. Hamel: En effet.

[Texte]

Mr. Forrestall: Is there, in your opinion, a possibility, if we do certain things as a Committee or make certain recommendations which Parliament of course would have to deal with, of ensuring in fact the anonymity of the Canadian force voters?

Mr. Hamel: Well, it is certainly possible but if you want some reasonable safeguards you will have to design some system whereby you will have a list of these people, and to me this is the real stumbling block.

Mr. Forrestall: You are, sir, our valued and respected architect. Thank you.

Mr. Benjamin: On this point, Mr. Chairman, of group identification, I have a feeling that the armed forces are overly sensitive about this and that we overly worry about it. Is this not also the case in many hundreds of civilian polls? For example, in my constituency they are all farmers and their wives; they are all basically of the same ethnic group; one party in that poll got no votes at all, another party got 10, and another got 81. Everybody knows how they all did not vote and everybody also knows how most of them voted. This same thing occurs in areas of certain ethnic or occupational groups poll after poll. This general identification of how people voted is as much or more true in civilian polls than is the case in the armed forces.

Mr. Hamel: Well, this is a very real problem with chronic hospitals or homes for the aged, or such kinds of institutions. Every time we establish a poll in these institutions this is a reality we have to face and we always make it clear to the management or the administration of the institution that the vote of the group per se will be identified—they will vote in favour of this or in favour of that. So this is a reality not only in the forces but in every one of those institutions or religious orders, for instance. At times we can group together two or three polling divisions so as to dilute the polls of the members of that institution, but it is not always possible.

Mr. Benjamin: There is just really no way that you could completely or even nearly

[Interprétation]

M. Forrestall: Pensez-vous qu'il soit possible, si, en tant que Comité, nous prenons certaines mesures ou nous faisons certaines recommandations, qui, bien entendu, devront être soumises à l'approbation du Parlement, d'assurer en pratique l'anonymat des électeurs des Forces armées du Canada?

M. Hamel: Évidemment, la chose est possible; mais si vous voulez un degré raisonnable de protection, il vous faudra mettre au point une méthode qui vous permette d'avoir une liste de ces personnes, et, à mon avis, c'est là la véritable pierre d'achoppement.

M. Forrestall: Vous êtes, monsieur, notre précieux et honoré architecte. Merci.

M. Benjamin: Relativement à cette question des distinctions de groupes, monsieur le président, j'ai l'impression que les Forces armées sont trop susceptibles à cet égard, et que nous nous en préoccupons trop. N'est-ce pas aussi le cas des votes de centaines de civils? Par exemple, dans ma circonscription, il n'y a que des agriculteurs et leurs femmes; ils appartiennent tous, fondamentalement, au même groupe ethnique; à cette élection, un parti n'a obtenu aucune voix, un autre en a obtenu 10, et un troisième en a obtenu 81. Tous les électeurs savent pour qui aucun d'entre eux n'a voté, et tous savent aussi pour qui la plupart d'entre eux ont voté. La même chose se produit, élection après élection, dans les zones où sont concentrés certains groupes ethniques ou certains groupes professionnels. Cette identification générale de la façon dont ont voté les gens est tout aussi vraie, sinon plus, dans le cas des civils que dans celui des Forces armées.

M. Hamel: C'est un problème indéniable dans les hôpitaux pour malades chroniques, dans les asiles de vieillards, ou dans les autres établissements du même ordre. Chaque fois que nous installons un bureau de vote dans l'un de ces établissements, c'est une réalité à laquelle il faut faire face, et nous prévenons toujours la direction de l'établissement que les votes du groupe en tant que tel vont être identifiés: le groupe aura voté en faveur de tel candidat ou de tel autre. La même chose est donc vraie non seulement des Forces armées, mais aussi de chacun de ces établissements ou ordres religieux, par exemple. Parfois, nous pouvons regrouper deux ou trois bureaux de vote afin d'assimiler aux autres les votes des occupants de l'établissement en question, mais ce n'est pas toujours possible.

M. Benjamin: Il n'y a absolument aucun moyen de résoudre ce problème entièrement,

[Text]

completely solve that problem for any kind of poll, armed forces or civilian. It is just a fact of the democratic system of casting ballots, is it not?

Mr. Forrestall: Mr. Chairman, Mr. Benjamin's remarks were hardly germane to the other argument.

The Chairman: I think that Mr. Dewis has a comment to make.

Colonel Dewis: Thank you, Mr. Chairman. In my opening remarks I wanted to say how much we appreciated the vote but I also indicated that there were certain aspects of the service voting that we do not like very much at all. Of course, this very point which has been brought up about merging is I suppose one of the main complaints. Not only do members of the forces complain about it but also our civilian officials, our Minister, and our Chiefs of Staffs. We have been working on this for years. One would think that to merge the military vote all you have to do is have everybody in the forces vote as civilians. Now in the provincial elections we do just that, except in Ontario where there is a little different procedure.

I can recollect that at the second last Nova Scotian election about 5,000 RCAF and dependants at Greenwood, voted as civilians. But there is practically nothing around Greenwood other than the station and, of course, they had a couple of civilian polls there. They voted as ordinary civilians but what comes out in the paper is that the Air Force voted 60-70 per cent Liberal or P.C. or whatever it is, because who else votes in those two voting places except members of the forces. The same thing applies to Petawawa or Borden and a large number of other places across Canada. So if you really wanted to know how the forces voted at any election, even if we all voted as civilians, you just get the count from those. Now you would not be able to come up and say that 64.250 per cent voted Liberal or P.C. You would only be able to say about 55 per cent. Well, what is the difference between 55 or 65 per cent—the vote as a class is disclosed. This is why we do not like it.

[Interpretation]

ni même presque entièrement, pour n'importe quel genre de bureau de vote, qu'il soit destiné aux Forces armées ou aux civils. C'est l'une des conséquences inévitables du régime démocratique de suffrage, n'est-ce pas?

M. Forrestall: Monsieur le président, les observations de M. Benjamin se rapportaient bien peu à l'autre sujet du débat.

Le président: Je crois que M. Dewis a une observation à faire.

M. Dewis: Merci, monsieur le président. Au cours de ma déclaration préliminaire, je voulais faire remarquer combien nous apprécions de pouvoir voter, mais j'ai aussi dit qu'il y avait certains aspects du vote des Forces armées qui ne nous plaisaient pas du tout. Bien entendu, cette observation même que l'on a faite relativement au fusionnement est, je le suppose, l'un des principaux sujets de mécontentement. Non seulement les membres des Forces armées, mais aussi nos hauts fonctionnaires civils, notre ministre, et nos chefs d'état-major, s'en plaignent. Il y a des années que nous étudions cette question. On pourrait s'imaginer que pour fusionner les votes des militaires avec ceux des autres, il suffit de permettre à tous les membres des Forces armées de voter en tant que civils. C'est exactement ce que nous faisons pour les élections provinciales, sauf en Ontario, où l'on procède d'une façon un peu différente.

Je me rappelle qu'aux avant-dernières élections en Nouvelle-Écosse, environ 5,000 membres de l'Aviation royale du Canada à Greenwood et leur famille ont voté en tant que civils. Mais il n'y a pour ainsi dire rien d'autre que la base dans les parages de Greenwood, et, évidemment, il n'y avait là qu'un ou deux bureaux de vote pour les civils. Les membres de l'ARC ont voté en tant que civils, mais on a dit dans les journaux qu'entre 60 et 70 p. 100 des membres de l'Aviation royale avaient voté pour les libéraux ou pour les conservateurs, disons, car nul, sinon les membres des Forces armées, ne votait dans ces deux bureaux de vote. Il en est de même de Petawawa ou de Borden, et de bien d'autres endroits au Canada. Donc, si l'on voulait vraiment savoir pour qui les membres des Forces armées ont voté lors d'une élection donnée, même si nous votions tous en tant que civils, il suffirait de regarder les résultats de ces endroits-là. Il ne serait pas possible de dire que 64.25 p. 100, mettons, des électeurs avaient voté pour les libéraux ou pour les conservateurs, mais l'on pourrait dire qu'il y en avait eu environ 55 p. 100. Qu'il s'agisse de 55 ou de 65 p. 100, cela ne change rien au fait que le vote d'un groupe est dévoilé. C'est là ce qui ne nous plaît pas.

[Texte]

Mr. Forrestall: I have seen where it was 5 to 1.

Colonel Dewis: I have been working with the Chief Electoral Officer since 1944 and even if we vote as civilians there is still a problem.

Mr. Lefebvre: What we have found out here, before all these supplementaries, is that although the individual's voting secrecy is protected, none of us is protected as to the group we happen to belong to, whether it is a small village or an industrial city or a place such as Westmount. Each one of us is identified through our polling subdivision. It could be a papermill town where everybody is a papermill worker and where you could say that papermill workers vote as such or, as Mr. Benjamin pointed out, a group of farmers all voting in the same poll.

Mr. Macquarrie: In a sense, if I may observe, without being pedantic, the servicemen really have more anonymity than their civilian fellows because we know that there are so many in the constituency but we do not know what polls they come from.

Colonel Dewis: That is right. They might be serving in Indochina although the result comes out of the Edmonton office. So you do not know where the fellow was.

The Chairman: Mr. Paproski.

Mr. Paproski: Mr. Chairman, most of my questions were answered by the supplementaries in the last 15 or 20 minutes but one thing I would like to clarify. There are three voting areas for the military in Canada—Edmonton, Ottawa and Halifax. The ballots are gathered in these areas for the different parts of Canada. Are they counted there or are they shipped to Ottawa for counting?

Colonel Dewis: They are counted each in the electoral district. I did not mention it but for instance, Edmonton not only looks after all of Western Canada, but the Chief Electoral Officer has authority, in the case of a number of voters who are not in any voting territory established under the rules, to authorize a special returning officer to take votes outside his territory. For example, Edmonton actually handles all the service voting which takes place generally in the western or central United States. The eastern United States is handled by the returning officer in Ottawa.

[Interprétation]

M. Forrestall: J'ai vu des cas où la proportion était de 5 à 1.

M. Dewis: Je travaille avec le directeur général des élections depuis 1944, et même si nous votons en tant que civils, le problème se pose toujours.

M. Lefebvre: Monsieur le président, avant toutes ces questions supplémentaires, nous venons de trouver que, bien que le secret du scrutin soit protégé pour les individus, personne d'entre nous n'est protégé sous le rapport du groupe auquel il appartient, que ce soit un petit village, une ville industrielle ou un endroit comme Westmount. Chacun d'entre nous est identifié d'après notre subdivision électorale. Il peut s'agir d'une ville où l'on fabrique du papier, où tout le monde travaille à la papeterie et où on pourrait donc dire que les employés de la papeterie ont voté en tant que tels ou, comme l'a dit M. Benjamin, un groupe de cultivateurs qui votent tous à la même urne.

M. Macquarrie: Dans un sens, si je puis faire une remarque sans être pédant, les militaires jouissent de plus d'anonymat que les civils parce que nous savons qu'il y en a un tel nombre dans une circonscription, mais nous ignorons de quelle urne ils viennent.

M. Dewis: C'est exact. Les soldats peuvent servir en Indochine et le résultat arrive d'Edmonton, par conséquent, on ne peut les identifier.

Le président: Monsieur Paproski.

M. Paproski: Monsieur le président, on a répondu à presque toutes mes questions lorsqu'on a posé les questions supplémentaires depuis 15 ou 20 minutes, mais il y a une chose que je voudrais tirer au clair. Pour les militaires, il y a trois régions de votation au Canada, soit Ottawa, Edmonton et Halifax. Les bulletins sont réunis dans ces trois régions pour les diverses parties du Canada. Ces bulletins sont-ils comptés dans ces trois régions, ou sont-ils envoyés à Ottawa?

M. Dewis: Les bulletins sont comptés dans chaque district électoral. Je ne l'ai pas dit, mais, par exemple, Edmonton non seulement s'occupe de tout l'Ouest, mais le Directeur général des élections peut, lorsqu'il y a des électeurs qui n'appartiennent à aucun district approuvé par les règlements, autoriser un directeur du scrutin spécial à prendre les votes hors de son territoire. Par exemple, Edmonton s'occupe de tout le vote pour l'Ouest ou le centre des États-Unis. Ottawa s'occupe de l'Est des États-Unis. Le directeur du scrutin de Londres, en Angleterre, s'oc-

[Text]

The returning officer in London, England, might look after taking votes of persons in Viet Nam or even Tokyo. Or it might be more convenient for the Ottawa office to handle them by mail from Tokyo. They are all counted in these four individual headquarters. That is where the envelope goes and then each one of those four special returning officers reports his totals for each of the 263 electoral districts to the Chief Electoral Officer, who then gets all these figures together for each electoral district. Then he announces to the civilian returning officer of each electoral district how many service votes there are.

Incidentally, when I say the service vote, that includes veterans who may be in DVA hospitals. There is a little special system for taking their votes but those ballots are also handled by these four—well, three—there are veterans in hospitals in Europe. But those votes are melded in with the service votes, so actually there may be 3,000 or 4,000 veteran's votes amongst ours as well as dependants', as well as wives', outside Canada.

Mr. Paproski: Are we able to receive names of potential armed services voters who live in our constituencies before the election?

Colonel Dewis: All officially nominated candidates have a right to see the list that the commanding officer prepares in his unit and this is done, I guess, in the first two weeks after the election is called. The commanding officer has to prepare a list showing all electors in his unit and the candidate is authorized to go in and to make extracts of these lists if he wishes. As a matter of fact, we have been in the habit of giving out a copy of this list if the candidate really wants it.

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Mr. Paproski: If it is in a western part, let us say an Edmonton constituency, where does he obtain his information—from the commanding officer of Western Command?

Colonel Dewis: No, he would have to do it from whatever units are in Edmonton. This is a responsibility of a unit. In other words, Mobile Command in Montreal has a number of units across Canada which come under it. You would not get from the general of Mobile Command in Montreal the list of those voting in Edmonton.

Mr. Paproski: Just tell me where I could. If I want to do this, who do I go to and where do I get the list?

[Interpretation]

cupe du scrutin des soldats au Vietnam ou même à Tokyo.

Ou encore, il serait peut-être plus pratique que le bureau d'Ottawa s'en occupe par la poste. Tous ces scrutins sont comptés dans ces quatre centres. C'est là que l'enveloppe va et chacun de ces quatre officiers rapporteurs spéciaux fait son rapport pour chacun des 263 districts électoraux au Directeur général des élections, qui, alors, rassemble tous ces chiffres pour chaque district électoral. Il annonce alors, au directeur du scrutin civil de chaque district le nombre de votes militaires.

A propos, quand je dis votes militaires, cela comprend les anciens combattants qui sont dans les hôpitaux du ministère des Affaires des anciens combattants. Il y a un système spécial pour recueillir leurs votes, mais ces bulletins sont aussi la responsabilité de ces quatre personnes, trois plutôt, il y a des anciens combattants hospitalisés en Europe. Ces scrutins sont mêlés au vote des Forces armées, et il y a donc 3,000 ou 4,000 votes d'anciens combattants parmi les nôtres, et ceux de leurs épouses et leurs familles, à l'étranger.

M. Paproski: Pouvons-nous recevoir avant les élections les noms des soldats de notre circonscription qui pourraient voter?

M. Dewis: Tous les candidats présentés officiellement ont le droit de voir la liste préparée par le Commandant dans chaque unité et cela se fait, je crois, dans les deux premières semaines après l'annonce des élections. Le Commandant doit préparer une liste de tous les électeurs dans son unité et le candidat a le droit de faire des extraits de ces listes s'il le désire. De fait, nous avons suivi l'habitude de transmettre un exemplaire de cette liste au candidat s'il le désire.

M. Paproski: S'il s'agit d'une région de l'Ouest, disons pour Edmonton, où prend-il ses renseignements, du Commandant du Commandement de l'Ouest?

M. Dewis: Non, Il doit s'adresser aux unités d'Edmonton qui peuvent exister. C'est une responsabilité d'une unité. En d'autres termes, le Commandement de la Force mobile à Montréal a un certain nombre d'unités dans tout le Canada qui en relèvent. Vous ne pouvez obtenir la liste des votants à Edmonton en vous adressant au général du Commandement de la Force mobile à Montréal.

M. Paproski: Dites-moi simplement où je puis me procurer cette liste. Si je voulais le faire, à qui dois-je m'adresser et où puis-je me la procurer?

[Texte]

Colonel Dewis: You go to the commanding officer of whatever unit you are interested in.

The Chairman: Are you speaking as a candidate?

Mr. Paproski: I am speaking now as a candidate and I want to know how many military people are on the list that belong to my constituency. Where do I go to get the complete list?

Colonel Dewis: You cannot get a complete list of everyone who is entitled to vote in your constituency unless you also go over to brigades in Europe and ask for the CO's list there. Now, if you got all those lists, you would have a complete list.

Mr. Paproski: This is what I want to know—if you can get a complete list. Somebody here mentioned that there is a possibility of getting a complete list of the names of constituents and others in the service in other parts of the world. There is no such thing as a complete list. All we can get is what there is in Canada unless we apply to all the different services and the different brigades and the different commanding officers of different regiments.

Colonel Dewis: Yes.

Mr. Paproski: That is fine. Thank you.

The Chairman: Mr. Benjamin.

Mr. Benjamin: Is it not correct that a candidate is not entitled to a complete list?

Colonel Dewis: I might put it the other way around. There is not any complete list other than certain machine records and information we give to the Chief Electoral Officer. There is no provision for a complete list for any candidate other than his applying to the commanding officer of each unit. And if your constituency is, say, Edmonton, there is nothing to prevent you from going to a unit in Halifax and asking for the Halifax unit's list because on it there will probably be a half a dozen whose electoral district is Edmonton because they were serving in Edmonton or they came from there and never changed their statement to Halifax.

Mr. Benjamin: Then if Mr. Paproski or I as candidates want a list of the armed forces people who are eligible to vote in our constituencies, we are not entitled to it in the sense that you just cannot possibly give us one.

[Interprétation]

M. Dewis: Du Commandant de l'unité qui vous intéresse.

Le président: Parlez-vous en tant que candidat?

M. Paproski: Je parle maintenant à titre de candidat et je veux savoir combien de militaires de ma circonscription figurent sur la liste. Où puis-je obtenir la liste complète?

M. Dewis: Vous ne pouvez obtenir la liste complète de toutes les personnes qui ont droit de voter dans votre circonscription à moins d'aller aux brigades en Europe et de demander la liste au Commandant. Vous auriez une liste complète si vous pouviez vous procurer toutes ces listes.

M. Paproski: C'est ce que je veux savoir si on peut obtenir une liste complète. Quelqu'un a dit ici qu'il est possible d'obtenir une liste complète des commettants et de ceux qui sont dans les Forces armées dans d'autres parties du monde. Une liste complète n'existe tout simplement pas. Tout ce que nous pouvons obtenir, c'est ce qui existe au Canada, à moins de s'adresser aux services divers, aux brigades, et officiers commandants des différents régiments.

M. Dewis: Oui.

M. Paproski: C'est bon. Merci beaucoup.

Le président: Monsieur Benjamin.

M. Benjamin: N'est-il pas juste de dire qu'un candidat n'a pas le droit d'obtenir une liste complète?

M. Dewis: Présentons les choses différemment. Il n'existe aucune liste complète autre que certains dossiers et certains renseignements que nous communiquons au Directeur général des élections. La seule façon de se procurer une liste complète pour un candidat est de s'adresser au Commandant de chaque unité.

Et si votre circonscription est, disons, Edmonton, personne ne vous empêche de vous adresser à une unité à Halifax et de demander la liste parce qu'il y aura sans doute une demi-douzaine de personnes dont le district électoral est Edmonton, parce qu'ils servaient à Edmonton ou qu'ils venaient de cette ville et qu'ils n'ont jamais demandé à être inscrits à Halifax.

M. Benjamin: Par conséquent, si M. Paproski ou moi-même, en tant que candidats, désirions une liste des militaires qui ont droit au vote dans nos circonscriptions, nous n'y avons pas droit étant donné qu'il vous est impossible de nous en donner une.

[Text]

Colonel Dewis: There is no provision for it in the rules. The only provision in the rules for a candidate to get a list is this unit list. There is no provision for your obtaining what you obviously want, which is one complete list of everybody on the globe who is entitled to vote in your constituency. There is no provision for such a list.

The Chairman: If I may interject, I believe this might be done if after February commanding officers sent to the Chief Electoral Officer the lists of those who have been registered with their residence. The lists could be distributed then in the event of an election.

Mr. Benjamin: As changes are made in January or February, could the commanding officer not be required at the end of February to list those names by constituencies, send them to the Chief Electoral Officer, who in turn, could do it relatively simply if he did nothing more than take the scissors to one copy of that list? Would this not be a practical way of making available to candidates through the Chief Electoral Officer, and in turn his returning officer, a list of the armed forces people? The list could be available each year for that matter, but certainly at election time.

Colonel Dewis: All I could say to that is that practically anything is physically possible. As regards lists, there is a security element involved and I think that the Department has indicated on a number of occasions that they were not by any means overjoyed with the present availability of unit lists, when you bear in mind that any one candidate, if he wants to organize it, can get somebody to go to every unit in Canada and in Europe and pick up all these lists. There is certainly security...

Mr. Benjamin: No, I did not mean that. I meant when the end of February comes, let us say it is the end of February 1972, and everybody knows the odds are there will likely be an election in that year, or within a year after that, cannot that list be done by that commanding officer's offices listing all the names by constituency, starting with Algoma East right through, and be sent to the Chief Electoral Officer in Ottawa so he in turn can reprint lists by ridings...

Colonel Dewis: There again, it is possible to do anything, but under the rules the only time he makes this list is when the election is called and he has to have it ready in about

[Interpretation]

M. Dewis: Rien de tel n'est prévu dans les règlements. La seule disposition au règlement prévoyant qu'un candidat puisse obtenir une liste, est la liste de l'unité. Il n'y a aucune disposition vous permettant d'obtenir ce que vous voulez, à savoir la liste complète de tous les gens, partout au monde, qui ont le droit de voter dans votre circonscription. Cette liste n'est prévue par aucune disposition.

Le président: Si vous me permettez une remarque, je pense que cela pourrait se faire si, après le mois de février, les Commandants envoyaient au Directeur général des élections les listes de ceux qui ont été enregistrés, ainsi que leur lieu de résidence. Les listes pourraient alors être distribuées advenant des élections.

M. Benjamin: Comme on fait les changements en janvier ou février, ne pourrait-on pas tenir le Commandant, à la fin de février de dresser la liste de ces noms par circonscriptions, de l'envoyer au Directeur général des élections qui à son tour pourrait s'en occuper de façon relativement simple, ne serait-ce que découper un exemplaire de ces listes? Ne serait-ce pas une manière pratique de fournir aux candidats, par l'entremise du Directeur général des élections, puis de son officier rapporteur, une liste des militaires? Cette liste pourrait être disponible tous les ans, mais certainement au temps des élections.

M. Dewis: Tout ce que je pourrais dire, c'est que presque tout est pratiquement réalisable. En ce qui concerne les listes, il y a un élément de sécurité qui entre en jeu et je crois que le ministère a déclaré à plusieurs reprises qu'il n'était pas particulièrement ravi de la disponibilité de ces listes, surtout si l'on considère que tout candidat s'il veut, peut envoyer quelqu'un dans chaque unité au Canada et en Europe pour recueillir toutes ces listes. Il y a certainement un élément de sécurité.

M. Benjamin: Non, ce n'est pas ce que je voulais dire. Je voulais dire que, lorsque vient la fin de février, disons que nous sommes à la fin de février 1972, tout le monde sait qu'il y aura une élection avant la fin de l'année, ou dans l'année qui vient, le Commandant ne pourrait-il pas faire préparer cette liste, en inscrivant tous les noms par circonscriptions, d'Algoma Est jusqu'à la fin, et l'envoyer au directeur général des élections à Ottawa qui, à son tour, pourrait faire réimprimer ces listes par circonscriptions?

Colonel Dewis: Oui, tout cela est possible mais d'après les règlements, le seul moment où l'on prépare ces listes est lorsqu'une élection a été annoncée et ces listes doivent alors

[Texte]

two week's time. There is no point in him trying to retain sort of an up to date list because I must frankly say even this list which he prepares just two weeks after an election is called, by voting day is going to be out of date. People have been posted out in the meantime; people posted in. So the only place that any kind of up to date list could be done would have to be Canadian Forces Headquarters. There is no provision at the moment for such a list, but physically anything is possible.

Mr. Benjamin: I am wondering if there should not be a provision in new rules that as the list can only be changed in January and February in any case, what is wrong with compiling it by consistency during the first two weeks in March and sending it to the Chief Electoral Officer, and then he has it. It has to be compiled in any case.

Colonel Dewis: This might be done, but there would be no point in doing it on an annual basis.

Mr. Benjamin: I quite agree.

Colonel Dewis: This is something which could be done before an election and then it would have some...

Mr. Benjamin: I quite agree. It could be left to the judgment of the Chief Electoral Officer. The odds are that he knows there is going to be a by election in Selkirk; for example, he knew that six months ago. He could have six months ago sent a letter under different rules to the commanding officer of the Units, "Please provide me with a list of names of all the people in your unit who are eligible to vote in the constituency of Selkirk."

Mr. Hamel: As Colonel Dewis said, we do not even have to go through unit commanders. It could be done from Headquarters.

Mind you, referring to Rule 29 now, there were in the past some reservations expressed as to possible security problems because as Colonel Dewis, said, technically any candidate may obtain a complete list of every commanding officer of every armed forces unit throughout the world so you may end up with a complete list of the whole forces, under Rule 29. Yet you are only interested in 300, 400 or 500 who happen to be eligible to vote in your electoral district.

Mr. Benjamin: As a candidate I think I should not be entitled to any more. If I personally ask I should not be entitled to anything more than the names of the people who

[Interprétation]

être disponibles dans les deux semaines qui suivent. Il est inutile pour le commandant d'essayer de conserver une liste quelconque parce-que même la liste qui est préparée deux semaines après l'audience des élections est déjà désuète, le jour du vote. Des gens sont mutés un peu partout; en fait, il n'y a qu'au quartier général des Forces canadiennes qu'on pourrait garder une telle liste à jour. Il n'y a rien de prévu dans les règlements à cet effet, mais physiquement, tout est possible.

M. Benjamin: Je me demande si l'on ne pourrait mettre une nouvelle clause au Règlement. Puisque la liste ne peut être modifiée qu'en janvier ou en février, de toutes façons qu'est-ce qui empêcherait de préparer une telle liste par circonscription au début de mars et de l'envoyer au directeur général des élections? Cette liste doit être préparée de toutes façons.

Colonel Dewis: Oui, on peut le faire, mais inutile de le faire chaque année.

M. Benjamin: Je suis d'accord.

Colonel Dewis: C'est une chose qu'on peut faire en vue d'une élection et, alors il y aurait quelques...

M. Benjamin: D'accord. On peut laisser cela à la discrétion du directeur général des élections.

Il sait qu'il doit y avoir une élection complémentaire dans Selkirk, il le sait depuis six mois, par exemple. Il aurait pu, il y a six mois, envoyer une lettre aux divers commandants de formations en leur demandant une liste des militaires qui ont le droit de voter dans la circonscription de Selkirk.

M. Hamel: Comme le colonel Dewis vient de le dire, on n'est pas obligé de passer par le commandant de la formation. On pourrait le faire du quartier général. Par contre, si je me reporte au règlement 29, on a exprimé par le passé certaines craintes au point de vue problèmes de sécurité. En effet, techniquement, les candidats peuvent obtenir une liste complète de n'importe quel commandant de n'importe quelle formation du monde entier. De cette façon, en vertu du règlement 29, on peut compiler une liste complète de tous les militaires. Les seuls qui vous intéressent pourtant, sont les 300 ou 400 qui ont le droit de vote dans votre circonscription.

M. Benjamin: En tant que candidat, je ne crois pas que je devrais avoir droit à plus que cela. Je ne devrais pas avoir droit à plus que d'obtenir le nom des militaires qui ont droit

[Text]

are eligible to vote in my riding. I think that would be a perfectly legitimate limitation.

Mr. Hamel: Yet under Rule 29 you are entitled to much more than that.

Mr. Benjamin: Yes.

Mr. Hamel: You are entitled to any Commanding Officer's list throughout the world.

Mr. Benjamin: I have a couple more on another point if you want to pursue this one further.

Mr. Macquarrie: I would like to go a little further on this list. What happens to the documentation where a military service elector changes his place of residence. If that is not sent to the Chief Electoral Officer, what is the point in his doing it?

Mr. Hamel: The so-called statement of ordinary residence, be it on initial enrolment or be it for a change of residence, is filled out at the moment in duplicate, is it not?

Colonel Dewis: In triplicate.

Mr. Hamel: We are recommending anyway that it be done in triplicate, and two copies come to me for stamping as to electoral district, then it is sent back to National Defence, a copy stays at Headquarters and a copy goes down to the unit for the member's own file. I do not have any documentation in the office, but I see each piece of paper for stamping purposes, I mean to allocate the appropriate electoral district.

Mr. Macquarrie: If you do not have that, you do not have anything like a permanent list in reference to what Mr. Forrestall was asking a while ago.

Colonel Dewis: I think, Mr. Chairman, really Canadian Forces Headquarters has the original of all the statements. After they have been stamped by the Chief Electoral Officer the original and duplicate come back to Canadian Forces Headquarters and we keep the original with the electoral district stamped on it; we send the duplicate back to the unit with the electoral district stamped on it. They throw away the triplicate, and keep the duplicate which has the official designation of electoral districts. So at CFHQ we have the original of every statement of ordinary residence, whether it is on enrolment, or whether it is a change completed by a member of the Forces.

[Interpretation]

de vote dans ma circonscription. Cette restriction serait parfaitement justifiable, à mon avis.

M. Hamel: Pourtant, d'après la règle 29 vous avez droit à bien davantage.

M. Benjamin: Oui.

M. Hamel: Vous avez le droit de demander la liste à n'importe quel commandant partout au monde.

M. Benjamin: J'aurais quelques autres questions, sur une autre point; sauf si vous voulez continuer là-dessus.

M. Macquarrie: J'aimerais poursuivre encore un peu sur le sujet. Qu'est-ce qui arrive aux déclarations de changement de résidence? Si on ne les expédie pas au directeur général des élections, quelle est leur utilité?

M. Hamel: La déclaration de résidence ordinaire, qu'elle se fasse lors de l'enrôlement du militaire ou à cause d'un changement d'adresse, se remplit en double exemplaire, n'est-ce pas?

M. Dewis: En triple exemplaire.

M. Hamel: Nous recommandons en tout cas qu'elle se fasse en triple exemplaire: deux copies me sont envoyées pour fins d'identification quant au district électoral et ensuite sont retournées au ministère de la Défense nationale. Une copie reste aux quartiers généraux et l'autre copie s'en va à la formation dans les dossiers du militaire. Je ne garde aucune déclaration dans mon bureau, mais je les vois toutes afin d'y apposer le timbre d'identification du district électoral.

M. Macquarrie: Si vous ne les gardez pas à votre bureau, vous n'avez alors rien de comparable à cette liste permanente dont parlait M. Forrestall.

M. Dewis: Monsieur le président, ce sont les quartiers généraux qui ont l'original estampillé par le directeur général des élections. L'original et la copie reviennent aux quartiers généraux des Forces canadiennes; nous gardons l'original estampillé et une copie s'en va dans les dossiers du militaire. Nous jetons la seconde copie et gardons les deux exemplaires officiels portant le nom de la circonscription électorale. C'est ainsi que nous avons aux quartiers généraux des Forces armées, toutes les déclarations de résidence ordinaires, qu'elles aient été faites au moment de l'enrôlement ou lors d'un changement d'adresse du militaire.

[Texte]

Mr. Macquarrie: It is another illustration, I think, of the need to civilianize this procedure a good deal more than is the case, but this will come up later.

Mr. Benjamin: Rather than 264 candidates for any party asking for a total list, which they are entitled to do, could a national headquarters of a party ask for a total list and it would be their responsibility to break it down by constituency?

Mr. Hamel: We have at the moment a complete list by electoral district, but because of some information, so far it has been considered as privileged or secret information, but it is already available in Headquarters and DND has it.

Mr. Forrestall: And readily available to yourself Mr. Hamel, in the event anything of an urgent nature came up?

Mr. Hamel: Oh yes. Well, in fact, we always had a copy of it.

Mr. Macquarrie: On the question of privileged information, on that, I take it, would be the man's name and the constituency, right? How in the name of God that would be military...

Colonel Dewis: Of course it is no good to you unless you have a postal address; or the name of the unit and the unit name is no good to you, unless you know where the unit is. This is where we get into service security area.

Mr. Macquarrie: It does help the Chief Electoral Officer to know the size of this potential electorate.

Mr. Hamel: It is kept by electoral district. For instance, at election time, many candidates call me and say, "What is the potential military vote in my district?" We just look at the list and say, "350". It cannot be accurate because we do not know who is posted abroad and therefore his wife would be voting in exactly the same manner as he will, but within a certain percentage, it is fairly accurate.

The Chairman: Do you have their names?

Mr. Hamel: Oh yes, we have the names and postal addresses. No, no, I am sorry, just the name and electoral district.

Mr. Nash: I understand there is some security there.

The Chairman: And do you know where they are at the time of the election?

[Interprétation]

M. Macquarrie: Voilà un autre exemple du besoin que nous avons de rendre cette procédure plus conforme à la procédure civile, mais ceci viendra plus tard.

M. Benjamin: Plutôt que d'avoir 264 candidats d'un parti qui demandent tous une liste complète, le bureau central d'un parti ne pourrait-il pas demander lui-même une liste complète des militaires et la diviser selon les circonscriptions?

M. Hamel: Nous avons dans le moment une liste complète divisée par district électoral; certains renseignements ont été jusqu'à présent considérés comme confidentiels, mais la liste est déjà prête au quartier-général.

M. Forrestall: La liste est prête au cas où vous auriez affaire à une situation urgente?

M. Hamel: Oui, en fait, nous en avons toujours conservé un exemplaire.

M. Macquarrie: Au sujet de ces documents confidentiels, faites-vous allusion au nom du militaire et de sa circonscription? Comment, au nom du ciel, ces renseignements peuvent-ils être considérés comme confidentiels?

M. Dewis: Tous ces renseignements vous sont inutiles à moins que vous n'ayez une adresse postale quelconque; il vous est inutile d'avoir le nom de la formation, si vous ne savez pas où elle est située. C'est là que les problèmes de sécurité se posent.

M. Macquarrie: Mais, il serait utile au directeur général des élections de connaître le nombre d'électeurs possibles.

M. Hamel: C'est divisé par district électoral. En temps d'élections, par exemple, plusieurs candidats m'appellent et me demandent: «Quelle est le nombre d'électeurs militaires dans ma circonscription?» Nous regardons la liste et répondons: «350». Cette réponse ne peut-être exacte parce que nous ne savons pas qui se trouve à l'étranger, ni si sa femme voterait de la même manière que lui, mais, avec une certaine marge d'erreur, notre réponse est assez exacte.

Le président: Avez-vous les noms?

M. Hamel: Oui, nous avons les noms et les adresses postales. Non, pardon, les noms et les districts électoraux seulement.

M. Nash: J'imagine qu'il y a une question de sécurité, là-dedans.

Le président: Est-ce que vous savez où les hommes se trouvent au moment des élections?

[Text]

Colonel Dewis: Not by that list. No.

Mr. Benjamin: You do not have any central postal operation for different areas of the world? Supposing I wanted to write a letter, a personal letter by First Class mail to every eligible voter in the armed forces for my constituency, let us say there are 600 of them, if you are worried about security and you do not want me or anybody else to know where any unit is and how many men there might be in it and so forth, could I address all these letters to Headquarters in Ottawa and they, in turn, would forward them to the proper...

Colonel Dewis: Take for example the Brigade which is at Soest, Germany and the Air Division which is Lahr, and Four Wing which is at Baden-Solingen; as overseas units they all have a Canadian Forces Post Office number, CFPO 5050 or CFPO 5000.

Mr. Paproski: You are just giving away security secrets there now.

Colonel Dewis: No, this is public knowledge; there is nothing secure about that. So all you do is address it to John Buggs with his official number and CFPO 5050, then it gets over to the brigade and it would be distributed to whatever his unit happened to be.

Mr. Benjamin: Unless there are some other questions on this list, I have one on another matter.

Mr. Forrestall: Just for clarification, it would be possible to secure this zip code number as well so would that be a difficult thing to include in the...

Colonel Dewis: Unless you had the name of the individual and knew he was in your electoral district and the postal number—I mean, without both together it would not be any use, but this can be done.

Mr. Macquarrie: I would just like to be clear on one answer I received from the CEO. Do you have a list of electors geared to their constituencies which you could make available when an election is called?

Mr. Hamel: Not at the moment.

The Chairman: He does not know where they are.

Mr. Macquarrie: No, I mean in the constituency. I am not now asking whether they are

[Interpretation]

M. Dewis: Non, pas à l'aide de cette liste. Non.

M. Benjamin: Vous n'avez pas de système postal pour les diverses formations à travers le monde?

Disons que je veux envoyer 600 lettres personnelles par courrier de première class à des électeurs des Forces canadiennes qui ont le droit de vote dans ma circonscription. Si vous vous inquiétez au point de vue sécurité et que vous ne voulez pas que quiconque sache où telle formation se trouve, ou encore les effectifs de telle ou telle formation, me serait-il possible d'adresser toutes ces lettres au quartier général à Ottawa pour qu'elles puissent être expédiées de là aux destinataires?

M. Dewis: Prenez par exemple la brigade qui se trouve à Soest, en Allemagne, la base aérienne qui est située à Lahn ou cette autre formation qui est à Baden-Solingen; il y a un numéro postal pour chaque formation d'outremer, BPFC 5050, ou encore BPFC 5000.

M. Paproski: Vous divulguez des renseignements secrets.

M. Dewis: Non, ces renseignements sont connus du public. Il n'y a rien de secret à leur sujet. Tout ce que vous avez à faire, c'est d'adresser la lettre au militaire, John Buggs, par exemple, avec son numéro du service ainsi que le numéro postal BPFC 5050. La brigade va recevoir la lettre et ensuite la faire parvenir au destinataire.

M. Benjamin: S'il n'y a pas d'autres questions là-dessus, j'aimerais poser une autre question sur un autre sujet.

M. Forrestall: J'aimerais avoir un éclaircissement. Serait-il possible d'obtenir ce numéro postal aussi, serait-ce compliqué de l'inclure dans...

M. Dewis: Pas à moins d'avoir le nom de la personne, de savoir qu'elle est de votre district électoral et de connaître son numéro postal; sans avoir ces deux renseignements, ce serait inutile, mais ce peut être fait.

M. Macquarrie: J'aimerais clarifier une réponse que j'ai reçue du directeur général des élections; avez-vous une liste d'électeurs avec le nom de la circonscription que vous pourriez mettre à notre disposition lorsqu'on annonce une élection?

M. Hamel: Non, pas dans le moment.

Le président: Il ne sait pas où ils sont.

M. Macquarrie: Non, je veux dire, par circonscription. Je ne demande pas s'ils sont en

[Texte]

in Germany or in Laos or where, but do you have one to indicate where the constituency people are?

Mr. Hamel: Yes, we do, but we cannot make it available.

The Chairman: Why not?

Mr. Hamel: Because it is secret information.

An hon. Member: That is right, you are not entitled to it.

Mr. Macquarrie: Yet on that list there is no military address; it is a constituency address.

Colonel Dewis: Yes; on that list I believe, there is the unit. It does not contain the address of the unit, but it has the address of the member of the forces, as shown on the statement of ordinary residence; and they are by electoral districts.

Mr. Macquarrie: Who is preventing you from releasing it?

The Chairman: It is considered secret; but I would like to know why it is considered secret.

Mr. Macquarrie: But who says it? It is a military decision that says it is a secret?

Mr. Hamel: That is correct.

Mr. Macquarrie: And yet on that document there is a constituency address?

Colonel Dewis: Yes. Well, it is a constituency address. It is made up according to electoral districts. In other words, this is the kind of list that you are referring to. It is prepared, say, for Algoma East, and it shows all the members of the forces who are in Algoma East; and it will show the address they gave on their original statement of ordinary residence.

An hon. Member: Certainly.

Colonel Dewis: But all Algoma East will be together, or Ottawa West, or whatever it might be. And this is used by the Chief Electoral Officer and his staff in scrutinizing and checking these balloting envelopes that come into the territory headquarters. But this list is not provided for in the rules, and the Department has always been very reticent about providing any types of lists in electoral matters which are not provided for in the rules.

[Interprétation]

Allemagne ou au Laos, ou ailleurs. Mais, est-ce que vous avez une liste indiquant où sont les gens d'une circonscription donnée?

M. Hamel: Oui, nous avons cette liste, mais nous ne pouvons pas vous la donner.

Le président: Pourquoi pas?

M. Hamel: Parce que c'est de l'information secrète.

Une voix: Vous n'y avez pas droit.

M. Macquarrie: Pourtant, il n'y a pas d'adresse militaire sur cette liste. C'est l'adresse postale de la personne, dans sa circonscription.

M. Dewis: Oui, sur cette liste, je crois, il y a le nom de l'unité. Il n'y a pas l'adresse de l'unité, mais l'adresse du militaire comme l'indique la déclaration concernant le lieu de sa résidence habituelle, et la liste est faite d'après les circonscriptions électorales.

M. Macquarrie: Qui vous empêche de publier cette liste?

Le président: On la considère comme un document secret, mais j'aimerais savoir pourquoi cela est secret.

M. Macquarrie: Qui a dit cela? Est-ce qu'il y a une décision militaire à ce sujet?

M. Hamel: C'est exact.

M. Macquarrie: Cependant, ce document contient-il l'adresse de la circonscription?

M. Dewis: Oui, bien ce n'est pas l'adresse de la circonscription. Elle est établie d'après les circonscriptions électorales.

En d'autres mots, vous parlez de ce genre de liste. Elle est faite pour la circonscription d'Algoma Est et elle indique le nombre de tous les militaires qui font partie de cette circonscription, et elle comprendra l'adresse qu'ils ont donnée dans leur première déclaration concernant le lieu de leur résidence habituelle.

Une voix: Certainement.

M. Dewis: Cependant tous les résidents d'Algoma Est ou d'Ottawa Ouest, ou d'ailleurs, sont ensemble. Cette liste sert au Directeur général des élections et à son personnel pour vérifier les enveloppes qui contiennent les bulletins de vote et qui parviennent au quartier général du territoire. Toutefois cette liste n'est pas prévue par les règlements, et le ministère a toujours été très réticent lorsqu'il s'agissait de fournir des listes concernant les élections, qui ne sont pas prévues par les règlements.

[Text]

Mr. Macquarrie: So this list is regarded as a privileged document, without a military address on it?

Colonel Dewis: Yes. They have all the ranks...

Mr. Macquarrie: That is fine.

Colonel Dewis: ...and the names; and if he gets all those lists prepared in a nice form he will not have to go around to every unit. You have the whole thing right there. It might be possible to produce a list that leaves out some of the non-essentials—the postal address, possibly, and the unit by electoral district—which might not be subject to security.

Mr. Macquarrie: I am still on the same subject. What is on the lists that the scrutineers at the three centres are checking?

Colonel Dewis: These are the lists we are talking about.

Mr. Macquarrie: They get it, then?

Mr. Hamel: That is that list.

Mr. Macquarrie: They get it?

Colonel Dewis: And they get the commanding officers' unit lists, as well.

Mr. Forrestall: And that is available to any nominated candidate...

Colonel Dewis: And those unit lists are available to any candidate.

Mr. Paproski: These members of the forces must think their elected member is a really busy individual, because they have not heard from him for the last year and a half since he was elected. There has to be some way that we can communicate with these people, directly or indirectly, however it may affect security, or anything like that, where they are stationed. It really does not matter.

The fact is that we are their elected representatives, and if they have any problems they should be able to communicate with us, one way or the other. And we should be able to notify them who their member is. This is all I am saying. Are they aware of this, or is there some way that they can be aware of this? Since the election, how many of these people who voted are aware of who is their elected representative in their constituency?

Colonel Dewis: It is rather difficult to give an answer. I do not even know the answer. I do not know, for example, out at Uplands, how many of the serving personnel there know what electoral district they are in, or

[Interpretation]

M. Macquarrie: Cette liste est considérée comme un document privilégié et ne contient pas l'adresse des militaires?

M. Dewis: Oui. Elle comporte tous les grades...

M. Macquarrie: C'est bien.

M. Dewis: ...et tous les noms, et si ces listes sont bien établies, on n'aura pas besoin de consulter chaque unité. On pourrait établir une liste qui ne contiendrait pas les renseignements non importants, l'adresse postale probablement et l'unité d'après la circonscription électorale qui ne seraient pas soumis à des mesures de sécurité.

M. Macquarrie: A ce même propos, qu'est-ce qui figure sur les listes que les scrutateurs dans les trois centres vérifient?

M. Dewis: Ce sont les listes dont on parle.

M. Macquarrie: On l'a reçue alors?

M. Hamel: Il s'agit de cette liste.

M. Macquarrie: On l'a reçue?

M. Dewis: On a reçu aussi les listes de l'officier commandant.

M. Forrestall: Tout candidat peut obtenir ces listes...

M. Dewis: Tout candidat peut obtenir ces listes.

M. Paproski: Ces membres des forces armées doivent croire que leur représentant élu est très occupé parce qu'ils n'en ont pas entendu parler depuis au moins un an et demi. Il doit y avoir un moyen de communiquer avec ces gens, d'une manière directe ou indirecte, même si cela peut influencer sur la sécurité des lieux où ils sont stationnés. Cela n'a pas d'importance.

Le fait est que nous sommes leurs représentants élus, et s'ils ont des problèmes, ils devraient pouvoir communiquer avec nous d'une façon ou d'une autre. Nous devrions être en mesure de leur apprendre qui est leur représentant. C'est tout ce que je veux dire. Est-ce qu'ils le connaissent? Y a-t-il un moyen de leur faire connaître? Depuis les élections, combien parmi ces militaires qui ont voté savent qui est leur représentant dans leur circonscription?

M. Dewis: C'est assez difficile de vous répondre. Je ne sais même pas la réponse moi-même. Je ne sais pas, par exemple, à Uplands, combien de membres du personnel savent de quelle circonscription électorale ils

[Texte]

who the member might be. I think it depends on the individual. There are many civilians who do not have a clue about what electoral district they are in, and who do not know who their member is until somebody brings something around to the door.

Mr. Benjamin: All of us, I suspect—certainly I have—have written to constituents giving them my address and telephone number as such-and-such in Ottawa and such-and-such in Regina, and telling them that if at any time they have a problem, or an opinion they wish to present to me, would they please write; that no postage is required, and this sort of thing. I can communicate with all my constituents except the several hundred who are in the armed forces. Surely this is improper.

Mr. Macquarrie: I am just not clear. I will only take a minute on that last answer. The list that is used by the scrutineers at these three centres is not a list that comes from the commanding officers but is, in effect, your master list which, up until then, is a privileged document?

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Colonel Dewis: That comes from Canadian Forces Headquarters. As Mr. Hamel says, he does not keep any of these statements of ordinary residence.

Mr. Macquarrie: But the scrutineers get it?

Colonel Dewis: They get this list, and after the election is over they are bundled up and sent back to Mr. Hamel. He keeps them secret and under lock and key for a year, in accordance with the Dominion Controverted Elections Act, and then we send our security people over in a van to pick them up.

Mr. Macquarrie: It is too bad James Bond is dead! He would make a good scrutineer.

Mr. Forrestall: May I just ask then, why Section 29 states that these

...shall be open to inspection by any officially nominated candidate or his accredited representative

Mr. Hamel: It is not the same list. Section 29 refers to the commanding Officer's list, which is the list of the personnel under his command in that unit. There is no reference to the other list in The Canadian Forces Voting Rules. It is a list by electoral district, and there is some additional information such

[Interprétation]

font partie, ou qui est leur représentant. Cela dépend des gens. Il y a bien des civils qui ne savent pas dans quelle circonscription électorale ils se trouvent et qui ne savent même pas qui est leur député avant qu'ils reçoivent des renseignements chez eux par le courrier.

M. Benjamin: Tous, je suppose, du moins moi j'ai écrit aux résidents de ma circonscription pour leur donner mon adresse et mon numéro de téléphone et je leur ai dit que chaque fois, qu'ils avaient un problème ou une opinion qu'ils voulaient me communiquer, de m'écrire, port payé. Je peux communiquer avec tous mes électeurs, sauf les quelques centaines de militaires. Il me semble que cela n'est pas correct.

M. Macquarrie: Ce n'est pas très clair. Je ne vais prendre qu'un instant pour cette dernière réponse. La liste, dont se servent les scrutateurs dans ces trois centres, ne vient pas des officiers commandants mais elle est, en fait, un document privilégié.

Colonel Dewis: Elle vient du quartier-général des Forces armées canadiennes. Comme le mentionne M. Hamel, il ne conserve pas ces déclarations concernant les résidences habituelles.

M. Macquarrie: Toutefois, les scrutateurs la reçoivent?

Colonel Dewis: Ils la reçoivent, et une fois l'élection terminée, on les renvoie à M. Hamel, qui les garde secrètes et sous clef pendant un an en vertu de la Loi sur les élections fédérales contestées, et nous les envoyons chercher, en camion, par notre personnel de sécurité.

M. Macquarrie: C'est dommage que James Bond soit mort! Il aurait fait un bon scrutateur.

M. Forrestall: Puis-je demander alors pourquoi on dit à l'article 29 que ces listes

...doivent être disponibles pour examiner par tout candidat officiellement mis en présentation ou par son représentant accrédité.

M. Hamel: Ce n'est pas la même liste. L'article 29 se répète à la liste de l'officier commandant, qui est celle du personnel sous son commandement dans cette unité. On ne mentionne pas l'autre liste dans les Règlements électoraux des Forces canadiennes. C'est une liste faite d'après les circonscriptions électora-

[Text]

as rank, unit number, and so on. In my own opinion, the other list, with slight modifications, would probably be far less prone to be considered as dangerous than the list under Section 29.

Mr. Macquarrie: Yes.

Mr. Forrestall: Then why does Section 28 (1) say, "Every commanding officer"? I would construe that to mean every officer in command of a group of Canadian soldiers. It would not matter whether they were in Canada or in Istanbul.

Colonel Dewis: That is right; every commanding officer, whether in Istanbul or Germany, does the list for his unit.

Mr. Forrestall: But it changes the meaning of Section 29.

Mr. Hamel: No; that list is mainly used for the taking of the votes of the people on the base and for the counting, when the scrutineers have to allocate. These ballots come from a fairly wide area and may be applicable to 264 districts and they have to allocate the proper envelope to the appropriate electoral district. They check the outer envelope to make sure that the member of the forces voting in Halifax, or Dartmouth-Halifax East, has actually indicated the right electoral district on his outer envelope, and that he is entitled to vote there.

Mr. Forrestall: Then there are two lists?

Mr. Hamel: That is correct; but one of them is not mentioned in the rules. The rules make reference only to the commanding officer's list.

The Chairman: I am sorry to interrupt, but it is close to twenty minutes to one. We will not get through with this today.

Mr. Benjamin: Mr. Chairman...

The Chairman: Yes?

Mr. Benjamin: I have to apologize; I may be prevented from being here this afternoon. I have one question on another matter...

The Chairman: We may not have a meeting this afternoon. Perhaps we should ask Colonel Dewis if he would be available next Tuesday?

Colonel Dewis: Certainly.

[Interpretation]

les, et il y a des renseignements supplémentaires, notamment le grade, le numéro. A mon avis, l'autre liste avec des changements mineurs serait probablement considérée comme beaucoup moins dangereuse que celle en vertu de l'article 29.

M. Macquarrie: Oui.

M. Forrestall: Alors pourquoi dit-on au paragraphe (1) de l'article 28: «Tout officier commandant»? Il s'agit, n'est-ce pas, de tout officier qui commande un groupe de militaires canadiens. Cela n'a pas d'importance s'ils sont au Canada ou à Istanbul.

M. Dewis: C'est exact; chaque officier commandant, qu'il soit à Istanbul ou en Allemagne, fait la liste concernant son unité.

M. Forrestall: Cela change le sens de l'article 29.

M. Hamel: Non. On se sert de cette liste surtout pour les votes des gens de la base et pour le dépouillement du scrutin lorsque les scrutateurs doivent les répartir. Ces votes viennent d'une très vaste région et peuvent s'appliquer à 264 circonscriptions, et ils doivent attribuer la bonne enveloppe à la bonne circonscription électorale. Ils vérifient l'enveloppe extérieure pour s'assurer que le membre des forces armées qui vote à Halifax ou à Dartmouth, Halifax-Est, a indiqué la bonne circonscription électorale sur son enveloppe extérieure, et qu'il a le droit de voter dans cette circonscription.

M. Forrestall: Il y a donc deux listes?

M. Hamel: C'est exact, mais une des deux n'est pas mentionnée dans les règles. Ces dernières ne font mention que de la liste de l'officier commandant.

Le président: Je suis désolé de vous interrompre, mais je crois qu'il est près d'une heure moins 20. Nous ne pourrions pas terminer cette question aujourd'hui.

M. Benjamin: Monsieur le président...

Le président: Oui.

M. Benjamin: Je m'excuse. Je ne pourrai peut-être pas me présenter cet après-midi. J'aurais une question à poser sur un autre sujet...

Le président: Nous n'aurons peut-être pas de réunion cet après-midi. Nous pourrions peut-être demander à M. Dewis s'il serait disponible mardi prochain?

M. Dewis: Certainement.

[Texte]

The Chairman: And you, too, Mr. Hamel? Perhaps we could sleep on these matters that have been discussed and then start again on Tuesday.

Perhaps we could ask you, Colonel Dewis, to prepare a document on the complaints you have received. You may want us to sit in camera, because you have stated that some regulations were really complicated and that you have received a lot of complaints. Perhaps you could tell us more about the complaints you received, so that we might be in a position to modify the Act as to prevent these complaints from arising again. Would that be too much to ask of you?

Colonel Dewis: No, sir; I would be pleased to do it.

The Chairman: I also want to inform members that, as we received authority at the last meeting to do so, I will table in the House this afternoon a report requesting the House to authorize the Committee to travel to Toronto. We discussed at the last meeting whether or not this might be necessary, and our Clerk, Mr. Virr, has been in touch with Mr. Dunlop in Toronto. They will not find it possible to come here, and they would like us to meet with them in Toronto. This could not be done before, as a tentative date, January 15. But, as requested, I will table in the House a report requesting authority to travel to Toronto to meet with the Select Committee of the Legislative Assembly of Ontario on the Elections Act. Is that agreed?

• 1240

Some hon. Members: Agreed.

The Chairman: We will adjourn this discussion until next Tuesday, with the same witnesses.

Mr. Forrestall: Will the meeting next Tuesday be in camera, then?

The Chairman: If it is requested by Colonel Dewis it will be in camera.

Mr. Forrestall: Perhaps we should ask the Colonel if it would be more useful to him to meet in camera. Would he feel freer to...?

Colonel Dewis: No; I do not think so, Mr. Chairman.

Mr. Forrestall: That is fine.

[Interprétation]

Le président: Et vous aussi, monsieur Hamel?

Nous pourrions penser aux questions que nous avons discutées, et reprendre mardi prochain.

On pourrait vous demander, monsieur Dewis, de préparer un document concernant les plaintes que vous avez reçues. Vous voudriez peut-être siéger à huis clos, car vous avez dit que certains règlements étaient assez complexes et que vous avez reçu beaucoup de plaintes. Vous pourriez nous en dire davantage au sujet de ces plaintes que vous avez reçues pour que nous soyons en mesure de modifier la Loi afin de mettre fin à ces plaintes. Serait-ce trop vous demander?

M. Dewis: Non, monsieur, je serais heureux de le faire.

Le président: Je veux également aviser les membres que, puisque nous avons eu, lors de la dernière réunion, l'autorisation de le faire, je pourrai déposer à la Chambre, cet après-midi, un rapport demandant à la Chambre d'autoriser le Comité à voyager à Toronto. Nous avons étudié lors de la dernière réunion si cela serait nécessaire ou non, et notre greffier, M. Virr, a communiqué avec M. Dunlop à Toronto. Ils ne pourront pas venir ici, et ils aimeraient qu'on les rencontre à Toronto. Cela ne pourra pas se faire, pour l'instant du moins, avant le 15 janvier. Toutefois, comme on me l'a demandé, je vais déposer à la Chambre un rapport demandant l'autorisation de nous déplacer à Toronto pour rencontrer le Comité spécial sur la Loi électorale de l'Assemblée législative de l'Ontario. Êtes-vous d'accord?

Des voix: D'accord.

Le président: Nous allons ajourner jusqu'à mardi prochain et les mêmes témoins comparaitront.

M. Forrestall: Est-ce que la réunion de mardi prochain sera à huis clos alors?

Le président: Si M. Dewis en fait la demande, ce sera à huis clos.

M. Forrestall: On pourrait peut-être demander à M. Dewis si une réunion à huis clos serait plus utile. Se sentirait-il plus libre de...?

M. Dewis: Non, je ne crois pas, monsieur le président.

M. Forrestall: C'est bien.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969

vingt-huitième législature, 1969

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
ET
ÉLECTIONS**

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 3

TUESDAY, DECEMBER 2, 1969

LE MARDI 2 DÉCEMBRE 1969

Canada Elections Act

Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir *Procès-verbal*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

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Vice-Chairman
and Messrs.

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président
et MM.

Alkenbrack,
Benjamin,
Cafik,
Code,
Côté (*Richelieu*),
Duquet,

Forest,
Forrestall,
Fortin,
Francis,
Howard (*Skeena*),
Howe,

Jerome,
Lefebvre,
Macquarrie,
Marceau,
Murphy,
Trudel—20.

(Quorum 11)

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

[Text]

MINUTES OF PROCEEDINGS

TUESDAY, December 2, 1969.
(4)

The Standing Committee on Privileges and Elections met this day at 9:40 a.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Benjamin, Duquet, Forest, Forrestall, Howe, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau—(10).

Witnesses: Mr. J. M. Hamel, Chief Electoral Officer, Colonel J. P. Dewis, Assistant Judge Advocate General.

The Committee continued its study of the Canada Elections Act.

Mr. Hamel made a brief statement regarding the request to provide lists of Canadian Forces electors, by constituencies, to Candidates' representatives.

The members resumed their questioning of the witnesses in respect to the Canadian Forces Voting Rules.

At 11:00 a.m. the Committee adjourned to the call of the chair.

[Traduction]

PROCÈS-VERBAL

Le MARDI 2 décembre 1969
(4)

Le Comité permanent des privilèges et élections se réunit ce matin à 9 h. 40. Le président, M. Laflamme, occupe le fauteuil.

Présents: MM. Benjamin, Duquet, Forest, Forrestall, Howe, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau—(10).

Témoins: M. J. M. Hamel, directeur général des élections, et le colonel J. P. Dewis, juge-avocat général adjoint.

Le Comité continue à étudier la Loi électorale du Canada.

M. Hamel fait une brève déclaration relative à la demande qui a été faite que l'on fournisse aux représentants des candidats une liste, par circonscription, des électeurs des Forces armées du Canada.

Les membres du Comité recommencent à interroger les témoins sur les Règles électorales concernant les Forces canadiennes.

A 11 h. du matin, le Comité s'ajourne jusqu'à nouvelle convocation du président.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by electronic apparatus)

Tuesday, December 2, 1969

● 0942

The Chairman: Order, please. I believe we can continue with the evidence of Colonel Dewis. Would you like to come forward, Colonel Dewis?

At the adjournment of the last meeting, Colonel Dewis was asked if there was any possibility of having a list of the members of the Armed Forces distributed by constituencies with their addresses. Before we put questions to Colonel Dewis, I believe that the Chief Electoral Officer, Mr. Hamel, would like to make some comments. We will distribute copies of the lists of candidates provided to all members of the Armed Forces, plus a sample of the ballot.

Mr. Forrestall: Do you have security clearance?

The Chairman: It is copies of the candidates.

Mr. Jean-Marc Hamel (Chief Electoral Officer): And we put "sample" on it.

Thank you, Mr. Chairman. Following last Thursday's meeting, Colonel Dewis and I looked into this question of making available by electoral district the list of members of the forces with their postal addresses. I pointed out to you that we already have this list for purely administrative reasons but because of some information it contains, it has to be considered Restricted. We are now satisfied that with some modifications and with new programming on the machine it could be made available. I understand, after talking with Colonel Dewis, because the Department of National Defence would be mainly involved, that the Department could provide me with copies of each of those 264 lists, roughly within three weeks following the issue of the writ. Then I would send to each of my returning officers one or two copies of the list for his own electoral district. Then that list could be open to inspection to officially nominated candidates or their accredited agents. Even extracts could be made from that list.

If this were adopted, perhaps the Committee might wish to tighten the security with

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 2 décembre 1969

Le président: A l'ordre s'il-vous-plaît. Messieurs, nous allons continuer le témoignage de M. Dewis. Voulez-vous vous asseoir ici en avant, monsieur Dewis?

La semaine dernière, au moment de l'ajournement, on a demandé à M. Dewis s'il était possible qu'il nous donne une liste des membres des Forces armées ainsi que leur adresse et leur circonscription.

Avant que nous interrogeons M. Dewis, je crois que le Directeur général des élections, M. Hamel, voudrait faire quelques commentaires. Nous allons distribuer aux députés des listes des candidats, listes qui sont distribuées à tous les membres des Forces armées avant le scrutin en plus d'un exemplaire du bulletin de vote.

M. Forrestall: Exigez-vous le certificat de sécurité?

Le président: C'est une liste des candidats.

M. Jean-Marc Hamel (Directeur général des élections): Merci, monsieur le président. À la suite de la réunion de jeudi dernier, le Colonel Dewis et moi avons voulu vous distribuer les listes des membres des Forces armées par districts électoraux ainsi que leurs adresses. Nous préparons cette liste pour des motifs administratifs uniquement, mais en raison de certaines informations qu'elle contient, c'est une liste qu'on doit considérer comme confidentielle.

Il nous a été possible de la photocopier pour la distribuer. Après m'être entretenu avec M. Dewis, j'ai cru comprendre que le ministère de la Défense nationale pourrait fournir des exemplaires de ces 264 listes, disons, dans trois semaines après l'émission du bref d'élection. Ensuite, je pourrais envoyer à chacun de mes officiers rapporteurs un ou deux exemplaires de la liste qui a trait à son propre district électoral. Ensuite, les candidats mis en candidature eux-mêmes pourraient vérifier la liste. On pourrait même en tirer des extraits.

Par conséquent, si nous procédions de cette façon le Comité voudrait peut-être apporter

[Text]

respect to the so-called commanding officers lists. You will recall that last week I expressed some concern as to the commanding officers lists, each list prepared by the commanding officer being available, being open to inspection to any officially nominated candidate. So perhaps if the other solution were adopted, the Committee might consider deleting the requirement that the commanding officers lists be made available as well. Maybe the necessity would not be the same then.

• 0945

Mr. Macquarrie: Under this arrangement, then, there would be to each returning officer a list of the military service voters from that constituency.

Mr. Hamel: That is correct.

Mr. Macquarrie: So that a candidate or his representative would in fact be contacting the returning officer rather than charging into several military bases.

Mr. Hamel: That is correct.

Mr. Macquarrie: It strikes me as a much better way of getting those names.

Mr. Hamel: I do not think there would be any objection, not only to making it open to inspection but to letting officially nominated candidates and their agents make extracts therefrom. We could probably make available to each returning officer two copies, perhaps even three copies, if necessary. We are restricted by the number of copies the machine will turn out within the time allowed. Furthermore, we have made some inquiries with photocopying equipment companies, and the size or format of the sheets turned out by the machine does not fit standard photocopying machines, so we had a problem there. This means that it would not be feasible, and I do not think it would be possible, to make available a copy to each candidate because where there are more than three candidates, we would not have copies for the extra candidates beyond three. However, we would certainly have no objection to making it available to the returning officer and in more than one copy—maybe two or three. Perhaps it could even be borrowed by a candidate for a few days.

Mr. Macquarrie: Yes. My one concern would be to be sure that they came out in time. You mentioned three weeks.

Mr. Hamel: Colonel Dewis informs me that they are equipped to turn out those lists

[Interpretation]

certaines réserves pour ce qui est de la liste des commandants. La semaine dernière, j'ai exprimé certaines réserves concernant la liste présentée par les commandants et qui pouvait être révisée ou examinée par n'importe quel candidat officiel. Dans ce cas, si l'on adoptait l'autre solution le Comité pourrait ordonner que l'on exige plus que cette liste soit également disponible.

M. Macquarrie: Grâce à cet arrangement, chaque officier rapporteur disposerait d'une liste des votants des Forces armées qui se présentent dans sa circonscription.

M. Hamel: C'est exact.

M. Macquarrie: Un candidat ou son représentant entreraient en communication avec son officier rapporteur au lieu de s'adresser directement aux diverses bases militaires.

M. Hamel: C'est exact.

M. Macquarrie: Ce me semble être une bien meilleure formule pour obtenir la liste des noms.

M. Hamel: Comme je le répète, je ne crois pas que personne s'opposerait à ce que les candidats officiels en fassent l'examen et même en tirent des extraits. Nous pourrions peut-être distribuer deux ou trois exemplaires à tous les officiers rapporteurs.

Nous sommes limités par le nombre d'exemplaires que nous pouvons imprimer dans le temps dont nous disposons. En outre, notre équipement ou notre outillage ne donne pas le format qui conviendrait à la machine. C'est donc question d'ordre pratique. Il ne serait donc pas possible d'envoyer un exemplaire à chaque candidat. Nous n'en n'aurions pas pour les candidats lorsque leur nombre dépasse trois. Nous n'aurions toutefois aucune objection à faire parvenir plus d'un exemplaire à l'officier rapporteur à qui le candidat pourrait l'emprunter pour quelques jours.

M. Macquarrie: Ce qui me préoccupe, c'est le temps qu'on aurait. La limite de trois semaines m'inquiète un peu.

M. Hamel: M. Dewis me dit qu'on a probablement l'outillage nécessaire pour imprimer

[Texte]

within three weeks—between 15 and 21 days. For me to dispatch copies of those lists to each of my 264 returning officers is a matter of two or three days, and four days at the most for the really isolated places such as the extreme West, North or East. By and large it would mean that these lists would be available roughly between four and four and a half weeks before polling day. Normally it is two to two and a half weeks before nomination day in most electoral districts.

Now perhaps I should mention that the postal address on these lists will be the postal address available in the file at the time the list is prepared. Am I correct on this? As you know, there is quite a movement in the forces, so it may very well mean that by the time the list reaches the electoral district, some of those members on the list may have moved to a new camp. The statement of ordinary residence would still be the same. In other words, the member would still be eligible to vote in your electoral district. But instead of being in Halifax, he may very well be in Esquimalt or Comox. There may be the odd case where a letter may take some time to reach your constituent but by and large I would not think that this would be a serious problem. There may be the odd problem, but not on a broad scale.

Mr. Forrestall: It would account for probably all but 5 or 10 per cent who might in that period move from one base to another.

• 0950

Colonel J. P. Dewis (Deputy Judge Advocate General, Department of National Defence): Yes, and I might say it would not mean that anything mailed to him would not reach him, because it would be redirected from the unit. Of course, even our present commanding officers list from each unit is prepared not later than two weeks after the election is called, and that list, after two weeks of preparation, is by no means accurate. People may have been posted into the unit 24 hours after the list has been prepared or may have been posted out. Any kind of list that we give you is only going to be accurate within a certain percentage. It is physically impossible to do any better because all the information, to get into the machines, has to come from the various units. Some of the instructions and postings originate from Ottawa but many of them are done locally, and to get them into the machine there is a time factor of maybe 30 or even 45 days.

[Interprétation]

ces listes dans trois semaines. Disons entre quinze et vingt et un jours. Pour adresser des exemplaires de ces listes à mes 264 officiers rapporteurs, cela pourrait prendre deux, trois ou quatre jours tout au plus, pour les endroits les plus éloignés situés aux extrémités du pays. Dans l'ensemble, ces listes seraient accessibles, disons, entre quatre et quatre semaines et demie avant le jour du scrutin, soit deux semaines ou deux semaines et demie avant le jour des présentations dans la plupart des districts électoraux.

Je pourrais peut-être mentionner un autre point. Les adresses postales seraient celles que nous avons dans les dossiers au moment où la liste est préparée. C'est exact, n'est-ce pas? Vous savez qu'il y a beaucoup de mutations dans les Forces armées et au moment où la liste parvient au district électoral, il peut y avoir des gens qui figurent sur la liste qui ont été mutés ailleurs, tout en pouvant tout de même voter dans le même district électoral puisque sa déclaration concernant sa résidence ordinaire resterait la même. Au lieu d'avoir leur adresse à tel ou tel endroit, ils pourraient se trouver, par exemple, à Comox ou à Esquimalt ou ailleurs. Ces cas peuvent se présenter. Dans l'ensemble, j'imagine que cela ne serait pas un très grave problème. Il pourra se présenter ici et là.

M. Forrestall: Disons un jeu de 5 p. 100 ou 10 p. 100 pour ceux qui sont mutés à un autre poste.

Le Colonel J. P. Dewis (Juge avocat général adjoint, ministère de la Défense nationale): Évidemment on tiendra compte de la nouvelle adresse mais le commandant de chaque unité prépare la liste au moins deux semaines après que l'élection a été annoncée et il y a des gens qui arrivent dans cette unité 24 heures après que la liste a été préparée. Cette liste est loin d'être à jour. On veut bien dresser cette liste le plus exactement possible, mais il nous est matériellement impossible de faire mieux, puisqu'il faut que les renseignements nous parviennent des diverses unités. Beaucoup de ces listes nous viennent d'Ottawa ou sont dressées localement, et le temps écoulé peut être de 30 à 45 jours.

[Text]

Mr. Hamel: First of all, on that list you would have, in alphabetical order, the surname, the initials, the rank and the postal address, plus some additional information such as the social insurance number which may not be of interest to you but which I understand is necessary for the machine to actually reproduce other information. However, you would have the essentials: name, initials, rank, and postal address.

Mr. Forrestall: Would this also include the wife of an elector who, under the Forces voting rules outside Canada, qualifies as a Forces voter?

Colonel Dewis: No, this list would not include them. We have no provision at all for putting that in the machine. The total of the ones outside Canada might not be more than a couple of thousand. We have quite a number, particularly in the land environment, the army, of single people outside Canada. Quite a number of the air force are older technicians and are married. So in respect of this list there would be an over-all shortage probably of three or four thousand, but of course it is relatively small for each electoral district.

Mr. Chairman, might I say a word about the lists which are now provided by the commanding officer under Rule 29. There has been a security problem in that, our security people have not liked it, but we have always realized that candidates must have some sort of list available. I think you are aware, of course, that although the CO's unit list will show all the people in his unit maybe only 30 per cent of them are eligible to vote in an electoral district where the candidate is. So this is not too helpful to the candidate. But if we were to introduce this additional list I think our security people would feel obliged to insist on not making the CO unit lists available to candidates as well. Do not forget that any officially nominated candidate or an agent could go to every unit in and outside Canada and get those CO's unit lists. Well, if you match them up with the electoral district lists it does bring on a security problem. We would hope that if we introduce this new postal machine list that we are talking about, the Committee would agree to revising Rule 29 to provide that the CO unit lists will be available only to the special returning officer

[Interpretation]

M. Hamel: Tout d'abord, vous auriez sur cette liste, par ordre alphabétique, le nom de famille des électeurs, leurs initiales, leur rang et leur adresse postale, ainsi que certains renseignements supplémentaires comme leur numéro de Sécurité sociale, qui ne vous est peut-être pas utile, mais qui, je crois, est nécessaire pour permettre à la machine de reproduire les autres renseignements. En tout cas, vous auriez les éléments essentiels: nom, initiales, rang et adresse postale.

M. Forrestall: Est-ce que les épouses des électeurs, qui, en vertu des Règles électorales concernant les Forces canadiennes à l'étranger, ont le droit de voter au même titre que les membres des Forces armées, figureraient aussi sur cette liste?

M. Dewis: Non, elles ne figureraient pas sur cette liste. Rien n'est prévu pour que l'on enregistre aussi ces renseignements-là dans la machine. Il n'y aurait peut-être que 2,000 personnes au total à l'extérieur du Canada. Il y a un assez grand nombre de célibataires à l'extérieur du Canada, surtout dans l'armée de terre. Bon nombre des membres de l'aviation sont des techniciens plus âgés et sont mariés. Il manquerait donc sans doute sur cette liste trois ou quatre mille personnes en tout, mais, bien entendu, cela ne représente qu'un nombre assez faible pour chaque circonscription électorale.

Monsieur le président, permettez-moi de dire un mot des listes que fournit actuellement le commandant en vertu de la Règle 29. Il se pose là un problème de sécurité, et nos spécialistes de la question s'opposent à cette méthode, mais nous nous sommes toujours rendu compte qu'il fallait bien que les candidats eussent à leur disposition une liste quelconque. Vous savez certainement que, bien que tous les membres de l'unité figurent sur la liste d'unité du commandant, seuls 30 p. 100 d'entre eux peut-être ont le droit de voter dans la circonscription électorale où se présente un candidat donné. Ce genre de liste n'est donc pas d'un grand secours au candidat. Mais si nous introduisions cette liste supplémentaire, je crois que nos spécialistes de la sécurité se verraient dans l'obligation d'insister pour que l'on ne mette plus à la disposition des candidats les listes d'unité des commandants. N'oubliez pas que n'importe quel candidat officiel ou n'importe quel agent pourraient se rendre dans toutes les unités au Canada et à l'étranger et obtenir ces listes d'unité des commandants. Si l'on combine ces listes avec les listes des circonscriptions élec-

[Texte]

in the four voting headquarters, as is now done.

Mr. Forrestall: Well, that is eminently fair. There would not be any point in going to the commanding officer of a base in a riding and asking to look at his list because his list includes only the names of those—and I gather this is what you are saying—who are on that particular base.

Colonel Dewis: That is right.

Mr. Forrestall: Am I correct that in their statement of residence you might find that better than half of them might have their voting franchise in some other riding.

Colonel Dewis: There might be only one-third who are actually eligible to vote in the electoral district where the unit is located.

Mr. Howe: Mr. Chairman, I was wondering about security. I did not understand where the security angle would come in.

Colonel Dewis: Well, the security people say that if you get the entire list of the Canadian Forces, or practically an entire list, with rank, numbers, trades, and units, you can build up practically an order of battle. You can decide where what type of unit is located, how many people are there, what their jobs are, what the objective of the unit is and so on. Now, true enough, I suppose any agent could ferret this out, but it is just more difficult if you take certain precautions. If you have a list available and want to find out what a particular unit does in Halifax, there is no question about it—an agent could probably go there and find out. But it is just too simple if he has all these lists—he does not have to go to every unit in Canada or overseas, he can just take these sheets of paper and look at the trades and the ranks, the name of the unit and where it is, and just sit in his office and sort of build up the picture.

[Interprétation]

torales, il se pose un problème de sécurité. Nous espérons que si nous introduisions la nouvelle liste pour machine postale dont nous parlons, le Comité accepterait de réviser la Règle 29 de sorte que les listes d'unité des commandants ne soient mises à la disposition que des présidents d'élection spéciaux des quatre centres électoraux, comme cela se fait à l'heure actuelle.

M. Forrestall: C'est parfaitement normal. Cela ne servirait à rien d'aller trouver le commandant d'une base dans une circonscription et de demander à regarder sa liste, car cette liste ne comporte que les noms—et je suppose que c'est là ce que vous voulez dire—de ceux qui se trouvent sur cette base en particulier.

M. Dewis: En effet.

M. Forrestall: Ai-je raison de penser que dans leur déclaration de domicile, on trouverait peut-être que plus de la moitié de ces gens-là sont inscrits comme électeurs dans une autre circonscription.

M. Dewis: Il n'y en aurait peut-être qu'un tiers qui aient le droit de voter dans la circonscription électorale où se trouve l'unité.

M. Howe: Monsieur le président, je me pose des questions sur la sécurité. Je ne vois pas ce que la sécurité a à voir là-dedans.

M. Dewis: Les spécialistes de la sécurité disent que si l'on obtient une liste entière, ou presque, des membres des Forces armées du Canada, sur laquelle figurent leur rang, leur numéro, leur spécialité et leur unité, on peut pour ainsi dire mettre au point un plan de bataille. On peut déterminer où se trouve quel type d'unité, combien de gens l'unité comporte, quel est le travail de ces gens-là, quel est l'objectif de l'unité, et ainsi de suite. Évidemment, je suppose que n'importe quel agent pourrait découvrir tous ces renseignements, mais disons que c'est plus difficile si l'on prend certaines précautions. S'il y a une liste de disponible, et que l'on veuille découvrir ce que fait une unité donnée à Halifax, il est indéniable qu'un agent peut se rendre là-bas et obtenir les renseignements dont il a besoin. Mais la chose est vraiment trop simple s'il a toutes les listes. Il n'a pas besoin de se rendre dans chaque unité au Canada ou outre-mer; il lui suffit de prendre ces feuilles de papier, de regarder quels sont la spécialité et le rang des membres de l'unité, ainsi que le nom de l'unité et son emplacement, et de se faire une idée de la situation en restant simplement assis dans son bureau.

[Text]

The Chairman: Yes, Mr. Benjamin?

Mr. Benjamin: Mr. Chairman, I am sure the witness would agree that the electoral law and the priorities of maximizing the democratic process should have some precedence to pretty well anything else. The candidates would not really be interested in having rank, trade and that kind of technical information related to a persons's service. All a candidate is interested in are the names of all those who are eligible to vote in his constituency and their addresses—just as long as there is some degree of certainty that communications would get to him from candidates and anyone else who wanted to write to him.

Could the Services not devise some method of centralizing their post office or some such method to handle this so that there is access to the names, addresses and the constituencies in which these people vote?

Colonel Dewis: Well, this is what this list that Mr. Hamel is speaking about would do. It would have his SIN number, his name and his initials and, the way the lists are now, it would have his rank, but there would not be any trade. Then it would have his unit and his postal address. I understand from the security people that there is no particular security involved in that. But if we retained the present CO's list and continued to make them available as well, reading the two of them together is not so good because, as far as the CO's lists are concerned, they are used not only by the civilian special returning officers in the four voting territories but are used by the deputy returning officer in the Service voting place within his unit and, for identification, he wants the rank on it and so on. But there would be no security problem with these lists that Mr. Hamel is speaking about, it would have the postal address and it would be by electoral district, and if I wanted to check on the rank it may be that the security people would sooner give a SIN number and the name and the initials, the unit, and the postal address which really, as you suggest, is all a candidate requires. The only thing is that the machines are programmed to come out with the rank, but if it does not come out with the trade and rank it is my understanding that there is no problem. If there is a security problem in putting in the rank then I think the machines can drop

[Interpretation]

Le président: Oui, monsieur Benjamin?

M. Benjamin: Monsieur le président, le témoin admettrait, j'en suis certain, que la loi électorale et la nécessité de la rendre aussi démocratique que possible doivent passer avant tout le reste. Cela n'intéresserait pas vraiment les candidats d'avoir le rang, la spécialité, et autres renseignements techniques du même genre qui ont trait au service d'une personne. Tout ce qui intéresse le candidat, c'est d'avoir le nom de tous ceux qui ont le droit de voter dans sa circonscription, ainsi que leur adresse—à supposer, bien sûr, qu'il puisse être à peu près certain que ces personnes recevraient les communications des candidats ou de quiconque voudrait leur écrire.

Est-ce que les Forces armées ne pourraient pas trouver un moyen de centraliser leur service postal, ou quelque autre méthode, de sorte que l'on puisse obtenir les noms, les adresses, et les circonscriptions électorales dans lesquelles ces gens votent?

M. Dewis: C'est précisément ce que permettrait de faire la liste dont parle M. Hamel. Cette liste donnerait le numéro d'immatriculation à la Sécurité sociale de chaque personne, son nom de famille et ses initiales, et aussi, selon la façon dont sont faites les listes à l'heure actuelle, son rang, mais pas sa spécialité. La liste indiquerait aussi l'unité et l'adresse postale de chaque personne. Les spécialistes de la sécurité ne pensent pas que cela puisse poser de problème. Mais si nous conservions les listes actuelles des commandants et que nous continuions à les mettre aussi à la disposition des candidats, ce serait plus ennuyeux, car on pourrait consulter les deux listes en même temps: pour ce qui est des listes des commandants, elles servent non seulement aux présidents d'élection spéciaux des quatre territoires électoraux, qui sont des civils, mais aussi au président d'élection adjoint du bureau de vote des Forces armées situé dans son unité, qui, à des fins d'identification, voudrait que le rang, et ainsi de suite, figurent sur la liste. Mais les listes dont parle M. Hamel ne poseraient aucun problème de sécurité: elles comporteraient l'adresse postale et seraient établies par circonscription électorale, et si l'on voulait vérifier le rang, il se pourrait fort bien que les spécialistes de la sécurité préfèrent donner le numéro d'immatriculation à la Sécurité sociale, le nom de famille et les initiales, l'unité et l'adresse postale, qui sont en fait, comme vous le dites, les

[Texte]

that, but the candidate would get what he would want: the name and the postal address.

The Chairman: I have a supplementary question. Instead of having the rank of the members on the list which could be available through the deputy returning officers, would it be possible to have their metrical number without rank?

Colonel Dewis: Well, they would have their service insurance number. We have dropped our official individual military numbers. Everybody has as his official number their service insurance number. It could be that they could drop the rank although, as I say, all the correspondence, the machines and everything in the Forces always had a rank. I want to check out that one point about the ranks with our security people and if they recommend we can drop it, I guess we can do that. Although having the rank makes it a little easier, it is not essential.

• 1000

The Chairman: If I understand the point raised by Mr. Benjamin I think it is a very valid one. The members of the Committee are interested in getting in touch with everyone available and if the giving of rank poses a security problem, then we do not want that—as long as we can get in touch with them.

Colonel Dewis: I think if the Committee could leave that with me, I could clear with our security people whether it would be a wise procedure to put in the rank or whether the security people would rather drop the rank and just give the number, the name, the initials, the unit and the postal address.

The Chairman: Your time is just about up. Mr. Forrestall.

Mr. Forrestall: I find it difficult enough in addressing the Admiral as General, I do not know how I could get around the calling him mister.

Colonel Dewis: Mr. Chairman, in explaining this I am just trying to make it as easy as possible, I do not buy this security angle. I

[Interprétation]

seuls renseignements dont le candidat ait besoin. Le seul ennui, c'est que les machines sont prévues pour indiquer aussi le rang, mais tant qu'elles ne donnent pas la spécialité et le rang, je ne pense pas qu'il y ait de problème. Si l'indication du rang pose un problème de sécurité, je pense que l'on pourrait faire en sorte que les machines ne le donnent plus, mais le candidat obtiendrait toujours ce qu'il lui faut: le nom et l'adresse postale.

Le président: J'ai une question supplémentaire à poser. Plutôt que d'indiquer le rang des membres des Forces armées sur la liste que le candidat pourrait obtenir du président d'élection adjoint, serait-il possible de n'indiquer que le numéro d'immatriculation sans le rang?

M. Dewis: Il y aurait le numéro d'assurance des Forces armées. Nous n'avons plus officiellement de numéro individuel d'immatriculation à l'Armée. Chacun a pour numéro officiel son numéro d'assurance des Forces armées. Peut-être pourrait-on cesser d'indiquer le rang, encore que, je le répète, toute la correspondance, toutes les machines, et ainsi de suite, de l'Armée eussent toujours comporté l'indication du rang. Il faut que je m'assure de cette question du rang auprès de nos spécialistes de la sécurité, et s'ils disent que nous pouvons cesser de l'indiquer, je suppose que nous pourrions le faire. L'indication du rang facilite un peu les choses, mais elle n'est pas indispensable.

Le président: Si j'ai bien compris ce qu'a dit M. Benjamin, je crois que c'était un argument très valable. Ce qui intéresse les membres du Comité, c'est que l'on puisse mettre en rapport avec tous les gens disponibles, et si l'indication du rang pose un problème de sécurité, nous y renoncerons, à condition qu'il reste possible de se mettre en rapport avec les gens.

M. Dewis: Je pense que si le Comité s'en remettait à moi, je pourrais m'informer auprès de nos spécialistes de la sécurité pour savoir s'il serait prudent d'indiquer le rang, ou s'ils préféreraient qu'on laisse le rang de côté et qu'on indique seulement le numéro, le nom, les initiales, l'unité et l'adresse postale.

Le président: Votre temps de parole est presque écoulé, monsieur Forrestall.

M. Forrestall: J'ai déjà assez de mal à appeler l'amiral «général»; je ne vois pas comment je pourrais l'appeler «monsieur».

M. Dewis: Monsieur le président, j'essaie d'exprimer la chose en termes aussi simples que possible. Je ne suis pas d'accord avec

[Text]

suspect that there are half a dozen countries now that know how many men we have, where they are and what they are doing. If they want to know, they already have the information, but you people have to have something to worry about, so this will make it easier for you.

The Chairman: Before we adjourned our meetings last week, Colonel Dewis, you stated that the regulations which apply to the armed forces now were complicated and you had received complaints. I just would like to know if you could give us a résumé of the complaints you have received as well as an indication of what amendments could be made to avoid these complaints from recurring.

Colonel Dewis: Mr. Chairman, there are a number of administrative amendments which should be made to the rules to facilitate their operation, but the Chief Electoral Officer has a substantial list of those. They are not really matters of complaint, it is just that over the years we have found certain administrative procedures that should be changed. They are not matters of substance, so I would leave those points to the Chief Electoral Officer.

In my opening remarks at the last meeting I did say how much the forces appreciated having this voting system as it ensured that all members of the forces received ample opportunity to cast their ballots. However, there were one, two or three objections or complaints which were received, not only from members of the forces, but from departmental officials, National Defence, members of Parliament and the public. You no doubt have read editorials after every election or just before it complaining about the segregation of the vote of the forces by class and the late reporting which means that one or two seats may be in doubt by reason of the service vote not being reported until four or five days later.

There have been suggested over the years a fairly substantial number of alternate methods for taking the service vote, together with variations of the alternates and variations of the variations, in order to try to merge the forces vote with the civilian vote and also to get the counting done and announced at the same time as the civilian polls. I think if you read the previous *Minutes of Proceedings* of this Committee you will find that a large

[Interpretation]

cette question de sécurité. Il doit y avoir à l'heure actuelle une demi-douzaine de pays qui savent combien nous avons d'hommes, où ils se trouvent, et ce qu'ils font. S'ils veulent savoir quelque chose, ils ont déjà les renseignements nécessaires. Mais il vous faut toujours un sujet d'inquiétude; cela vous facilitera les choses.

Le président: Avant que nous ne levions la séance la semaine dernière, monsieur Dewis, vous avez déclaré que les règles actuelles concernant les Forces armées étaient compliquées, et que vous aviez reçu des plaintes. J'aimerais simplement savoir si vous pourriez nous donner un résumé des plaintes que vous avez reçues, ainsi qu'une indication des modifications qui pourraient être apportées afin d'éviter que ces plaintes ne se renouvellent.

M. Dewis: Monsieur le président, il y a un certain nombre de modifications administratives qu'il faudrait apporter aux règles pour en faciliter l'application, mais le directeur général des élections en a une liste assez considérable. Ce ne sont pas réellement des aspects qui fassent l'objet de mécontentement; mais, au cours des années, nous avons découvert que certaines méthodes administratives devraient être modifiées. Il ne s'agit pas de la substance des règlements, et je préfère donc laisser ces questions au directeur général des élections.

Au cours de ma déclaration préliminaire, lors de la dernière séance, j'ai dit combien les membres des Forces armées étaient heureux de ce régime de scrutin, qui leur donnait à tous l'occasion de voter. Toutefois, nous avons reçu deux ou trois objections ou plaintes, non seulement des membres des Forces armées, mais aussi des hauts fonctionnaires du Ministère, de la Défense nationale, de députés, et du grand public. Vous avez certainement lu des éditoriaux, après les élections ou juste avant, dans lesquels on se plaignait de ce que les votes des Forces armées étaient mis à part et de ce que les résultats étaient donnés avec du retard, de sorte qu'un ou deux sièges pouvaient rester en suspens du fait que les votes des Forces armées n'étaient transmis que quatre ou cinq jours plus tard.

On a proposé, au cours des années, un nombre assez considérable de méthodes possibles pour le scrutin des Forces armées, ainsi que des variations de ces méthodes et des variations des variations elles-mêmes, afin d'essayer de fusionner les votes des Forces armées avec ceux des civils et, aussi, de permettre que le dépouillement soit fait et les résultats annoncés en même temps que pour les votes des civils. Je crois que si vous lisez

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number of these suggestions were considered, but were not adopted.

I do not know whether this is the time to suggest the alternates and variations or whether that should be...

The Chairman: If there is any time, I think this is the time.

Mr. Forrestall: There is no better time than now.

Colonel Dewis: I would just leave those two for the moment, then, and come back to them. I did mention at the last meeting that a number of service people complained about the possibility of their individual ballots not being secret. I think it was well demonstrated at the last meeting that there is no validity to that and the secrecy of the individual ballot is amply protected. The Chief Electoral Officer put a statement in the front of the voting rules which indicates the mechanical procedures to be followed by his officials in the four voting territories. I personally have no doubt at all about the secrecy and when people in the forces complain to me about it, after I explain this procedure to them, they are convinced, but, as I said at the last meeting, I do not get an opportunity to speak to everybody. However, I think there is no validity about the individual ballot not being secret.

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The other point is that every serviceman—not every, but a large number of the servicemen—complain bitterly when they find they are unable to vote in the ordinary local civilian poll in the area where they have owned their house for three, four or five years and on which they have paid municipal taxes and so forth. When they find they have to vote through the service procedure and cannot vote in the local civilian poll, they are very aggrieved.

There may be some validity to that complaint, but we must remember that in January or February of every year a member of the forces can change his place of ordinary residence to the place where he is living as a result of his service by completing a statement. So if he is posted to a unit, say, in September, October, December or even January or February, when he gets there he is in a position to make a statement changing his place of ordinary residence to that place and when a general election is called, he can vote at a civilian poll in that electoral district.

[Interprétation]

les comptes rendus des délibérations précédentes du Comité, vous constaterez que bon nombre de ces propositions ont été envisagées et n'ont pas été adoptées.

Je ne sais pas si le moment est opportun pour proposer les diverses solutions et variations possibles, ou s'il faudrait...

Le président: Je ne pense pas qu'il pourrait y avoir de moment plus opportun.

M. Forrestall: C'est le moment ou jamais.

M. Dewis: Dans ce cas, je vais laisser ces deux aspects de côté pour le moment, puis y revenir plus tard. J'ai dit au cours de la dernière séance qu'un certain nombre des membres des Forces armées s'étaient plaints de ce que leur vote individuel risquait de ne pas être secret. Je crois que l'on a bien prouvé, lors de la dernière séance, que ces plaintes étaient sans fondement, et que le caractère secret des votes individuels était bien protégé. Le directeur général des élections fait une déclaration en préface aux Règles électorales dans laquelle il indique la marche à suivre à ses représentants dans les quatre territoires électoraux. Pour ma part, je ne doute absolument pas que le secret soit protégé, et, lorsque les membres des Forces armées viennent se plaindre à ce sujet, il me suffit, pour les convaincre, de leur expliquer cette façon de procéder; mais, comme je l'ai dit lors de la dernière séance, je n'ai pas l'occasion de parler à tout le monde. Toutefois, je pense qu'il n'y a aucune raison de dire que les votes individuels ne sont pas secrets.

Toutefois, tous les militaires—pas tous, mais bon nombre d'entre eux—se plaignent amèrement de ne pouvoir voter aux bureaux de vote ordinaires pour civils de la localité dans laquelle, depuis trois, quatre ou cinq ans, ils sont propriétaires d'une maison sur laquelle ils paient des taxes municipales, et ainsi de suite. Lorsqu'ils se trouvent dans l'obligation de voter selon la méthode spéciale des Forces armées et qu'ils ne peuvent voter au bureau de vote local pour civils, ils sont fort mécontents. Leurs plaintes ne sont peut-être pas sans fondement, mais il ne faut pas oublier qu'en janvier ou février de chaque année, tout membre des Forces armées peut, en remplissant une déclaration, faire remplacer son lieu de domicile habituel par l'endroit où il vit par suite de son service. Donc, s'il est affecté à une unité en septembre, octobre, décembre, ou même janvier ou février, disons, il peut, dès qu'il arrive à l'endroit en question, remplir une déclaration pour faire modifier le lieu de sa résidence habituelle, et, lorsque des élections générales ont lieu, il peut voter à un

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Therefore, if that type of individual complains that he cannot vote in the ordinary civilian poll where he is serving, it is really his own fault because he had a chance in January or February to change it. So this is not really a very serious problem. However, if he is posted in February, March or April and then a general election is called, say, for June, he will not be in a position to vote in that electoral district and this does happen in some cases, but, all in all, I do not attach too much importance to that type of complaint.

As I said, the only complaints that I can think of offhand that are really serious are the two points I mentioned, the segregation of the service vote by class and the late reporting.

As far as the segregation is concerned, the complete merging of the service vote with the civilian vote could only be done if service people were to vote entirely as civilians. If they vote in Canada you still would be faced with the problem of the concentration of military personnel, say, at Greenwood, Petawawa, Gagetown or Borden and while there would be civilian polls there, it would be quite obvious, if you looked at those polls, how that segment of the service voted and as it is quite a representative group, you could still come to the conclusion that the service voted generally one way or the other. In provincial elections, in fact, service personnel do vote as ordinary civilians.

I think I mentioned at the last meeting about one Nova Scotian election where it came out in the headlines that the service, the RCAF, voted Liberal or Conservative—I forget which now—because they had two civilian polls at Greenwood, but it happened that the only people at Greenwood where these polls were located were the service people and their dependants. So if it comes out 90 per cent for one candidate or another, you have a pretty good idea how the service voted.

[Interpretation]

bureau de vote pour civils dans la circonscription électorale où il se trouve. Donc, si une personne se plaint de ne pouvoir voter au bureau de vote ordinaire pour civils de la localité dans laquelle il est en service, c'est en fait sa faute, puisqu'il a eu l'occasion, en janvier ou en février, de faire modifier son domicile. Ce n'est donc pas là un problème très grave. Toutefois, si un membre des Forces armées est affecté à une unité en février, mars ou avril, et que des élections générales aient lieu en juin, disons, il ne pourra voter dans la circonscription électorale où il se trouve. Cela se produit dans certains cas, mais, dans l'ensemble, je n'attache pas trop d'importance à ce genre de plaintes.

Je le répète, les seuls sujets de mécontentement auxquels je puisse penser à brûle-pour-point, et qui soient réellement graves, sont les deux questions que j'ai déjà mentionnées: le fait que les votes des Forces armées soient mis dans une classe à part, et le fait que l'on en transmette les résultats avec du retard.

Pour ce qui est des distinctions, un fusionnement complet des votes des Forces armées et de ceux des civils ne serait possible que si tous les membres des Forces armées votaient en tant que civils. S'ils votent au Canada, il se pose toujours le problème de la concentration du personnel militaire à Greenwood, Petawawa, Gagetown ou Borden, disons; même s'il y avait à ces endroits-là des bureaux de vote civils, la façon dont aurait voté cette section des Forces armées serait assez évidente si l'on regardait les résultats de ces bureaux de vote, et, étant donné que ce serait un groupe assez représentatif, il serait toujours possible d'en déduire que les forces armées dans l'ensemble avaient voté pour tel ou tel parti. Aux élections provinciales, en fait, les membres des Forces armées votent en tant que civils.

Je crois que je vous ai cité, lors de la dernière séance, le cas d'une élection en Nouvelle-Écosse à la suite de laquelle on avait déclaré dans les journaux que les Forces armées, l'Aviation royale du Canada, avaient voté pour les libéraux ou pour les conservateurs, je ne sais plus, car il y avait deux bureaux de vote civils à Greenwood, mais en fait, les seules personnes se trouvant à Greenwood, là où ces bureaux de vote étaient installés, étaient les membres des Forces armées et leur famille. Donc, si les résultats montrent que 90 p. 100 des électeurs de cet endroit ont voté pour tel ou tel candidat, on peut se faire une assez bonne idée de la façon dont ont voté les Forces armées en général.

[Texte]

Even if all service people in Canada voted as civilians, you would not have a true merger, you would not be able to talk about 65.4 per cent for one party or another. All you could say would be maybe 50 to 60 per cent. I do not know that that is much different, as there still would be is a disclosure as a class.

Another way, of course, in which it could be merged as much as possible would be if we had a permanent voting list. In other words, if ordinary civilians outside Canada were on the permanent voting list and the service people outside Canada or absent from their units were on that same list, then there would be a merging of the civilian and the military absentee voting. Again, however, you only would have to make an estimate of how many civilians were absent from Canada and how many service people were, so, I suppose, you might come up with the figures there, as well, because there are more Canadian service people outside Canada than there are ordinary Canadian citizens, in which case there only might be a partial merging.

• 1010

Another suggestion, of course, to obviate the late reporting of the service vote—and I think I covered this briefly at the last meeting—is for the service people to vote a week earlier than they do now. At the moment they vote during the week commencing Monday prior to civilian polling day, in other words one week before polling day. Well, if they voted two weeks before polling day the counting could be done in the week before polling day and then the result would be ready to be announced on election night along with civilian count. But in order to do that nomination day would have to be moved up to 21 days because when nominations close it takes the Chief Electoral Officer a good week to get the list of candidates distributed to every one of these 600 to 700 service voting places all over the world. That scheme has been considered in the past by the Parliamentary Committee—and it does make a three week campaign instead of a two week one. The big objection, as I mentioned at the last meeting, of course was on the secrecy of the service vote.

In 1963, when it was last considered, the then Chief Electoral Officer, Mr. Castonguay, said he could not in any way guarantee that there would not be leakage as to the results of the service vote prior to the closing of

[Interprétation]

Même si tous les membres des Forces armées au Canada votaient en tant que civils, il n'y aurait pas de fusionnement véritable. On ne pourrait dire que 65.4 p. 100, disons, avaient voté pour tel ou tel parti, mais l'on pourrait dire qu'il y en avait eu peut-être 50 ou 60 p. 100. Il ne me semble pas que cela fasse beaucoup de différence, puisqu'il y aurait toujours une distinction de classe.

Un autre moyen, bien sûr, d'obtenir un fusionnement aussi complet que possible serait d'avoir une liste électorale permanente. Autrement dit, si les civils qui se trouvent à l'extérieur du Canada étaient inscrits sur la liste électorale permanente, et que les membres des Forces armées à l'extérieur du Canada ou absents de leur unité fussent inscrits sur la même liste, il y aurait un fusionnement de tous les votes des absents, qu'ils fussent civils ou militaires. Remarquez, là aussi, il suffirait de calculer combien de civils et combien de membres des Forces armées étaient absents du Canada, si bien que l'on pourrait, je suppose, faire encore une fois des distinctions, car il y a plus de membres des Forces armées que de citoyens canadiens ordinaires à l'extérieur du Canada, de sorte que le fusionnement ne serait que partiel.

Une autre proposition qu'on a faite évidemment pour obvier au dénombrement tardif du vote militaire et je crois que j'en ai parlé au cours de la dernière séance, c'est de demander aux militaires de voter une semaine plus tôt. A l'heure actuelle, ils votent au cours de la semaine qui commence le lundi qui précède le jour du scrutin civil, c'est-à-dire une semaine avant le jour du scrutin. Et, s'ils votaient deux semaines d'avance, le dénombrement pourrait se faire la semaine qui précède le jour du scrutin et les résultats pourraient être annoncés en même temps que ceux du vote civil. Mais pour cela il faudrait avancer la présentation de 21 jours car lorsque la présentation est faite, il faut que le directeur général des élections dispose d'au moins une semaine pour faire préparer des listes et les distribuer à chacun des 600 ou 700 bureaux militaires de scrutin à travers le monde. Le Comité parlementaire a déjà étudié la question et il s'est avéré que la campagne devrait durer trois semaines au lieu de deux. La grande difficulté comme je l'ai déjà mentionnée, c'est la question du caractère secret du vote militaire.

En 1963, la dernière fois qu'on a étudié la question, le directeur général des élections, M. Castonguay, a dit qu'il ne pouvait pas garantir qu'il n'y aurait pas de fuite quant au résultat du vote militaire avant la fermeture

[Text]

civilian polls. A number of members of the committee agreed with him and said that if these votes were counted and the results were available, even under secrecy, two or three days before the civilian polls closed they would have a pretty good listing as to how the service had voted. Whether that is a good thing or a bad thing is a matter for this Committee to decide. As far as the service is concerned, it would improve our position even if there were some leaks. Our view is that if the service vote is announced the night the civilian polls close it gets sort of merged with the civilian vote. On the other hand there were members of the committee as well as other people who said that everybody has their ear glued to the radio and their eyeballs to the T.V. on election night and you get more publicity on how the service voted. That is sort of the general thinking on those.

There has also been the suggestion to leave nomination day the way it is, to leave service voting the same period as it is, and that if these envelopes were mailed directly to the Returning Officer of the individual electoral districts then it would get melded into the civilian vote there. But the difficulty there is, of course, that the Returning Officer does not conduct a poll, he has in his electoral district maybe 100 to 300 subdivisions and these envelopes would have to get to one or other of these subdivision polls. If they did not and if they are counted separately then there is going to be a separate announcement of the service vote.

Mr. Forrestall: Could they not be counted at the advance poll?

• 1015

Colonel Dewis: I was just going to mention that. Another suggestion is that they be sent to the Returning Officer and counted with the advance poll. If that is done and the ballots are checked against the poll books, I cannot see—and the Chief Electoral Officer can probably back me up—how you could just announce one total of 150 votes without saying which were civilian and which were military because the civilians would have to balance with the poll book. Of course the practical difficulty is in getting these to all of the 264 electoral districts when we have people scattered all over Europe and even in the Far East. So even if they all voted on Monday, to mail a ballot individually from some place in Saigon or the Middle East or even Europe and hope that it would get to the Northwest Territories or Vancouver and into

[Interpretation]

des bureaux civils de scrutin. Un bon nombre de membres du Comité étaient d'accord avec lui et ont dit que si ces votes étaient dépouillés et si les résultats étaient connus, même secrètement deux ou trois jours avant la fermeture des bureaux civils de scrutin, ils auraient une assez bonne idée du vote militaire. Que ce soit une bonne chose ou une mauvaise chose, c'est au Comité d'en décider. Pour ce qui est des Forces armées, notre position serait renforcée même s'il y aurait quelques fuites. Nous estimons, si le vote militaire pourrait être annoncé le soir même des élections, s'il était fusionné avec le vote civil, ce serait une bonne chose. Voilà ce qu'on en pense. D'autre part, certains membres du Comité et bien d'autres gens sont d'avis que tout le monde écoute la radio ou sont collés à la télévision le soir de l'élection, et écoutent toutes sortes de commentaires sur le vote militaire.

On a aussi proposé que le jour de la présentation ne soit pas modifié, que la durée du scrutin militaire ne soit pas changée et que toutes ces enveloppes soient postées directement à l'officier rapporteur des districts électoraux et qu'elles soient mélangées avec celles des votants civils. Mais le problème est que l'officier rapporteur n'est pas responsable du scrutin, il a dans son district électoral 100 ou 300 subdivisions et ces enveloppes devraient être expédiées à l'un de ces bureaux de scrutin. Si ces enveloppes n'étaient pas expédiées et si elles étaient dépouillées séparément, l'annonce du résultat du scrutin militaire devrait se faire séparément.

M. Forrestall: Ne pourrait-on pas dépouiller le scrutin aux bureaux provisoires?

M. Dewis: J'allais justement le dire. Une autre proposition consiste à les expédier à l'officier rapporteur et à les compter en même temps que ceux des bureaux provisoires. Si l'on fait cela et si l'on vérifie les bulletins de vote, je ne vois pas comment vous pouvez annoncer un total de 150 votes sans séparer les militaires des civils, étant donné que les bulletins de vote civil doivent correspondre au cahier du scrutin. Il s'agit évidemment de les faire parvenir aux 264 districts électoraux, alors que nous avons des gens disséminés à travers l'Europe et même au Moyen-Orient. Par conséquent, même si tous votaient le lundi, le problème c'est d'envoyer le bulletin de vote individuellement de quelque part dans Saigon au Moyen-Orient ou même en Europe et espérer qu'il arrivera à temps à Vancouver ou aux Territoires du Nord-Ouest,

[Texte]

the hands of the Returning Officer—in time to be counted, mind you—is quite a problem.

The other problem, of course, is that every Returning Officer would have to have a complete list of all service electors in order to check and scrutinize and ensure that this is a valid balloting envelope. This is now done of course in each of the four voting territories by the special Returning Officer. But it does not seem to me, and the Chief Electoral Officer in 1963 agreed, to be practical to consider providing every Returning Officer with sufficient information and staff to ensure proper scrutiny of these ballots which are mailed in.

The Chairman: I believe that Mr. Hamel had something to add.

Mr. Hamel: I just wanted to point out to the Committee that in 1955 the Committee had agreed to advancing nomination day by one week and making it 21 or 28, but then this was rejected when the amendment reached the House in Committee of the Whole and it was brought back to 14 days, as it is now.

The Chairman: Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, in one sense the Armed Forces ballots are counted now something like an advanced poll—they are counted other than on election day. Whether it be in Hong Kong or elsewhere, why cannot the ballots be counted at each polling place and the results of that vote be cabled or telephoned to the Chief Electoral Officer? I know there is some additional cost in that connection. Or since the Chief Electoral Officer already has a list of Armed Forces people alphabetically by constituencies, surely it would not be too much of a problem to provide each Returning Officer with a list of the Armed Forces people eligible to vote for his riding on the day of the official count, which is 10 days after election day. Why could not those ballots be counted then in each constituency?

Mr. Hamel: That really could be done but the official count is done seven days after and I do not think it would solve the problem because it would still have to be reported separate from the rest. At the moment, if there are four or five advance polls in an electoral district each advance poll is reported individually, and I believe most candidates

[Interprétation]

dans les mains de l'officier rapporteur pour le dépouillement.

Un autre problème, évidemment, c'est que chaque officier rapporteur devra disposer d'une liste complète de tous les électeurs militaires pour qu'il puisse vérifier et s'assurer de la validité de l'enveloppe contenant le bulletin de vote. Il est vrai qu'à l'heure actuelle, l'officier rapporteur spécial fait ce travail dans chacun de ces quatre districts. Mais je ne crois pas que ce soit pratique, et en 1963, le directeur général des élections était d'accord là-dessus, d'essayer de fournir à chaque officier rapporteur tous les renseignements et du personnel pour bien vérifier les bulletins de vote qui lui sont postés.

Le président: Je pense que M. Hamel a quelque chose à ajouter.

M. Hamel: Je voulais simplement faire remarquer au Comité qu'en 1965, le Comité avait convenu d'avancer d'une semaine la date de la présentation, et que cette période soit de 21 ou de 28 jours, mais ceci a été rejeté quand l'amendement est arrivé à la Chambre en comité plénier, et a été ramené à 14 jours, comme c'est le cas aujourd'hui.

Le président: Monsieur Benjamin.

M. Benjamin: Monsieur le président, dans un certain sens, les bulletins de vote des Forces armées sont, à présent, dépouillés comme s'il s'agissait d'un bureau provisoire de votation, ils ne sont pas dépouillés le jour de l'élection. Que ce soit à Hong-Kong ou ailleurs, pourquoi ne peut-on pas dépouiller le scrutin dans chaque bureau de scrutin, et pourquoi ne peut-on pas transmettre au directeur général des élections les résultats par télégramme ou par téléphone? Je sais que cela coûte un peu plus. Et puisque le directeur général des élections dispose déjà d'une liste des militaires par ordre alphabétique et par circonscription, ce ne devrait pas être si difficile d'envoyer à chaque officier rapporteur une liste des militaires ayant droit de vote dans la circonscription le jour du dépouillement officiel, qui se fait 10 jours avant le jour de l'élection. Pourquoi donc ne peut-on pas dépouiller ces bulletins de vote dans chaque circonscription?

M. Hamel: Ceci pourrait être fait, mais le dépouillement officiel se fait sept jours après et je ne pense pas que cela résoudrait le problème parce que le dépouillement militaire doit se faire séparément des autres. A l'heure actuelle, s'il y a quatre ou cinq bureaux provisoires de votation dans chaque district électoral, les résultats de chaque bureau est

[Text]

will insist that it be done that way. By the same token, whether the service vote be counted by the Returning Officer or the way it is at the moment, it will have to be reported the same way.

One problem that Col. Dewis touched upon is the fact that at the moment we have three statutory voting territories and one additional which we established to cut the distance the ballots have to travel, otherwise I believe that you are bound to have a larger number of ballots that will be rejected because they will not be received on time to be counted. And I believe that normally these ballots should not be received later than polling day or, as at the moment, nine o'clock the following day—in other words the first mail following polling day. So if you increase the distance the ballots have to travel and reduce the facilities for transmission you are bound to increase the number of rejected ballots. This, of course, is a decision for the Committee to take.

• 1020

Mr. Benjamin: As I recall the four elections in Saskatchewan in which we had absentee balloting, and there would be 15,000 to 25,000 absentee ballots cast in the whole province, in each constituency they were just shown as a total lump sum of absentee ballots. Now what would be wrong with lumping together advance polls and Armed Forces, if you are worrying about the identification problem, on one line of the election return I do not know that it is all that important that each advance poll be tallied separately. Those people are from all over the constituency, it does not do a candidate any good to assess the vote by poll, he cannot figure it out by polls, so why could not advance poll and Armed Forces votes be altogether on one line on any election return?

Mr. Hamel: Do you mean in the official report in the Blue Book?

Mr. Benjamin: Yes, and when they are reported on election night or whenever they are reported.

Mr. Hamel: That could certainly be done in the Blue Book but from a purely physical or mechanical point of view, particularly when you have a large advance poll, I do not think it would be feasible to count the whole thing together. First of all, in one advance poll the votes are taken by units and I believe that

[Interpretation]

transmis séparément, et je crois que la plupart des candidats insisteront à ce que ça se fasse ainsi. Par cette même occasion, que le dépouillement du scrutin militaire soit fait par l'officier rapporteur ou comme ça se fait actuellement, les résultats doivent être annoncés de la même façon.

Une chose dont le capitaine Dewis nous rappelle, c'est qu'en ce moment, on a trois territoires statutaires de scrutin, et un quatrième afin de réduire la distance que les bulletins de vote doivent parcourir, autrement je crois qu'un certain nombre de bulletins devront être rejetés car ils n'arriveront pas à temps pour le dépouillement. Je pense que ces votes ne devront pas être reçus plus tard que la date à laquelle ils devraient être comptés ou comme ça se fait présentement à 9 heures le lendemain matin, autrement dit la première distribution de courrier qui suit le jour de l'élection. Ainsi, si vous augmentez les distances à parcourir et si vous réduisez les installations de transmission, vous augmenterez nécessairement le nombre de ballots qui vont être rejetés. C'est au Comité de prendre une décision.

M. Benjamin: Quand je me rappelle des quatre élections qui ont eu lieu en Saskatchewan, et où il y avait 15,000 à 25,000 votes par procuration dans toute la province, dans chaque circonscription, on les indiquait en un seul chiffre global représentant les bulletins de vote par procuration. Quel mal y a-t-il à grouper les bureaux provisoires de scrutin et ceux des Forces armées, si vous vous souciez des problèmes d'identification, sur une même ligne? Je ne vois pas l'importance à ce que chaque bureau provisoire fasse l'objet d'un dépouillement séparé. Ces gens viennent de toutes les circonscriptions. Le candidat n'a aucun intérêt à ce que l'évaluation du vote se fasse par bureau de votation, il ne peut s'en faire une idée; par conséquent pourquoi ne peut-on pas dépouiller le scrutin militaire et le scrutin civil en même temps?

M. Hamel: Vous voulez dire dans le rapport officiel, le Livre bleu?

M. Benjamin: Oui, et ça m'est égal si les résultats sont connus le soir de l'élection, ou quand ils sont censés l'être.

M. Hamel: Cela pourrait certainement s'inscrire au Livre bleu, mais du point de vue purement matériel, surtout lorsque vous avez un grand bureau provisoire de votation, je ne pense pas que ce soit possible de dépouiller le tout en même temps. Tout d'abord, dans un bureau provisoire, le scrutin est dépouillé par

[Texte]

there are some safeguards in that connection in that the people involved in the taking of the votes will be the same ones as will be involved in the counting. Now they would be added up together afterwards. I do not believe that it would make that much difference. But for the counting I think that the people involved in the actual taking of the votes should also be the ones involved in the counting because, otherwise, if something goes wrong it will not be possible to pinpoint the responsibility.

Mr. Macquarrie: Mr. Chairman, on the two big items, the segregation and the late reporting, I am convinced we will never solve this until we get a full-fledged absentee voting system. I wonder whether the Chief Electoral Officer would have any greater difficulty really in maintaining the secrecy if he had nomination a week earlier than he has, in fact, in connection with the advanced poll? Is this a bigger security problem?

Mr. Hamel: I am sorry. You mean advancing...?

Mr. Macquarrie: I am going back to what your predecessor said in 1963 and since that the advance poll has been greatly enlarged.

Mr. Hamel: With a view to taking the military vote earlier and counting it before polling day?

Mr. Macquarrie: As I understand it, Mr. Castonguay was concerned about maintaining the secrecy of that. I am asking now if that problem would in fact be any more difficult than maintaining the advance poll which in the interval has been much enlarged because more people use it.

Mr. Hamel: Yes, that is true. I believe one point raised—if I recall it was at our meeting in Quebec—was that as one of the basic principles you should have as little time as possible between the time the vote is taken and the time that it is counted because if you extend that period you increase the possibility of leaks. Now, if as I recall the suggestion of my predecessor to advance nomination day was purely to make sure that the list of candidates would be distributed on time for the taking of the service vote and that we would do a better job than we do at the moment because the way we print this list now—it is done in fact overnight, there are bound to be some mistakes, some slight spelling errors and that kind of thing. So by advancing nomination day, I do not believe the intention at that time as to advance the advance poll. It was

[Interprétation]

unité, et à cet égard, je pense qu'il existe certaines mesures préventives étant donné la personne qui reçoit le bulletin de vote est aussi celui qui effectue le dépouillement. Ils sont ajoutés les uns aux autres par la suite. Ça ne fait pas une grande différence.

Mais pour ce qui est du dépouillement je pense que les personnes qui recueillent les bulletins doivent être celles qui font le dépouillement, car autrement en cas d'irrégularité la responsabilité.

Mr. Macquarrie: M. le président sur les deux points principaux, c'est-à-dire la séparation et le comptage tardif du vote je suis convaincu que ces questions ne pourront être résolues avant que nous ne disposions d'un système ayant fait ses preuves par le vote des absents. Je voudrais savoir si le directeur général des élections aurait de grandes difficultés à maintenir le secret s'il recevait les votes une semaine plus tôt qu'il ne les a actuellement dans le cas du bureau provisoire de votation? Y a-t-il là un problème plus grave?

Mr. Hamel: Je ne comprends pas très bien, monsieur . . .

Mr. Macquarrie: Je reviens à ce que votre prédécesseur a dit en 1963, et depuis lors le bureau provisoire de votation a été agrandi.

Mr. Hamel: Vous voulez dire en rapport avec le tenue du scrutin plus tôt et de dépouillement avant le jour de l'élection?

Mr. Macquarrie: Si je comprends bien, M. Castonguay a été intéressé à garder ceci secret. Je me demande maintenant si en fait le problème ne serait pas encore plus difficile que de maintenir le bureau provisoire de votation qui entre temps se sera beaucoup agrandi car plus de personnes l'utiliseront.

Mr. Hamel: Oui, c'est vrai. Un point qui a été soulevé, si je me souviens bien, c'était lors de notre réunion à Québec, c'est qu'un des principes fondamentaux est qu'il faut qu'il y ait le moins de temps possible qui s'écoule entre le moment du vote et le dénombrement du vote. Car si vous allongez cette période, les possibilités de fuites sont d'autant plus grandes. Donc comme je le rappelle, la proposition de mon prédécesseur d'avancer le jour de la présentation avait motif uniquement de s'assurer que la liste des candidats serait distribuée à temps pour que puisse être procédé au vote des militaires et que nous accomplirions un meilleur travail que nous ne le faisons en ce moment car actuellement la façon dont nous imprimons cette liste est celle de la rédiger en une soirée et il y a forcément des erreurs, des fautes d'orthographe et ainsi de suite qui s'y

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primarily to allow more time for the documents to travel to the hundreds of service polls all over the world. In fact, it was brought back to 14 days, provided we are willing to live with a few typographical errors in the list of candidates, we have been able to manage.

Mr. Macquarrie: Well, I do not know what other people think but I cannot see the three weeks being a burden at all because 99 per cent of the candidates are in fact nominated by their party weeks ahead of the official nomination and are interested in service voters and in other voters, too.

I am interested in this firm injunction here on the envelope that if it is not received by the Special Returning officer by 0900 hours on the following day, it will not be counted and on the top it says it is despatched by ordinary mail. A man in Toronto the other day wrote a letter to himself first class which he did not get back for ten days. The mail has become slower since these documents were drawn up and I am just wondering if this may not be considered. Do you, in fact, have many of these which come in too late to be counted?

• 1025

Mr. Hamel: I have the figures here for the last election. Of course, this was before the recently introduced changes in the postal service. I will have to make a suggestion to the Committee later on because we may have to change the sequence of some functions within the period of the election because most post offices will be closed on Saturdays. At the last general election in the Maritime voting territories, for instance, nine envelopes were received too late but there is another factor also which I must point out. In 1968, polling day was on a Tuesday so we had one extra day for receiving the ballots although we had one day less for counting the ballots so we added only staff. In the western voting territory 201 were received too late but I believe there was some problem beyond post office control there; a bag got astray somewhere. In the overseas voting territories, in London there were 13 that came in too late to be counted and finally in Ottawa here there were only 11 out of 24,000 received too late.

[Interpretation]

glissent. En avançant la date du jour de la présentation je ne crois pas qu'on ait voulu à ce moment-là avancer également le scrutin avancé. C'était principalement pour que les documents parviennent à tous les bureaux de scrutin militaires partout dans le monde. De fait on a ramené cette période à 14 jours pourvu que nous puissions tolérer certaines erreurs typographiques dans les noms des candidats, sur la liste, mais nous sommes débrouillés comme cela.

M. Macquarrie: Eh bien, je ne sais pas ce qu'en pensent les autres, mais je ne crois pas que trois semaines soient un obstacle insurmontable, puisque 99 p. 100 de tous les candidats sont en fait nommer par leurs partis des semaines avant la présentation officielle des votes et s'intéressent aux votes des militaires et aux autres aussi. Ce qui m'intéresse ici c'est l'indication expresse sur l'enveloppe que si cela n'a pas été reçu à 9h00 par l'officier rapporteur spécial il n'y aura pas de dépouillement et en plus que cela sera expédié par le courrier ordinaire. On a démontré, hier, qu'une personne de Toronto s'est écrit une lettre à elle-même par courrier de 1^{re} classe et qu'elle ne l'a pas reçue avant dix jours. Vu que depuis que ces documents ont été rédigés le courrier s'est ralenti je me demande si on ne pourrait examiner cette question. Est-ce qu'il y a en fait beaucoup de ces documents qui arrivent trop tard pour être dépouillés?

M. Hamel: J'ai les chiffres des dernières élections. Évidemment, c'était avant les changements introduits récemment dans le service postal. Il faudra que je fasse une proposition au comité plus tard, peut-être qu'il nous faudra apporter certaines modifications à l'ordre des opérations pendant la période électorale car la plupart des bureaux de postes seront fermés le samedi. Aux dernières élections, pour les Maritimes, par exemple, neuf enveloppes ont été reçues trop tard, mais il y a aussi un autre facteur que j'aimerais mentionner. En 1968, le jour du scrutin était un mardi, par conséquent, nous avions un jour de plus pour recevoir les bulletins de vote mais un jour de moins pour les dépouiller aussi nous n'avons augmenté que notre personnel. Dans les Territoires de scrutin de l'ouest, 201 votes ont été reçus trop tard, mais je crois qu'il y a eu des problèmes qui ne relevaient pas du bureau de poste. Un sac s'est perdu quelque part. Dans les territoires de scrutin outre-mer, à Londres, 13 enveloppes étaient en retard, et enfin, à Ottawa ici, 11 seulement sur 24,000 ont été reçues en retard.

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Mr. Macquarrie: So the West was really the slow area.

Mr. Hamel: Yes, but as I say, it was through no fault of the Post Office Department. This was an error that happened, I believe, on a ship.

Mr. Macquarrie: Well I enter this now for future consideration. Really, it is a hell of a thing, in effect, to disfranchise a man because someone else is not moving his ballot fast enough. I think this is something we should consider.

There is another small matter, and most of my questions are of a technical nature. When you refer to the secrecy of the ballot, and this has always puzzled me about these rules, why, in number 37, we go out of our way to say: Mark it with a pencil, with ink, or with a pencil of any colour. Surely it is not too difficult to provide a pencil in one of these polling booths, in all of them, I should say. It just strikes me that in civilian voting, some poor devil who pulls his ballpoint pen out of his vest pocket is disfranchised, yet we actually almost invite temptation in this rule. Is there any rationale behind it that escapes me?

Colonel Dewis: As far as National Defence is concerned I guess I would have to say we are pleased to have a more lax system of marking the ballots because as you say, if somebody automatically pulls his ballpoint pen out and writes in at the civilian poll his ballot is rejected, I understand; whereas, a serviceman's is not. Possibly the civilian procedure should be changed. I certainly could not recommend that the forces procedure be changed.

Mr. Macquarrie: You could not recommend that it be changed?

Colonel Dewis: I could not recommend that the provision whereby a serviceman can use any type of pencil should be changed because I quite agree; I do not see these ballots and the Chief Electoral Officer would probably have a better idea but I presume there are various colours of pencils, possibly black, some grey, or maybe even red that are used. Those ballots are counted, however, under our rules.

Mr. Macquarrie: Right. Of course, the whole theory was that everybody used a black pencil so that Mr. "X" could never say "I did mine with a purple ballpoint so you can be sure I did the right thing". Perhaps we

[Interprétation]

M. Macquarrie: Ainsi l'Ouest était vraiment la zone en retard.

M. Hamel: Oui mais cela n'était pas la faute du ministère des postes comme je l'ai dit. Il s'agit d'une erreur qui s'est produite, je pense, sur un bateau.

M. Macquarrie: Eh bien, pour parler ici pour l'avenir, c'est vraiment très grave d'enlever à un homme son droit de vote simplement parce qu'une enveloppe est arrivée trop tard. C'est une question de première importance à étudier. Une autre petite question à étudier aussi que je vais exposer bien que la plupart de mes questions soient d'ordre technique. Quand vous parlez du secret du scrutin et ceci m'a toujours intrigué quand je lis les Règlements: pourquoi, au numéro 37, nous disons, que le vote peut être inscrit avec un crayon avec de l'encre, avec un crayon de n'importe quelle couleur? Il ne serait pas difficile me semble-t-il de fournir des crayons dans toutes les cabines de votes. Ce qui me frappe c'est qu'un civil qui se servirait par inadvertance de son crayon à bille se verrait par là même disqualifié et pourtant nous poussons presque les gens à commettre cette faute. Y a-t-il une raison logique là qui m'échappe?

M. Dewis: Pour ce qui est de la Défense nationale, nous avons, nous sommes heureux que les prescriptions soient moins rigoureuses que pour le vote civil. Dans les votes civils quelqu'un qui utiliserait un crayon à bille verrait son bulletin rejeté, je crois comprendre. Mais dans le vote militaire il n'est pas de même. Peut-être faudrait-il modifier la procédure du vote civil. Je ne voudrais certainement pas préconiser un changement au scrutin militaire.

M. Macquarrie: Est-ce que vous pourriez recommander ce changement?

M. Dewis: Je ne pourrais recommander que la disposition permettant à un militaire d'utiliser toute espèce de crayon soit modifiée car je suis d'accord avec celle-ci; je ne vois pas ces votes et peut-être que le directeur général des élections serait mieux en mesure de vous renseigner là-dessus. Mais je pense que l'on utilise diverses couleurs de crayons, noirs peut-être, gris ou même rouges. Les votes sont dépouillés cependant conformément à nos Règlements.

M. Macquarrie: Bien. Dans les bureaux civils, en principe tout le monde devrait utiliser un crayon noir de façon à ce que M. «X» ne puisse dire «j'ai fait mon vote avec un crayon à bille pourpre aussi vous pouvez être

[Text]

will have to examine what is good for one and bad for the other so we might rationalize this matter.

Colonel Dewis: I might remark, of course, that when a chap is voting in a unit, say in the Middle East, his ballot is not opened until it gets to London and he does not know what pair of scrutineers are going to be looking at it. I find it hard to imagine that somebody in the Middle East would want to let a scrutineer in the London office know how he voted. Or he may be up in Aklavik or down in Washington and the vote is counted in Ottawa or Edmonton, so why would he want to do that? At a civilian poll where it is all counted locally right where he votes there might be such a problem, I do not know.

• 1030

Mr. Macquarrie: I will leave that. I have one further small item and then I am through. I am wondering why the Royal Commission on the Status of Women has not come into this? It strikes me as strange that a military elector, if he has a forty-second cousin in Algoma, can elect that he will be a resident thereof and his wife must go along with him. How difficult would it be to recognize the wife as having the right to choose where she will be a political person?

Colonel Dewis: Of course, the wife, if she is in Canada, votes as an ordinary civilian.

Mr. Macquarrie: Yes.

Colonel Dewis: Overseas the theory behind it is that she is living with her husband over there, and if she were back in Canada she would be living with her husband. Well, in Canada she would have to vote where her husband is. That is true enough. He might have a statement relating to somewhere else. But I think the theory is that normally they live together and that she would vote where her husband is.

Mr. Macquarrie: You have never had a complaint about this?

Colonel Dewis: No, I cannot recollect any complaint. Mind you, if it happens to be a service husband and a service wife she has her right to make her own statement. But if she is not a member of the force, then she takes her husband's place of residence.

I cannot honestly recollect ever hearing any complaints. I think I have heard it remarked on in a jocular way, but we have had no complaints about that.

[Interpretation]

certain que j'ai bien voté». Peut-être pourrions-nous examiner ce qui est bien pour l'un et mauvais pour l'autre afin de rendre cette affaire logique.

M. Dewis: Si vous votez au Moyen-Orient, par exemple, le bulletin n'est pas ouvert avant qu'il arrive à Londres. Et vous ne savez pas quels vérificateurs les examineront. Il m'est difficile d'imaginer que quelqu'un au Moyen-Orient aime que le vérificateur dans le bureau de Londres connaisse la façon dont il a voté ou que quelqu'un à Aklavik ou à Washington ait son vote examiné à Ottawa, Edmonton, pourquoi aimerait-il qu'il en soit ainsi? Pour le vote des civils où le dépouillement se fait sur place, il peut se poser des problèmes aussi, je n'en sais rien.

M. Macquarrie: Laissons cela. J'ai ici encore une petite question à examiner, et j'aurai fini. Je me demande si la Commission royale d'enquête sur le statut de la femme, n'a pas étudié ce point. Il me paraît étrange que l'électeur militaire qui a un cousin très éloigné dans Algoma peut choisir de voter dans Algoma et que sa femme doive faire de même. Serait-il si difficile de reconnaître à la femme le droit de choisir où elle exercera ses droits électoraux?

M. Dewis: Évidemment, la femme, si elle est au Canada, vote comme un civil ordinaire.

M. Macquarrie: Oui.

M. Dewis: Outre-mer, le principe est qu'elle vit avec son mari et de retour au Canada, elle vivra avec son mari; eh bien! au Canada elle devra voter où se trouve son mari. Cela n'est que trop vrai. Le mari peut faire une déclaration pour élire un autre endroit, mais je pense qu'en théorie ils vivent naturellement ensemble et qu'elle vote où se trouve son mari.

M. Macquarrie: Vous n'avez jamais reçu de plaintes de ce côté?

M. Dewis: Non, je ne me souviens d'aucune plainte. Mais attention, si l'homme et la femme sont tous deux membres des forces armées, la femme peut choisir aussi bien que l'homme la circonscription dans laquelle elle veut voter. Mais si elle n'est pas elle-même militaire, alors elle doit voter au lieu de résidence de son mari. Je ne peux honnêtement me souvenir avoir reçu des plaintes à ce sujet.

[Texte]

Mr. Macquarrie: They must have their women well trained.

The Chairman: Mr. Forest?

Mr. Forest: Mr. Hamel, what objections do you have, or did the Committee as a whole have in 1963, I think, to the recommendation of the Committee to advance nomination day to 21 days so that the military vote could be counted on the same night?

Mr. Hamel: It was in 1965. The Committee as a whole thought that it was unduly reducing the period allowed to political organizations to select their candidates. I recall this was suggested by...

Mr. Forest: As Mr. Macquarrie pointed out, most of the main parties have chosen their candidates within three weeks. I do not think it would be much of an objection now.

Mr. Hamel: Although at that time, I must point out, it was not geared to counting the vote earlier. It was only to allow more time to the Chief Electoral Officer to despatch the necessary material and supplies to the various service polls. The intention was not to advance the counting of the service vote.

As I say, it was unanimously agreed in this Committee, but rejected in the House after a relatively short discussion, primarily because they felt it provided insufficient time for the political parties to select their candidates.

Mr. Forest: But you would have no objection to advancing it to 21 days?

Mr. Hamel: None at all.

Mr. Forest: And would that ensure that the service vote would be counted on the night of the election?

Mr. Hamel: It could be done that way, although there are two problems that I see. One is that it does not solve part of the present problem, which is the announcing of the service vote separately. The second is that I cannot guarantee that there will be no leaks during the count. I can vouch for my own staff, but during the election I have a large number of extra staff.

Furthermore, as you know, the counting of the ballots of the servicemen is done by scrutineers appointed by political parties representing different political interests. Therefore, it would be very, very simple for a party to find out how the vote went.

[Interprétation]

M. Macquarrie: C'est que les femmes sont bien dressées.

Le président: M. Forest?

M. Forest: M. Hamel, quelles sont vos objections ou celles que le comité plénier a présentées, je crois en 1963, contre la proposition d'avancement de la date de présentation de 21 jours, de façon à ce que les votes militaires puissent être comptés le même soir?

M. Hamel: C'était en 1965. Le comité plénier a pensé qu'il y avait là réduction induite de la période allouée aux partis politiques pour choisir leurs candidats. Je me rappelle que ceci a été proposé par...

M. Forest: Comme l'a dit M. Macquarrie, la plupart des partis ont choisi leurs candidats dans les trois semaines. Il ne s'agirait plus là d'une objection valable à l'heure actuelle.

M. Hamel: A ce moment-là, je dois le faire remarquer, ce n'était pas pour permettre de dépouiller le vote plus vite mais pour fournir au directeur général des élections plus de temps pour adresser tous les documents et fournitures aux bureaux de scrutin militaires. L'idée, comme je l'ai dit n'était pas d'avancer la date de dépouillement du scrutin militaire. Comme je l'ai dit, cela a été adopté à l'unanimité ici au comité mais rejeté à la Chambre après une discussion relativement courte, surtout parce qu'on a cru que cela accordait moins de temps que n'en veulent les partis politiques, pour choisir leurs candidats.

M. Forest: Auriez-vous des objections à ce que cela soit avancé à 21 jours?

M. Hamel: Pas du tout.

M. Forest: Est-ce que cela permettrait de dépouiller le scrutin des militaires le soir des élections?

M. Hamel: C'est possible. Cependant, il y a deux problèmes que j'entrevois. D'abord, cela ne résoudrait pas une partie du problème actuel qui est d'annoncer le vote militaire séparément du vote civil. Le deuxième problème est que je ne peux pas garantir qu'il n'y aura pas de fuite pendant le dépouillement. Je peux garantir la discrétion de mon propre personnel, mais pendant l'élection j'ai un important personnel supplémentaire. D'autre part, comme vous le savez, le dénombrement des bulletins des militaires se fait par des scrutateurs désignés par les partis politiques représentant divers intérêts politiques. Par conséquent, il serait fort simple pour un parti de trouver quelle a été la tendance du vote.

[Text]

At the moment, as you know, we have a great many problems with the advance poll. In fact, we had nine premature counts at the last general election. In spite of the fact that these people knew they would forfeit their pay, still, human beings being what they are, they had a "peek" at the ballots and made a count. Therefore if you count before polling day I do not see how you can avoid some pretty serious leaks.

The Chairman: Mr. Benjamin. I am sorry, Mr. Forest, are you through?

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Mr. Forest: I have one further question, Mr. Chairman. Are the instructions in the envelope sent in both official languages all around the world where the service vote takes place?

Colonel Dewis: Yes.

Mr. Forest: Everywhere?

Colonel Dewis: Yes.

Mr. Hamel: Everything we have is available either in English, or French, or bilingual. For purely administrative reasons, to simplify our task and to make things more expeditious, we are trying to bilingualize most, if not all of our forms. Even that envelope, I hope, will be bilingual. At the moment, we have to guess how many French and how many English will be sent to each place. By making it bilingual, we do not have to make any count and we do not have to keep separate stocks.

The Chairman: Mr. Benjamin?

Mr. Benjamin: Mr. Chairman, I wish to follow up a little farther a question I asked earlier, in the context of as far as possible treating the armed service voting the same as the civilian voting, so that there will not be so much difference between how their voting is carried out and handled.

I would still like to know why we cannot have the armed forces votes counted on election night—as is any other poll. There is a week from then until the official count; there is a week there for votes from each of those polling places in the armed forces, no matter where they are in the world, to be counted and the results cabled to the Chief Electoral Officer who, in turn, informs the 264 returning officers of what the total armed forces vote all over the world came to. It can be then interspersed on the day of the official count.

[Interpretation]

Nous rencontrons actuellement de nombreux problèmes en ce qui concerne les bureaux provisoires de votation. Il y a eu neuf dépouillements différents et provisoires aux dernières élections générales. Et même si ces gens savaient qu'ils perdraient leur salaire, les humains étant ce qu'ils sont, ils ont jeté un coup d'œil sur les bulletins et ont fait un comptage. Par conséquent s'il y a un comptage avant le jour du scrutin, comment peut-on éviter certaines fuites sérieuses?

Le président: M. Benjamin. Je m'excuse M. Forest, avez-vous terminé?

M. Forest: Encore une question, monsieur le président. Est-ce que les instructions dans les enveloppes sont écrites dans les deux langues pour être expédiées dans le monde entier où les militaires se trouvent au moment du scrutin?

M. Dewis: Oui.

M. Forest: Partout?

M. Dewis: Oui.

M. Hamel: Tout est disponible en français ou en anglais ou dans les deux langues. Pour des raisons administratives, afin de simplifier notre tâche nous avons essayé de rédiger dans les deux langues la plupart sinon toutes nos formules. Même la présente enveloppe est, je le pense, bilingue. Actuellement, nous devons essayer de deviner combien d'enveloppes doivent être envoyées soit en français soit en anglais. Mais en les rédigeant dans les deux langues, nous n'aurons pas à évaluer ces nombres, ni à conserver des stocks distincts.

Le président: M. Benjamin?

M. Benjamin: M. le président, je voudrais continuer à examiner une question que j'ai posée antérieurement soit sur la manière de traiter les votes des militaires, de la même façon, autant que possible, que les votes civils. Est-ce qu'il existe tellement de différence à la manière dont ils votent et à la manière dont on traite ces votes? Pourquoi ne pourrait-on pas dénombrer les votes militaires le soir même de l'élection de la même façon que les autres scrutins. Il s'écoule toute une semaine depuis le moment de la votation jusqu'au dépouillement du scrutin. Une semaine s'écoulera pour le dépouillement quel que soit le lieu de votation des militaires et aussi pour que les résultats soient télégraphiés au directeur général des élections qui, à son tour, doit informer les 264 officiers rapporteurs sur ce que sera le scrutin total des militaires dans le monde entier. Celui-ci pourra alors être inclus le jour du dépouillement officiel.

[Texte]

Colonel Dewis: Mr. Chairman, I would like to make a comment. I will leave the mechanics to the Chief Electoral Officer, but one of the things National Defence has always been very particular about is not to involve any of our people in the exercise of what might be called judicial functions in relation to an election. I know that none of the responsible authorities in the forces would agree with the proposal that these ballots be retained in the unit and counted by service people. I think I could speak for the DM on that, too.

This sort of question has occasionally been raised before. We have always tried to keep the forces out of active politics and also anything which involves the counting of ballots, and that sort of thing, which is done in civilian polls. I am certain that our Deputy Minister—and I think probably the Minister—would not like to see the forces involved to that extent in the mechanics of it.

Mr. Hamel: There is one further matter. Even if the Committee went along with what I believe was your suggestion last week, that each deputy returning officer in a service poll be assisted by a poll clerk, as in an ordinary civilian poll, it would mean that these two people would be counting the ballots, but there would not be any party representatives.

Mr. Benjamin: Why not?

Mr. Hamel: Well, how feasible is it? This, of course, is not my problem, but you have between 600 and 700 polls all over the world. At the last election I believe we had one or two polls on our aircraft carrier which was on manoeuvres on which it might have been engaged for two or three weeks. How feasible is it for political organizations to send agents there to witness the counting? The taking of the votes is far less complicated. I believe, with all these precautions—the signatures and the statements, and so on; but in the actual counting, once you pull the inner envelope out of the outer envelope it completely loses its identity with the election.

Mr. Benjamin: That is right.

Mr. Hamel: Another rather serious problem, which may not be insurmountable, is that in each of those 600 or 700 pools, where you may have 200 voters, you may have 200

[Interprétation]

M. Dewis: Monsieur le président, j'aimerais ajouter un commentaire. Je laisserai la question du fonctionnement du scrutin au directeur général des élections mais le ministère de la Défense nationale a toujours veillé à ce que son personnel ne se mêle pas de ce qu'on pourrait appeler des fonctions judiciaires le jour des élections. Et je sais qu'aucune des autorités responsables dans les Forces militaires n'accepterait la proposition que les votes restent dans les unités et dépouillés par les militaires et je pense pouvoir aussi parler au nom du sous-ministre aussi. Cette question a été soulevée à l'occasion antérieurement.

Nous avons toujours essayé de garder les militaires en dehors de la politique et essayé de ne pas les mêler au dénombrement des scrutins et de ces choses qui sont faites dans les bureaux de votation civils. Et je suis certain que notre sous-ministre et je le pense, le ministre n'aimeraient pas voir les Forces armées mêlées à ces activités politiques.

M. Hamel: Il existe encore un point qu'il faudrait mentionner, que même si le comité était d'accord pour suivre cette suggestion qui a été la vôtre je le pense la semaine dernière, qui voulait que chaque sous-officier rapporteur, dans les élections militaires, soit aidé par un greffier du scrutin, comme dans un scrutin civil ordinaire. Ceci voudrait dire que ces deux personnes devraient dépouiller les scrutins mais il n'y aurait pas de représentant des partis.

M. Benjamin: Pourquoi pas?

M. Hamel: Eh bien! est-il faisable. Ce n'est pas là mon problème. Mais si vous avez 600 à 700 bureaux électoraux dans le monde entier; à la dernière élection je pense que nous avions un ou deux bureaux électoraux sur notre porte-avions lors de manœuvres durant deux ou trois semaines. Est-ce que c'est faisable pour les organisations politiques d'envoyer leurs agents pour être témoin que le dépouillement se fait d'une manière légale? Le fait de récolter les votes est de loin moins compliqué je pense qu'avec toutes ces précautions prises, les signatures, les déclarations; mais quant au dépouillement lui-même, il va de soi qu'aussitôt que vous enlevez l'enveloppe qui se trouve à l'intérieur de l'enveloppe extérieure, celle-ci n'a plus rien qui puisse l'identifier à l'élection.

M. Benjamin: C'est juste.

M. Hamel: Une autre chose peut-être qui est un problème assez sérieux, qui n'est peut-être pas difficile à arranger, c'est que dans chacun des 600 à 700 bureaux de votation si

[Text]

electoral districts involved; they may vote in 200 different electoral districts. Therefore, the despatching of the results to my office would be pretty difficult. And for us to keep track of the various polls all over the world, in the jungles of Indo China or Viet Nam or Korea, and so on would be an almost impossible task. As I say, it would mean receiving the results from each of these service polls, probably by wire, and in many cases there would be only one vote or two votes; but almost every one of the 264 electoral districts would be reporting in each poll.

Mr. Benjamin: Yes.

Mr. Hamel: And it seems to me that you are increasing the possibility of errors tremendously.

Colonel Dewis: Mr. Chairman, at the time of the 1968 election, HMCS *Saskatchewan* and HMCS *Qu'Appelle* were in Tokyo, the submarine *Grilse* was at sea out of Esquimalt, and three destroyers were in Chatham, England. There were three ships cruising in the Great Lakes, *Bonaventure* and three other ships were in the Puerto Rico area, and four minesweepers had left Halifax. Then in Norway we had a NATO exercise group involving about 738 other ranks.

This is only the ship situation quite apart from the land forces that might have been on manoeuvres somewhere in Canada. We sent a special officer to Norway who is well briefed in the voting rules. We had very little difficulty, although maybe that is an understatement because the people came from two electoral districts and they had their voting papers and everything, but that was all sorted out. So I do not see how, in those circumstances, and there are others, you could possibly run it on the ordinary civilian basis. If you start making exceptions and say, well if it is a land poll we will run it as civilian, but if it is a ship or an isolated unit we will run it as we do for forces people, I think that would be very confusing.

The Chairman: Mr. Forrestall.

Mr. Forrestall: The list, as you suggested, Mr. Hamel, is virtually a permanent one and certainly would be a welcome addition. It seems that what we have been talking about or what we have been doing for the last hour and a half is reviewing the ways that will not work.

[Interpretation]

vous avez peut-être 200 votants, il se peut qu'il y ait 200 districts électoraux différents qui sont inclus là-dedans. Il peut y avoir élection dans 200 différents districts électoraux. Par conséquent l'envoi de ces résultats à mon bureau serait très difficile et surtout pour nous, essayer d'y suivre les divers scrutins à travers tout le monde, que ce soit dans la jungle d'Indochine, que ce soit au Vietnam, que ce soit en Corée, etc., ceci serait impossible. Comme on dit, ça voudrait dire de recevoir de chacun de ces bureaux électoraux militaires les résultats peut-être par télégramme, et dans beaucoup de cas, un ou deux votes seulement mais chacun de ces 264 districts électoraux presque ferait rapport pour chaque bureau.

M. Benjamin: Oui.

M. Hamel: Il me semble que votre suggestion augmenterait énormément les possibilités d'erreurs qui pourraient se présenter.

M. Dewis: Monsieur le président, au moment de l'élection de 1968, le HMCS *Saskatchewan* et le HMCS *Qu'Appelle* se trouvaient à Tokyo, le sous-marin *Grilse* se trouvait en mer au large d'Esquimalt et nous avions trois destroyers à Chatham en Angleterre, trois navires qui se trouvaient sur les Grand Lacs, le *Bonaventure* et trois autres navires se trouvaient dans la région de Porto Rico, 4 détecteurs de mines venaient de quitter Halifax. En Norvège, nous avions des manœuvres maritimes qui comprenaient plus de 738 autres hommes.

Cette situation ne concerne que la marine mais les forces terrestres pouvaient être en manœuvre au Canada. En Norvège, nous avons envoyé un officier qui est versé dans les règlements de votation. Il n'y a pas eu de difficultés bien que les votants étaient de deux circonscriptions différentes. Je ne peux vraiment pas voir comment vous pourriez effectuer ce vote suivant le mode civil de votation. Si vous essayez de conduire les votes sur terre à la façon du vote civil et les votes en mer ou en poste isolé à la manière des Forces armées, cela deviendra très embrouillé.

Le président: Monsieur Forrestall.

M. Forrestall: La liste que vous nous avez proposée semble être permanente, et serait fort utile. Il me semble que depuis une heure et demie nous discutons des moyens qui ne seraient pas efficaces.

[Texte]

We had got to a point last week where I think the only question really unanswered was whether or not there is a system that will work. I think that, as Mr. Macquarrie said last week, it involves the civilization of these armed services votes. Could I ask if indeed this list that you talk about, particularly as it applies to the voters outside of Canada, is for use as a permanent list? Could not the forces electors stationed here at home bases, which happen to coincide with their places of ordinary residence, be treated as ordinary civilians, as indeed they are if they opt for that? Could not the others on a particular base here at home be placed under a concept of absentee voting procedures? And finally, could not all those outside the country be put under a straight concept of absentee voting?

If it is possible for the Department of National Defence to provide such a list, then this would not be incompatible with procedures at your headquarters. Could not this same or a similar type of list be prepared for embassy staffs and indeed perhaps on a voluntary basis for other Canadians who happen to be abroad? Could you not treat them all under some concept of absentee voting? The question we are really getting at, I suppose, is whether there is a possibility that there is something workable in the concept of the absentee voting procedure.

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Mr. Hamel: I believe, Mr. Chairman, that it would be relatively easy to extend the provisions of the present Canadian Forces voting rules to embassy staffs or what we call public servants abroad. In fact in 1963 the committee passed a resolution asking my predecessor to prepare an amendment to the Canada Elections Act to allow public servants and their dependants abroad to vote wherever we provide the facilities for the Armed Forces, and I felt compelled to work on this.

So we have a project which we have prepared in conjunction with the departments involved. It takes care, though, of only public servants and their wives, mainly for two reasons. First, this was the mandate of the committee in 1963, and we looked also into the possibility of extending this to all Canadians abroad. At that stage it becomes much more complicated if you want the same safeguards as you have with the service personnel and public servants, because it is a matter of asking service personnel and public servants to complete a statement of residence before they are posted abroad, and this becomes a part of their personnel files. We would not have access to the personnel files of other people. So it is not impossible but if you want

[Interprétation]

Nous sommes arrivés à un point, la semaine dernière, où la question était: est-ce qu'il existe un système qui puisse fonctionner? Je crois que comme l'a suggéré M. Macquarrie, il faudrait effectuer le vote militaire de la même façon que le vote civil. Est-ce que la liste dont vous parliez hier à propos de votants en dehors du Canada, est une liste permanente? Est-ce que les votants militaires stationnés ici au pays et dont la base coïncide avec leur lieu de résidence, ne peuvent pas être considérés comme des votants civils? Est-ce que les autres militaires stationnés au pays ne peuvent pas être considérés comme des votants absents? Est-ce que tous ceux qui sont hors du pays ne pourraient pas être considérés comme des votants absents?

Si le ministère de la Défense nationale pouvait fournir cette liste cela n'irait pas à l'encontre des procédures de votre quartier général. Est-ce qu'une liste semblable ne pourrait pas être préparée à l'intention des personnels d'ambassades et des autres Canadiens se trouvant à l'étranger s'ils le désirent. Est-ce qu'il n'y aurait pas moyen de leur faire suivre la procédure des votants absents? Y aurait-il moyen de formuler une procédure d'après celle des votants absents?

M. Hamel: Je crois, monsieur le président, qu'il serait facile d'étendre les dispositions des règlements actuels des votes militaires au personnel d'ambassades, c'est-à-dire aux fonctionnaires se trouvant à l'étranger. En fait, en 1963, le Comité a passé une résolution demandant un amendement à la loi électorale au Canada permettant aux fonctionnaires se trouvant à l'étranger ainsi qu'aux personnes à leur charge de voter là où nous avons une installation pour les Forces armées.

Nous avons élaboré un projet avec les deux ministères en cause, qui pour deux raisons principales ne concerne que les fonctionnaires et leur épouse. En premier lieu, cela constituait l'attribution du Comité en 1963 et de plus nous avons pensé à la possibilité d'étendre ce privilège à tous les Canadiens qui sont à l'étranger.

A ce moment-là ça devient beaucoup plus compliqué si vous voulez avoir les mêmes garanties pour les militaires que pour les fonctionnaires, car alors il faut leur demander de remplir une déclaration de résidence avant leur affectation outremer. Cette formule est consignée dans leur dossier. Nous n'aurions pas accès aux dossiers d'autres personnels. Si vous désirez obtenir une liste qui contienne

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to have a list that would provide reasonable safeguards, I do not believe at this stage it could be possible unless you go into the whole system of the permanent list which would provide absentee voting.

Mr. Forrestall: But the list that we do have is a permanent one. What you are suggesting is that it works only in respect to people who are controllable in the sense that they are public servants or something of that nature. You are saying that it is just not possible to include Canadians working for firms abroad or who have retired and are abroad six or eight months of the year.

I would question very seriously your earlier statement that the Armed Forces are the largest single identifiable group of Canadian citizens living outside Canada. It is my understanding that there are several thousand Canadians in Florida who spend six to ten months of the year there, but who are still Canadian citizens and who take a very keen interest in the conduct of political affairs here at home. You are saying that it is not possible to include these people, short of having a permanent list.

Mr. Hamel: As I said, that is true, because this is a completely new concept. By extending the provisions of the Armed Forces voting rules to public servants, we are working on the same basis. That is, these are employees to whose personnel files we have access, or somebody has access. To extend this to Canadians working for companies abroad, we would have to have the same access, if, of course, you want the same safeguards. Otherwise we would have to introduce a completely different concept, which is the concept of the permanent list that was explained in Mr. Castonguay's report as a result of his study.

Mr. Macquarrie: I would like to ask for clarification. Is it not really only a portion of those public servants abroad? You would have to have some propinquity to a military forces establishment. I doubt if you would have many in South America, for instance. Is it not only a part of the public service abroad that you were thinking of?

Mr. Hamel: No, I am sorry, Mr. Macquarrie. The mandate of the committee at that time was to provide voting facilities only where the facilities were already available to armed services personnel, and at that time military attachés, I believe, were not covered, that is, around 1963. But since then the Armed Forces cover the whole group of servicemen abroad. And after discussion with the departments involved, namely External Affairs; Industry, Trade and Commerce; Manpower

[Interpretation]

toutes les mesures de sécurité la chose n'est pas possible à moins d'obtenir la liste permanente qui vous permettrait le vote des absents.

M. Forrestall: La liste que nous avons est permanente. Ce que vous suggérez c'est que cette liste soit valable pour les personnes sur lesquelles nous pouvons exercer un certain contrôle, c'est-à-dire les fonctionnaires ou autre personnel. Vous prétendez qu'il est impossible d'inclure dans cette liste les Canadiens qui travaillent à l'étranger pour des entreprises privées ou des personnes à leur retraite qui sont à l'étranger six ou huit mois par année. Je doute fort que le plus grand nombre de Canadiens qu'il soit possible d'identifier à l'étranger, soient des militaires. Je crois savoir qu'il y a des milliers de Canadiens qui pendant six ou dix mois chaque année habitent la Floride et qui sont toujours des citoyens canadiens qui s'intéressent aux événements politiques au Canada. Vous dites qu'il n'est pas possible de les inclure à moins d'avoir une liste permanente.

M. Hamel: C'est exact, parce que c'est un concept entièrement nouveau. En étendant les dispositions des Règles électorales concernant les Forces canadiennes, aux fonctionnaires fédéraux nous appliquons les mêmes principes, c'est-à-dire que nous avons accès aux dossiers de ces employés. Si nous voulons étendre cela aux employés de Compagnies à l'étranger, il nous faudrait aussi avoir accès à leurs dossiers si nous voulons les mêmes garanties. Autrement il nous faudra recourir à un autre concept celui de la liste permanente, c'est ce qu'avait recommandé M. Castonguay à la suite d'une étude.

M. Macquarrie: Est-ce que ce n'est pas qu'une partie de ces fonctionnaires fédéraux à l'étranger qui peuvent être assimilés aux militaires? Je doute qu'il y en ait beaucoup en Amérique du Sud, par exemple. Est-ce que ce n'est pas seulement à une partie des fonctionnaires fédéraux que vous pensiez.

M. Hamel: Non, M. Macquarrie, le mandat du Comité était d'assurer des moyens de voter uniquement là où ces services existaient déjà pour les Forces armées, mais en 1963, je dois dire que les attachés militaires n'étaient pas couverts, mais depuis, les Forces armées couvrent le groupe entier des militaires à l'étranger. Après en avoir discuté avec les ministères intéressés, les Affaires extérieures, l'Industrie et le Commerce, la Main-d'œuvre et l'Immigration, etc., nous avons

[Texte]

and Immigration, and so on, we feel that it would be feasible to cover all public servants and their dependants abroad.

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Mr. Macquarrie: You mean that it would not be an actual voter doing his own voting at a booth?

Mr. Hamel: Oh yes, exactly in the same manner as members of the forces, and in fact in many places we would have joint polls where the servicemen and employees of External Affairs, Trade and Commerce, and Immigration would vote.

Mr. Macquarrie: So you would have a great many more polling booths than you have now.

Mr. Hamel: We would probably add, just abroad, I would guess between 4,000 and 6,000 potential electors.

Mr. Macquarrie: I am thinking of the actual booths that you have to set up.

The Chairman: Therefore, if we want to avoid the late reporting complaint we will be adding 4,000 or 6,000 more, and then there would be late reporting, if we do not change the rules. This may mean, in the case of certain candidates, a change in the last result, which means that five to ten candidates could be elected on election day and defeated a week later.

Mr. Hamel: At the last election we had over 60,000 servicemen who voted under the Canadian Forces Voting Rules. So if you add—this is a guess, but let us say 5,000—the percentage is still relatively small.

Mr. Forrestall: Can you, very briefly in a minute or two, refresh my memory on the gist of Mr. Castonguay's special report relative to the establishment of permanent lists?

Mr. Hamel: Mr. Castonguay made a study, as he was requested to do under the Representation Commissioner Act of 1963, of various systems of continuous electoral roles and absentee voting and permanent lists, as used in Canadian provinces and abroad. I believe he mainly studied the United Kingdom, the French, the Australian and the British Columbia systems, and also looked at a few American jurisdictions, particularly Allegheny County, around Pittsburgh, and at Los Angeles County.

He came to the conclusion that the system that would probably be most adaptable to Canada would be the Australian system, be-

[Interprétation]

conclu qu'il serait possible de couvrir tous les militaires et les personnes à leur charge à l'étranger.

M. Macquarrie: Vous voulez dire un électeur qui vote en réalité dans son propre bureau de scrutin?

M. Hamel: Oui et dans certains cas, nous aurions des bureaux de scrutin conjoints pour le personnel des différents ministères et pour celui des Forces armées.

M. Macquarrie: Est-ce que cela représente beaucoup plus de bureaux de scrutin qu'à l'heure actuelle?

M. Hamel: Ce serait à peu près entre 4,000 à 6,000 électeurs possibles.

M. Macquarrie: Je pense aux bureaux de scrutin qu'il faut installer.

Le président: Si nous voulons éviter que les votes soient comptés trop tard, il nous faudra ajouter de 4,000 à 6,000 votes de plus et le résultat n'en sera retardé que davantage, et cela pourra modifier le résultat définitif de certains candidats qui peuvent être élus le soir des élections et être défaits par la suite.

M. Hamel: Aux dernières élections, nous avions plus de 60,000 militaires qui ont voté aux termes des règles électorales concernant les Forces canadiennes. Si vous ajoutez à cela environ 5,000 votes, le pourcentage sera relativement peu élevé.

M. Forrestall: Monsieur Hamel, pourriez-vous me rafraîchir la mémoire sur ce que comporte le mémoire spécial de M. Castonguay, relativement à l'établissement d'une liste permanente.

M. Hamel: M. Castonguay, sur une demande aux termes de la Loi sur le commissaire à la représentation, a fait une étude des différents systèmes de listes électorales permanentes et de votes des absents dans les provinces canadiennes et à l'étranger. Il a étudié surtout le système britannique, français, australien et celui de la Colombie-Britannique, et aussi de celui de certains États américains, par exemple, le comté d'Alleghany autour de Pittsburgh et celui de Los Angeles. Il en est venu à la conclusion que le régime qui serait le plus adaptable au Canada serait le régime australien, du point de vue géographique, à cause de la concentration de

[Text]

• 1055

cause from a geographic point of view and from a concentration of population—or non-concentration in some parts of the country—point of view, Australia is quite comparable to Canada.

He also came to the conclusion that the only accepted on acceptable safeguard for absentee voting was to have it geared to a system of permanent lists, because then you had for each elector a card on which appeared a signature, and whenever an elector applied for an absentee ballot his signature could always be compared with a signature on the card on file in the office of the returning officer. I do not want to put words in his mouth, but I believe he said on one occasion here that there could be other safeguards, but at the moment this seemed to be the only accepted or acceptable one in the various jurisdictions.

One feature of the Australian system is compulsory registration, which automatically means that there has to be some built-in policing device. In their case, this is a yearly enumeration, or check—more or less a door-to-door canvass—to bring out those who may have moved, those who may have come of voting age, or those who may have changed their names by marriage, or otherwise, and who have failed to advise the office of the Registrar, as they are obligated to do under the law. It means penalties. It means, in some cases, prosecuting these people.

I believe he made certain comments on some systems, such as those in some American jurisdictions, where you have permanent lists, but on a voluntary basis. This is cheaper for the state in that you shift the cost problem on to groups such as chambers of commerce, or even political organizations. I believe he mentioned in his report that this was a major complaint of American political organizations, that they had to spend enormous sums of money to convince people that they should register, so that in fact they would be able to vote eventually.

Therefore, on the one hand there is this voluntary registration system, as in British Columbia, or in some American jurisdictions, and, on the other, the compulsory system as they have it in Australia.

When we speak of permanent lists we have to realize that the United Kingdom one is purely a permanent list, in the sense that it is closed as of a date and beyond that date you cannot make any changes until the next time it is open. This means that if there is an election shortly after it is closed you have a

[Interpretation]

la population, ou de la non-concentration dans certaines régions du pays l'Australie est tout à fait comparable au Canada. Il en est venu aussi à la conclusion que la seule sauvegarde acceptée et acceptable pour le vote des absents, c'est lorsque cela est adapté à une liste permanente. Alors, vous avez, pour chaque électeur, une carte où figure sa signature. Lorsqu'un électeur demande à voter dans un bureau provisoire, on compare sa signature à celle qui figure sur sa carte d'identité au bureau de l'officier rapporteur. Je ne voudrais pas lui attribuer des paroles qu'il n'a pas dites, mais je crois qu'il a déclaré qu'il pourrait y avoir d'autres précautions, mais que, pour le moment, c'est la seule précaution acceptée ou acceptable.

Une caractéristique du régime australien, c'est que l'inscription est obligatoire. Dans ce contexte, cela veut dire qu'il faut des garanties, il faut d'abord une énumération et, ensuite, une vérification de porte en porte; pour ceux qui ont atteint l'âge du scrutin, qui ont changé de nom à la suite d'un mariage et qui ne se sont pas rendus au bureau du registraire pour faire modifier la liste, comme l'exige la Loi. Il faut avoir recours à des sanctions; il faut parfois des poursuites en justice.

Je crois que M. Castonguay a fait certains commentaires sur des régimes de certains États américains qui ont des listes permanentes, mais sur une base facultative. Il y a aussi le problème du coût de ces listes; on peut avoir recours aux chambres de commerce ou même à des organismes politiques. C'est là le grief principal des organisations politiques américaines qui doivent dépenser des sommes énormes pour convaincre ou amener les gens à s'inscrire, afin qu'ils puissent voter le moment venu. D'une part, vous avez l'enregistrement facultatif en Colombie-Britannique ou dans certains États américains et le régime obligatoire qu'il y a en Australie.

Lorsqu'on parle des listes permanentes, il faut distinguer entre celles du Royaume-Uni, qui est une simple liste permanente en ce sens qu'elle est close à un certain jour et qu'après ce jour-là, on ne peut plus y apporter de changements jusqu'à ce qu'elle soit réouverte à nouveau. S'il y a une élection peu de temps après que la liste est close, la liste est assez à jour, mais si l'élection a lieu avant qu'elle soit ouverte pour des rectifications, vous avez une liste qui date de 10 ou 11 mois. Sous le régime australien, vous avez une liste

[Texte]

fairly up-to-date list, but if the election happens to be called just before it is open for adjustment, or change, you have a list that may be 10 or 11 months old.

Under the Australian system there is what we call continuous electoral rolls. Amendments to the lists are made continuously and a number of sources are used to keep the record up to date, including death and marriage, and so on, which are communicated to the office of the Registrar so that the amendments will be made.

One of our biggest problems, and in this we are quite different from any European country, is that our population is much more mobile than that of most European countries. For this reason a system such as the Australian one, if adopted in Canada, would be fairly expensive.

Mr. Howe: Mr. Chairman, I have a supplementary question to the one that Mr. Forrestall asked in relation to people who are on holiday in the winter time.

We had an election, I think, in February, in 1957, or early March...

The Chairman: That was in 1958.

Mr. Howe: In 1958, yes; and we have had elections in August. Is there any factor there that would increase the amount of absentee voting? Let us consider an election in February as against one in August, or in June rather than in September or October. Is there any pattern there that would cause more absentee voters, because people are on holiday and do not get a chance to vote?

Mr. Hamel: Do you mean in Canada?

Mr. Howe: Yes.

Mr. Hamel: We do not have any system of absentee voting, so...

Mr. Howe: But is there a pattern that shows that in certain areas a greater percentage of people did not vote?

Mr. Hamel: I believe our voter-participation in recent elections has been pretty constant. It varies from one province to another. Prince Edward Island, for example, is consistently above the national average. Other provinces are consistently below average. Amazing as it sounds, one of the areas where voter-participation is highest is in the Yukon and the Northwest Territories; it is very high. But otherwise it has been fairly constant on a national basis at between 72 per cent and 75 or 76 per cent.

[Interprétation]

permanente et continue. On se sert de plusieurs sources pour mettre ces dossiers à jour; les décès, les mariages, ainsi de suite, tout cela est inscrit sur la liste au bureau du registraire. Un de nos principaux problèmes est assez différent de celui des pays européens. Notre population est beaucoup plus mobile que celle de la plupart des pays européens. C'est la raison pour laquelle un régime comme celui de l'Australie, s'il était adopté au Canada, coûterait passablement cher.

M. Howe: J'aurais une question supplémentaire à poser, à la suite de celle de M. Forrestall au sujet de ceux qui sont en vacances durant l'hiver. Nous avons eu une élection en février ou mars 1957...

Le président: En 1958.

M. Howe: En 1958, vous avez raison. Des élections ont eu lieu au mois d'août. Est-ce que le nombre de votes des absents augmenterait? Prenons à titre d'exemple une élection qui aurait lieu au mois de février plutôt qu'au mois d'août ou au mois de juin par opposition aux élections qui peuvent avoir lieu en septembre ou en octobre? Est-ce qu'il y aurait plus de votes dans les bureaux provisoires, parce que les élections tombent pendant les vacances?

M. Hamel: Vous voulez dire au Canada?

M. Howe: Oui.

M. Hamel: Nous n'avons pas de système de vote des absents...

M. Howe: Y a-t-il quelque indice que dans certaines régions, il y a plus de gens qui n'ont pas voté?

M. Hamel: Je crois que la participation des électeurs au cours des dernières élections a été passablement constante. Elle varie d'une province à une autre. Dans l'Île-du-Prince-Édouard, par exemple, elle est presque toujours au-dessus de la moyenne; dans d'autres, au-dessous. Aussi étrange que cela paraisse, c'est dans le Yukon et les Territoires du Nord-Ouest que la participation des électeurs est la plus élevée. Ailleurs, c'est assez constant sur le plan national, entre 72, 75, 76 p. 100.

[Text]

Mr. Howe: I have one further question in relation to the word "leaks" that you have used periodically. You said that there were probably seven or eight relative to the service vote in the last election.

The Chairman: Advance polls.

M. Howe: Advance polls; yes.

• 1100

Mr. Hamel: One of our greatest problems of premature announcing of results is in the advance poll. It is much better than it was when the facilities of advance polls were extended. In the first election following the amendment to the Act in 1960, there were 23 or 24 premature counts, and then they dropped down to six, I believe, in 1965. They got up to nine last time. This is one of our major problems.

The Chairman: We must vacate this room at 11.00 a.m. to make way for another committee, but as a final question may I ask Colonel Dewis, while we have him here, what was the percentage of the Armed Forces that voted at the last election?

Colonel Dewis: Mr. Hamel might have a better idea on that.

Mr. Hamel: It is very difficult to give an absolute percentage because the potential number of servicemen entitled to vote was in the vicinity of 105,000, if I recollect. Some of them may have voted as civilians if they happened to be in the electoral district where they had their permanent residence. So we do not know how many actually availed themselves of this option. As I said, we had 63,000 to 64,000 who actually voted under the Canadian Forces voting rules, but we do not know what the potential was, so we cannot establish a very accurate figure on that.

The Chairman: Before we adjourn, I believe we will have a meeting on Thursday, the Clerk will notify you of the exact hour and room, at which time I think it would be appropriate for us to continue with Colonel Dewis and Mr. Hamel on the armed forces system, plus the other items that we discussed earlier. This meeting is adjourned until Thursday.

[Interpretation]

M. Howe: Mon autre question porte sur les «fuites» dont vous avez parlé. Vous avez parlé de 7 ou 8 pour les votes militaires aux dernières élections?

Le président: Bureaux provisoires.

M. Howe: Oui, bureaux provisoires.

M. Hamel: Un de nos principaux problèmes avec l'annonce prématurée des résultats se situe dans les bureaux provisoires. C'est beaucoup mieux qu'avant que ces bureaux se soient multipliés. Avant 1960, il y en avait eu 23 ou 24 et cela a baissé à 6 en 1965 et a monté à 9 la dernière fois. C'est là un de nos principaux problèmes.

Le président: Nous devons céder la salle à 11 heures; puis-je demander une dernière question à M. Dewis: quel a été le pourcentage des militaires qui ont voté aux dernières élections?

M. Dewis: M. Hamel pourrait mieux vous répondre.

M. Hamel: Il serait difficile de donner un pourcentage précis, parce que le nombre possible était d'environ 105 mille, si j'ai bonne mémoire. Certains d'entre eux peuvent avoir voté comme civils, s'ils se trouvaient dans le district électoral où se trouve leur domicile permanent. Nous ne savons pas combien ont profité de cet avantage. Je le répète, 64,000 ont voté aux termes des règles électorales concernant les Forces armées canadiennes mais pour le nombre possible nous ne le savons pas. Nous ne pouvons donc pas établir de pourcentage précis.

Le président: Avant d'ajourner nous avons une réunion, je pense, jeudi. Je ne sais pas à quelle heure exactement ni dans quel endroit. Il serait approprié que nous continuions d'interroger M. Dewis et M. Hamel sur le régime du scrutin des forces armées, en plus des autres articles que nous avons étudiés plutôt. La séance est levée jusqu'à jeudi.

OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

Second Session

Twenty-eighth Parliament, 1969

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Deuxième session de la

vingt-huitième législature, 1969

STANDING COMMITTEE

ON

COMITÉ PERMANENT

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 4

THURSDAY, DECEMBER 4, 1969

LE JEUDI 4 DÉCEMBRE 1969

Canada Elections Act

Loi électorale du Canada

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir les procès-verbaux)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

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Vice-Chairman

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Fortin,
Francis,
Howard (*Skeena*),
Howe,

(Quorum 11)

Le greffier du Comité,
R. V. VIRR,
Clerk of the Committee.

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Président
Vice-président

et MM.

Jerome,
Lefebvre,
Macquarrie,
Marceau,
Murphy,
Trudel—20.

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, December 4, 1969.

(5)

The Standing Committee on Privileges and Elections met this day at 9:35 a.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Benjamin, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, Marceau, Trudel—(9).

Witnesses: Mr. J. M. Hamel, Chief Electoral Officer, Mr. Walter Nash, Assistant Chief Electoral Officer, Colonel J. P. Dewis, Assistant Judge Advocate General.

The members resumed their questioning of the witnesses regarding the Canadian Forces Voting Rules.

The Chairman read, from a file, editorial excerpts pertaining to the delayed results of the Serviceman's vote during Federal Elections.

The Committee agreed to print these editorial comments as an Appendix to this day's Minutes of Proceedings and Evidence (*See Appendix 2*).

There being no further questions, the Chairman thanked Colonel Dewis for his assistance.

At 11:10 a.m. the Committee adjourned until 11:00 a.m. Tuesday, December 9.

[Traduction]

PROCÈS-VERBAL

Le JEUDI 4 décembre 1969.

(5)

Le Comité permanent des privilèges et élections se réunit, ce matin, à 9 h. 35. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Benjamin, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, Marceau, Trudel—(9).

Témoins: M. J. M. Hamel, directeur général des élections, M. Walter Nash, adjoint au directeur général des élections, et le colonel J. P. Dewis, juge-avocat général adjoint.

Les membres du Comité poursuivent leur questionnaire des témoins relative-ment aux règles électorales concernant les forces canadiennes.

Le président donne lecture de certains extraits d'éditoriaux relatifs à la publication tardive des résultats du vote militaire lors des élections fédérales.

Le Comité accepte que les commentaires en question soient imprimés en appendice aux procès-verbal et témoignages de la séance de ce jour (*Voir Appendice 2*).

Les membres du Comité n'ayant plus de questions à lui poser, le président remercie le colonel Dewis de sa collaboration.

A 11 h. 10, le Comité ajourne ses travaux jusqu'à 11 h., le matin du mardi 9 décembre.

Le greffier du Comité,

R. V. Virr,

Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, December 4, 1969.

• 0937

The Chairman: Gentlemen, I see we have a quorum to hear evidence. There was a discussion at the last meeting regarding the possibility of answering one of the complaints made by the Armed Forces. This concerned the lateness in the system of reporting the votes registered by them that we have had in the past. Mr. Hamel has prepared a schedule for us and I believe it would be helpful if he could submit it to us. Then we will continue with the questioning of Colonel Dewis.

Mr. Hamel.

Mr. J. M. Hamel (Chief Electoral Officer): Thank you, Mr. Chairman. If you wish to ensure servicemen the same period in which to vote as they have at present, in other words, if you do not want to disfranchise too many of them, I believe that the first requirement would be to advance nomination day by one week and the practically every operation would be in the same sequence. So it means that nomination day would be on the twenty-first day before polling day, instead of on the fourteenth day as it is at present. Then members of the forces would vote during the second week preceding polling day, that is, from the fourteenth day prior to polling day up to and including the ninth day which is the Saturday, the first day of the advance poll. Ballots would travel between the time they are cast up to 9.00 a.m. on the Wednesday preceding polling day. At present they are received until 9.00 a.m. on the day following polling day, because they are counted afterwards.

Incidentally, there is a principle here which, of course, we would not observe. Generally speaking there is a basic principle in elections that no ballot should be counted before all are cast. In this case we would have to disregard this basic principle because these ballots would be counted before the bulk of the ballots.

These ballots would be received up to 9.00 a.m. on Wednesday preceding polling day. We would allow the same time as we allow at present for counting the ballots in the four

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le jeudi 4 décembre 1969.

Le président: Messieurs, je vois que nous sommes en nombre suffisant pour entendre les témoignages. Il y a eu une discussion à la dernière réunion concernant la possibilité de répondre efficacement aux plaintes formulées par certains des membres des Forces armées soit les délais concernant les rapports de vote. M. Hamel a préparé un calendrier qu'il pourrait nous présenter et ensuite nous pourrions poursuivre l'interrogatoire des témoins.

Monsieur Hamel.

M. J. M. Hamel (directeur général des élections): Merci monsieur le président. Si vous voulez donner aux militaires, la même période de temps de vote qu'ils ont actuellement, et si vous ne voulez pas les priver de leur droit de vote il faudrait avancer le jour de la présentation d'une semaine et ensuite tout concordera. De sorte que la journée de la mise en candidature serait la 14^e journée avant le jour du vote plutôt que la 12^e comme en ce moment. Alors, les militaires pourraient voter au cours de la deuxième semaine qui précède le jour du vote, c'est-à-dire, à partir du 14^e jour à venir jusqu'au 9^e jour inclusivement qui tombe le samedi, la première journée du scrutin avancé. Les bulletins de vote, à partir du moment où ils seraient remplis jusqu'à 9 h. du matin le mercredi précédant le jour d'élection. Actuellement, ils sont reçus jusqu'à 9 heures du matin le jour suivant les élections car ils sont comptés après l'élection.

Le principe fondamental dans les élections, c'est qu'aucun vote ne doit être compté avant que la période de votation soit terminée. Dans ce cas il nous faudra déroger à ce principe car les bulletins devront être comptés avant le gros du scrutin.

Ces votes seront reçus jusqu'à 9 heures du matin le mercredi précédant le jour du scrutin. Il faudrait accorder autant de temps pour dénombrer les bulletins de vote que nous en

[Text]

• 0940

headquarters of the special returning officers, that is, Edmonton, Ottawa, Halifax, and London for the overseas voting territories. Last year we had only two and a half days, but that was because the election was on a Tuesday. Generally speaking, however, I believe we should allow about the same time we have at present. Then the results would have to be communicated by the special returning officers to my office before late afternoon on Saturday. The collating of the results from the four voting territories could be done in my office Saturday evening and Sunday morning.

Then the results could be released from my office on Monday, that is, polling day. Perhaps we could establish a sequence whereby the telegrams to the returning officers could be sent according to the time zones. In other words, the first telegram could go out to Newfoundland around 5:30 Ottawa time, which would be 7:00 o'clock Newfoundland time, and then 6:00 o'clock for Prince Edward Island, Nova Scotia, New Brunswick and moving west in that way.

I said that collating in my office would be done Saturday and Sunday morning. One basic principle I was trying to observe here was to allow as little time as possible between the counting of the ballots and the official announcement of the ballot because the longer the period the more likely it is that some of the results will be known. On the other hand, I had to try to arrive at some compromise there because of purely physical possibilities.

As you can imagine, I am sure, Sunday afternoon and particularly Monday, which is polling day, it is quite hectic in my place. My experienced staff is very small, that means there are very few people I could put in charge of this operation. It is quite true that some of the work can be done by clerks, even extra clerks, but it still has to be supervised and checked because it has to be accurate. It has to be checked by experienced people, and it boils down to two or three people and these are the people I need the most at that time because of the problems, because of the last minute rearrangements we have to make in connection with taking the votes of the 11 million other electors. So this is what I was trying to arrive at a compromise, how to treat these potential maximum of 100,000 votes vis-à-vis the service we have to make sure is available to the other 11 million electors.

I can see no other way than doing the counting on Saturday evening and Sunday morning so that the whole thing could be

[Interpretation]

accordons actuellement aux officiers rapporteurs spéciaux des quartiers généraux à Edmonton, Ottawa, Halifax, ainsi qu'à Londres pour les territoires d'outre-mer. L'an dernier, nous n'avons eu que deux jours et demi parce que l'élection a eu lieu un mardi, mais en général, il nous faudrait allouer la même période de temps que nous avons en ce moment. Ensuite le résultat des votes serait communiqué à mon bureau par les officiers rapporteurs spéciaux avant la fin de l'après-midi du samedi. Le dénombrement du vote pourrait se faire à mon bureau, le samedi soir et le dimanche matin.

Alors les résultats pourraient être communiqués de mon bureau, le lundi, c'est-à-dire la journée même du vote. On pourrait alors établir un calendrier selon laquelle les officiers rapporteurs pourraient faire rapport par zone horaire, c'est-à-dire, envoyer le premier télégramme à Terre-Neuve à 5 h. et demie d'Ottawa ce qui serait 7 h. à Terre-Neuve et 6 h. dans l'Île-du-Prince-Édouard, la Nouvelle-Écosse et le Nouveau-Brunswick et ainsi de suite jusque dans l'Ouest.

La compilation à mon bureau se ferait, comme je l'ai dit, le samedi soir et le dimanche matin. L'un des principes que j'essaie d'observer de cette façon, c'est d'allouer le moins de temps possible entre le dénombrement des votes et le communiqué officiel des résultats, car plus la période est longue, plus il y a des chances que les résultats soient connus. Par contre, j'ai essayé de composer un peu, compte tenu des conditions matérielles.

Comme vous pouvez l'imaginer, le dimanche après-midi et le lundi, qui est le jour du scrutin, sont à mon bureau des journées très fébriles. Mon personnel expérimenté est très limité, car il y a peu de gens que je peux affecter à cette tâche. C'est vrai que des commis peuvent exécuter ces travaux en partie, mais il faut toujours de la surveillance, de la vérification par des gens expérimentés, car il faut que ce soit exact. Ce qui veut dire deux ou trois personnes et ce sont les gens dont j'ai le plus besoin à ce moment-là, à cause des problèmes qui surgissent au dernier moment, des dispositions qu'il faut prendre pour assurer le vote des 11 autres millions d'électeurs. C'est pourquoi il me faut composer, comment traiter un maximum de 100,000 votes possibles qui correspond au vote militaire tout en tenant compte des besoins des 11 autres millions d'électeurs.

Alors, je ne vois pas d'autre moyen que de faire le dénombrement le samedi soir et le dimanche matin pour que tout soit prêt, au

[Texte]

finished at the latest on Sunday noon. I agree that then these results would lie in a safe place in the safe in my office from Sunday noon until Monday evening and many hands, in fact, would be involved. Of course, as a result the results of the service vote are likely to be known by some people. I am not too concerned about the press or the news media generally because they are quite aware of the penalties in the Act if results are officially announced before the time set in the Act, but I do not think you can prevent mouth to mouth information.

I wish to remind you, as I mentioned the other day, that the counting in the special returning officers' offices is done by pairs of scrutineers who are nominated by political organizations and there are so many of them and the way the counting is done, if the results were known ahead of time, it would be very difficult, if not impossible, to pinpoint the responsibility.

Even a statutory provision in the Act or in the rules making it an offence to divulge the results prematurely would not in my opinion

• 0945

be sufficient. It may act as a deterrent, but I do not think it would serve the whole purpose because, as I said, so many people are involved in various locations that it would be almost impossible to pinpoint the responsibility and eventually get a conviction. So any statutory provision in my opinion would act only as a deterrent. Is it something we should put in the Act when we know that a certain penalty provision cannot be enforced? This is another principle which I would like to leave with you. So by and large this is how it could be done.

If I may just finish this, there is the other problem I touched upon the other day, the fact that advancing nomination day by one week you would reduce the time political organizations have at the moment to organize conventions to select candidates, et cetera, et cetera. This was the main argument in 1955 when this, having been decided in committee here, was rejected on the floor of the House in committee of the whole.

The Chairman: Thank you, Mr. Hamel.

Mr. Forrestall: Just for verification, when you were preparing that schedule, Mr. Hamel, did you satisfy yourself, or are you satisfied, or perhaps Colonel Dewis could comment on this, on the necessity of six full days for the taking of the vote at the various bases? The Act stipulates that on at least three days of those six the pools shall be open for at least three continuous hours. Is there any way you

[Interprétation]

plus tard, le dimanche midi. Alors, les résultats seraient mis dans un endroit sûr dans mon bureau jusqu'à lundi soir. Bien des gens y seraient mêlés et par la suite les résultats du vote militaire pourraient être connus de certaines gens. Je ne me soucie pas trop de la presse ou des organes d'information en général, car ils connaissent les sanctions imposées par la Loi si on annonce les résultats prématurément. Mais je ne peux pas empêcher la rumeur de se répandre.

Mais comme je l'ai mentionné l'autre jour, le dénombrement dans les bureaux des directeurs du scrutin spéciaux se font par des scrutateurs qui sont nommés par des organismes politiques. Il y en a tellement et la façon dont le dénombrement se fait est tel que si les résultats étaient connus à l'avance, il serait difficile sinon impossible de préciser qui en est responsable.

Même une disposition de la Loi ou des règlements, déclarant illégale toute divulgation prématurée du scrutin ne serait pas suffi-

sante. Cela pourrait avoir un certain effet de dissuasion mais n'atteindrait certainement pas son but car il y a tant de gens en cause et dans tellement d'endroits, qu'il serait quasi impossible de préciser la responsabilité et d'accuser qui que ce soit. Donc, à mon avis les dispositions de loi ne sont qu'un moyen de dissuasion. La Loi devrait comporter des dispositions concernant des sanctions ne pouvant être mises en vigueur, c'est un principe que j'aimerais étudier avec vous, mais en général, voilà ce qui pourrait se faire.

En conclusion, il y a l'autre problème dont j'ai parlé l'autre jour, c'est que l'avancement du jour des présentations d'une semaine, réduirait le temps nécessaire aux organismes politiques pour organiser des congrès pour choisir des candidats, etc. Voilà l'argument principal qu'on a invoqué en 1955 lorsqu'on a décidé de la chose en Comité et que la question a été rejetée à la Chambre en comité plénier.

Le président: Merci, monsieur Hamel.

M. Forrestall: Un point à vérifier. Lorsque vous avez préparé le calendrier, vous êtes-vous assuré de la nécessité de disposer de six jours entiers pour recueillir le vote dans les nombreuses bases? La loi stipule que sur trois de ces six jours, le bureau de votation doit être ouvert au moins pendant trois heures consécutives. Pouvez-vous disposer de trois ou quatre jours pendant la semaine où vous êtes

[Text]

could save three or four days, or three days out of that week, that period when you are extremely busy with last minute details which might transfer the date of actual collating and preparing for distribution the final totals?

Mr. Hamel: At the moment, as I said, this was arranged on Saturday and Sunday morning and I do not think it would help if the collating were done on Friday or Thursday because it is probably as bad. Perhaps the best time may be Sunday morning, because Sunday morning officially we are closed. It does not mean that we do not get the odd call, but officially we are closed. This is a task to which I would guess those assigned would have to devote their full time.

Now, whether the forces absolutely need six days to cast their votes—perhaps Colonel Dewis is more qualified than I am to comment. But this was discussed, I remember a meeting we had with the people in National Defence, including the Minister, a few years ago. We went into this and I believe we came to the conclusion that the period—I am sorry—somebody suggested at that time that it be cut down to one or two days, and it was quite agreed that this was absolutely impossible.

The problem is that you cannot shave enough days to leave nomination day on the fourteenth day before polling day. We could perhaps have nomination day not necessarily on the Monday, it could be on the nineteenth or eighteenth day before polling day, but it would not be on a Monday as prescribed in the law. Under the present provisions of the Act nomination day has to be on a Monday, as is polling day, so I worked on that basis. Of course, if the Committee were to consider that nomination day could be on another day, on a day other than Monday, it would change the picture. It could be shifted to Tuesday or Wednesday or Thursday.

The Chairman: Are there any other questions? Yes, Mr. Dewis.

Colonel J. P. Dewis (Deputy Judge Advocate General, Department of National Defence): It is not so much a matter of time in actually taking the vote, most static units can do it all in one day. The big problem is getting the vote from there to the voting headquarters. More than half of the vote could probably be taken in one day and even get to returning, voting, headquarters in two or three days, but it is that time factor.

[Interpretation]

très occupé avec les détails de dernière minute pour que vous puissiez faire la compilation des résultats?

M. Hamel: Pour le moment, comme je l'ai dit, cela est prévu pour le samedi soir et le dimanche matin, mais je ne crois pas que ce serait mieux si la compilation se faisait le vendredi ou le jeudi. Le meilleur temps serait peut-être le dimanche matin, alors qu'officiellement nous sommes fermés. Nous pouvons recevoir quelques appels téléphoniques mais c'est tout. Il s'agit d'une tâche à laquelle ceux qui y sont affectés doivent consacrer tout leur temps.

Quant à savoir si nous avons absolument besoin de six jours pour le vote militaire, peut-être que mon collègue, le Col. Dewis, pourrait vous répondre d'une façon plus compétente. Cela nous en avons discuté il y a quelques années avec les gens du ministère de la Défense nationale, y compris le ministre. Nous avons approfondi la question pour venir à la conclusion que selon la proposition de certains, il faudrait réduire la période à un ou deux jours, ce qui était quasi impossible.

La difficulté c'est qu'on ne dispose pas d'assez de jours pour laisser la journée des présentations quatorze jours avant le jour du scrutin. Il n'est peut-être pas nécessaire que ce soit le lundi, ce pourrait être le 18 ou 19^e jour avant l'élection mais alors ce ne serait pas un lundi ainsi qu'il est prescrit dans la Loi. Selon les dispositions actuelles, la mise en candidature doit se faire un lundi comme le jour du scrutin, donc je dois en tenir compte. Si le comité pense que cela pourrait se faire une autre journée que le lundi, cela changerait tout. On pourrait le remettre au mardi ou au mercredi ou au jeudi n'est-ce pas?

Le président: Y a-t-il d'autres questions? Monsieur Dewis?

M. J. P. Dewis (Juge avocat général adjoint du ministère de la Défense Nationale): Ce n'est pas tellement le temps qu'il faut pour voter, la plupart des unités peuvent le faire en une seule journée. Mais le problème, c'est de prendre les bulletins et de les transporter aux quartiers généraux. Plus de la moitié des votes pourraient se faire dans une journée et être transmis aux quartiers généraux en un ou deux jours, mais il y a toujours le facteur temps.

[Texte]

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Then there are a very substantial number of votes—the last election I believe we had about 12 ships under way and we are enjoined, of course, not to move troops and ships et cetera, you know, during the voting period. However, these exercises are arranged sometimes months in advance and it is most difficult and undesirable to bring them to a halt.

We have manoeuvres. I remember one election when about two or three thousand troops out West were being concentrated at Wainwright and they actually did their voting *en route*. They were in a convoy and they stopped for two or three hours and actually did the voting on the roadway. The ballots then had to get to the headquarters of the appropriate returning officer. So it is really the time factor in getting these ballots to the special returning officer which eats up the time. It is not so much the voting, because in a ship they can do all the voting in a couple of hours, but then they have to get the ballots back.

Mr. Hamel: I am glad Col. Dewis brought this up because Mr. Nash made some inquiries yesterday, not exactly as to postal facilities, but about the approximate time it takes for documents to travel from various places where the Armed Forces have units at present, and we were told, not later than yesterday, that from some isolated places it takes between eight and 12 days for some documents to travel to a more central location. This is one of the basic problems, and this is the reason why I posed as a premise to my statement earlier that if we wish to give the Armed Forces approximately the same advantages they have at present, in other words, if we do not want to disfranchise too many of them—because these people could be disfranchised in two ways: by not giving them enough time to cast their ballots, and also by not allowing enough time for their ballots to travel to the office of the special returning officer. If they get there too late to be counted, the servicemen are disfranchised.

The Chairman: Mr. Howe.

Mr. Howe: Probably this has been discussed before, but I was rather interested in the item on page 26 of the Canadian Forces Voting Rules that has to do with bedridden veteran electors. This is something that we have been trying to get organized in civilian life, and apparently it has been carried forward in military hospitals. I do not know when it was initiated. How long has that been going on?

[Interprétation]

Il y a toujours un nombre important de votes, à la dernière élection, il y avait 12 navires en cours de route. On nous enjoint de ne pas déplacer de troupes ou de navires en temps d'élections. Ces manœuvres sont prévues des mois à l'avance et il est très difficile et peu souhaitable de les interrompre.

Il y a les manœuvres. Je me rappelle une fois où des troupes de l'Ouest étaient concentrées à Wainwright. Les soldats ont voté en route. Il a fallu faire arrêter le convoi pendant quelques heures pour les faire voter. Les bulletins de vote ont été transmis au directeur du scrutin compétent. Donc il y a toujours cette question de temps pour permettre le transfert des votes au directeur du scrutin spécial. Sur un navire, le vote peut se faire en quelques heures mais ensuite c'est la transmission des bulletins qui prend du temps.

M. Hamel: Je suis heureux que M. Dewis en ait parlé car M. Nash est allé aux renseignements hier, pas tellement au sujet du service postal mais sur le temps approximatif qu'il faut pour transmettre ces documents à partir des unités où se trouvent les militaires. On nous a dit pas plus tard qu'hier qu'en ce moment, il faut entre huit et douze jours pour le transfert des documents de certains postes isolés à un endroit plus central. Voilà donc l'un des problèmes fondamentaux. C'est pourquoi dans ma déclaration, j'ai établi le principe que si nous voulons donner aux militaires à peu près les mêmes avantages qu'en ce moment, si nous ne voulons pas enlever le suffrage à trop de militaires, cela pourrait se faire de deux façons: en ne leur donnant pas assez de temps pour voter et en n'accordant pas assez de temps pour que leur vote soit transmis au directeur du scrutin spécial; le militaire perd alors son droit de vote.

Le président: Monsieur Howe.

M. Howe: Peut-être cela a-t-il déjà fait l'objet d'une discussion, mais j'ai été très intéressé par la page 26 des Règles électorales concernant les Forces canadiennes, qui a trait aux anciens combattants cloués au lit. Nous avons essayé de régler la situation dans le secteur civil, et il semble que les hôpitaux militaires ont fait de même. Depuis combien de temps cela se fait-il?

[Text]

Col. Dewis: This came in about 1940, I believe. I would point out that these are veterans; these are not members of the Forces and these hospitals are DVA hospitals. In a military hospital it is part of the unit and the voting is done there by going from room to room if necessary.

Mr. Howe: It is done in the military hospitals, too?

Col. Dewis: Oh, yes.

Mr. Howe: That brings up a problem, Mr. Hamel. Many civilians are disfranchised because they are in hospitals. If it has worked out satisfactorily in military hospitals and veterans' hospitals, why can it not be done in civilian hospitals?

Mr. Hamel: I do not believe the situation is the same. I think we have to make a distinction between an acute or general hospital and a chronic hospital. At the moment in chronic hospitals we treat the patients more or less in the same way as we treat the veterans, with perhaps this main difference of residence. A veteran in a hospital under the Department of Veterans Affairs, or a veteran in a hospital in which there are 25 patients whose expenses are paid by the Department of Veterans Affairs, can vote only for the candidate in the electoral district where he had his residence

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before being admitted to hospital. This is the difference from ordinary chronic hospitals where the patients vote for the candidate in the electoral district in which the hospital is located.

When you deal with a general hospital, the problem is quite different, because most of these hospitals are in metropolitan areas. They may be servicing five, 10, 15, 20, or 25 electoral districts. These people are in the hospital for a relatively short period of time. It used to be about 10 days, but as you know, provincial governments are trying to shorten as much as possible the length of stay of patients in a general hospital. My information is that at present the average stay of a patient in a hospital is between six and seven days.

In order to vote, a person has to be enumerated; he has to be on the list. If he is in the hospital at the time of the enumeration, the chances are that he will have long ago left the hospital by the time polling day comes around, and vice versa. If he is there on polling day, it means that he is probably on the list in some other electoral district. This is the crux of the problem, and without a permanent list—in fact, some provinces have

[Interpretation]

M. Dewis: Depuis 1940, je crois. Il s'agit d'anciens combattants. Il s'agit d'hôpitaux des anciens combattants et non de militaires. Le vote se fait à l'hôpital militaire même.

M. Howe: Cela se fait aussi dans les hôpitaux militaires?

M. Dewis: En effet.

M. Howe: Ce qui crée un problème, monsieur Hamel. De nombreux civils perdent leur droit de vote parce qu'ils sont à l'hôpital. Si ces dispositions sont satisfaisantes pour les hôpitaux militaires, pourquoi n'en serait-il pas de même dans les hôpitaux civils?

M. Hamel: Je ne crois pas que la situation soit la même. Il faut faire la différence entre l'hôpital général et un hôpital pour le traitement des maladies chroniques. Dans ce dernier, nous traitons les patients à peu près de la même façon que les anciens combattants dans un hôpital administré par le ministère, où il y a au moins 25 anciens combattants dont les dépenses sont payées par le ministère des Affaires des anciens combattants. Dans ces deux cas ils ne peuvent voter que pour le candidat de la circonscription électorale où ils résidaient avant d'être admis à l'hôpital.

Voilà ce qui les distingue des autres hôpitaux pour malades chroniques où les patients votent pour le candidat de la circonscription électorale où se trouve l'hôpital.

Dans le cas d'un hôpital général, c'est tout à fait différent car la plupart se trouvent dans les régions métropolitaines; il peuvent desservir de cinq à vingt-cinq districts électoraux. Les patients n'y sont que pour très peu de temps, une dizaine de jours autrefois. Comme vous le savez les gouvernements provinciaux essaient de raccourcir la période de séjour des malades dans les hôpitaux généraux. Je crois comprendre qu'à l'heure actuelle, la durée moyenne de séjour est de six à sept jours.

Donc pour voter, la personne doit figurer sur la liste électorale si elle est hospitalisée à ce moment-là. Il est possible qu'il aura quitté l'hôpital avant le jour du scrutin ou vice versa. S'il y est le jour de l'énumération, il peut figurer sur une autre liste électorale. Voilà le problème et sans la liste permanente—de fait, certaines provinces ont pris d'autres dispositions. En Nouvelle-Écosse on se sert du vote par procuration.

[Texte]

treated this in some other way. Nova Scotia, for example, as Mr. Forrestall certainly knows, has treated this under proxy voting.

Mr. Howe: Thank you, Mr. Chairman.

The Chairman: Mr. Forrestall.

Mr. Forrestall: Coming back to your schedule of possible arrangements, what other disruptions would be caused, in terms of the general Act, by advancing the date of nomination? Perhaps at the same time you could enlarge a little on the difficulties or disruptions or amendments that would have to be made to the Act in general if the official nomination day, that is to say the Monday, was changed. I am assuming that it has some relationship to the flow of your work. Certain things have to be done on a certain day. Would the extra load cause disruptions in other parts of your administrative procedures?

Mr. Hamel: Offhand I would say, no. I think I pointed out earlier that there are two major problems. One is, I was going to say, of no concern to me. It is purely a problem for the body politique; it shortens the period they need to organize conventions, and so on. The other argument that was given in that respect was that it would tend to increase by one week the electoral campaign in some areas. But this, of course, is not a problem for me.

My major problem would be purely a staff problem, in the sense that I would impose on my key people additional responsibility at a time when they are almost exhausted by the work pressure, and so on. But otherwise I do not believe that it would disrupt anything because it would allow us exactly the same time for the other operations.

Mr. Forrestall: There would not be any major disruption by the advancement of the day as far as your workload is concerned.

Mr. Hamel: No, in fact it would allow our returning officers more time for the printing of the ballot. At the moment they have only about two days. In that case they would have almost a week if nomination day were still on a Monday, that is, the twenty-twenty-first day, and even if nomination day were advanced to Tuesday or Wednesday, that would not create any major problem.

Mr. Forrestall: How large is your permanent experienced staff?

Mr. Hamel: Altogether there are twenty-one, but that includes my staff in the warehouse, my junior clerks, my messengers and

[Interprétation]

M. Howe: Merci, monsieur le président.

Le président: Monsieur Forrestall?

M. Forrestall: Pour en revenir à la liste des arrangements possibles, qu'arriverait-il si l'on avançait la journée de la mise en candidature? Pourriez-vous nous dire en même temps quelles seront les difficultés qui en découleraient au titre de la loi si la date de mise en candidature officielle, mettons le lundi, était modifiée? Je suppose que cela présente quelque rapport avec vos travaux, l'horaire de vos travaux. Y aurait-il un surcroît de travail pour votre personnel?

M. Hamel: Au départ, je dirais non. Je crois avoir signalé plus tôt qu'il y a deux problèmes principaux: l'un qui intéresse le corps politique, c'est-à-dire le raccourcissement de la période nécessaire pour l'organisation des conventions, etc. L'autre argument invoqué à cet égard accroîtrait d'une semaine la campagne électorale dans certaines régions. Cela n'est pas un problème qui m'intéresse.

Ma principale préoccupation a trait au personnel. Cela imposerait à mon personnel clé des responsabilités supplémentaires au moment même où il sont sous une grande pression. Autrement, il n'y aurait pas de difficultés, je crois. Cela nous donnerait à peu près le même temps pour les autres opérations.

M. Forrestall: Autrement dit, il n'y aura pas de changements significatifs dans l'horaire de vos travaux, vi l'on avançait le jour des présentations?

M. Hamel: Non, cela accorderait plus de temps aux directeurs du scrutin pour l'impression des bulletins de vote. Aujourd'hui, ils n'ont que deux jours. A ce moment-là, ils auraient près d'une semaine si la mise en candidature se faisait une autre journée que le lundi, un mardi ou un mercredi, par exemple, il n'y aurait pas de problème important.

M. Forrestall: Quelle est le nombre de votre personnel permanent d'expérience?

M. Hamel: Vingt-et-une personnes, mais en fait cela comprend mon personnel d'entrepôt, mes commis, mes messagers. Mais pour ce qui

[Text]

so on. But my key staff are the assistant, my executive assistant, and my senior administrator, and that is it.

Mr. Forrestall: If another body of the House considers at a later date the question of public financing or public support of elections in some way, and I am assuming that you have looked at this and given a great deal of thought to it privately, would this necessitate an increase in your staff? What I am getting at is really whether or not, as the country grows and problems arise therefrom, you are getting pressed. Are you short of staff? Should your staff be enlarged?

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Mr. Hamel: Not at this time. With our present responsibilities, I believe we can cope with the present workload. Even adding the normal growth in the number of electors, and assuming that in 1972 or 1973 the voting age is reduced, I am still quite convinced that we can manage with the present senior staff. We may have to add the odd junior staff person.

To answer your first question, it is very difficult, if not impossible, to answer in absolute terms because there are many ways of controlling this election expenses business. I will give you an example. Let us suppose that the Barbeau Report were implemented as is; in other words, that all the recommendations of the Barbeau Report were enacted. The recommendation is that this be assigned to an officer that will be completely independent of my office. That officer would certainly need quite a large staff, particularly at election time but even on a continuous basis.

On the other hand, if Parliament were rather interested in a system such as the Nova Scotia system which came into force last October, this could probably be taken care of in my own office with a relatively small, specialized staff. In other words, we would have to create a specialized unit alongside our present operations.

Mr. Forrestall: Then another way of saying the proposition in your rescheduling is that it would not cost any more money, it would not entail any substantive changes in your procedural flow in handling the great bulk of Canadian electors. Would that be a correct assumption?

Mr. Hamel: You mean to rearrange the sequence of events so that the results of the service vote could be announced on polling

[Interpretation]

est du personnel clé, il y a mon assistant, mon adjoint exécutif, mon administrateur senior, et c'est tout.

M. Forrestall: Si un autre organisme de la Chambre envisage ultérieurement d'étudier la question du financement public d'une élection, je suppose que vous y avez songé sérieusement. Vous faudrait-il accroître votre personnel? Je pense aux problèmes qui pourraient se poser si vous manquiez de personnel. Est-ce que vous devez prévoir une augmentation de personnel?

M. Hamel: Non, pas en ce moment. Avec nos responsabilités actuelles, je crois que nous pouvons faire face aux travaux à accomplir. Même en tenant compte de l'augmentation du nombre d'électeurs, et en supposant par exemple, qu'en 1972 ou en 1973 l'âge légal de Svote sera baissé, je suis convaincu que malgré tout nous pourrions nous tirer d'affaires avec le personnel expérimenté dont nous disposons. Cependant il faudrait peut-être accroître le personnel auxiliaire.

Pour répondre à votre première question, il est très difficile, sinon impossible, d'y répondre de façon absolue, car il y a de nombreuses façons de contrôler les dépenses d'élections. A titre d'exemple, supposons que le rapport Barbeau soit mis en œuvre tel quel, c'est-à-dire, que toutes les recommandations qui y figurent soient suivies. La recommandation veut que cela soit affecté à un agent tout à fait indépendant de mon bureau. Cet agent aurait certainement besoin d'un nombreux personnel surtout en période d'élections, mais même de façon permanente.

D'autre part, si le Parlement s'intéressait à un système comme celui de la Nouvelle-Écosse qui a été introduit en octobre dernier, il est probable qu'on pourrait s'occuper de la chose au sein de mon propre bureau, avec l'aide d'un personnel spécialisé relativement peu nombreux. Il faudrait donc créer une unité spécialisée, dans le domaine de nos travaux actuels.

M. Forrestall: Autrement dit, il n'en coûterait pas plus cher, cela n'entraînerait pas de changements énormes pour ce qui est de desservir la grande majorité des électeurs canadiens. Serait-il juste de faire cette supposition?

M. Hamel: Vous voulez dire modifier le déroulement des événements, pour que l'on puisse annoncer le résultat du vote des mili-

[Texte]

night? No; it would not add anything substantial, anyway; perhaps the odd clerk but it would be rather insignificant.

Mr. Forrestall: Then in the absence of a permanent list this probably is about the only functional way that it could be done; that is to say, the secrecy of the franchise.

Mr. Hamel: True, although I am sure you realize that the only thing that would be achieved is that the service vote would be known at the same time as the other. It would still be identified as a group and then, of course, on that basis there are as many people who feel one way as there are those who feel another way. Some people would feel that the impact of announcing the service vote on polling night would be greater than announcing it a week later. Last time we estimated that 11 million viewers were actually watching the election results and the first result that would come out and the only official result at that time—because the unofficial counts made by the returning officers at that time are purely unofficial—would be the service vote; this would be the first one to come on the air.

The Chairman: The only thing you have to do is to send the telegrams two hours after they have started counting the ballots in the constituencies; this is quite simple.

Mr. Forrestall: Could not that done?

Mr. Hamel: Oh yes.

Mr. Forrestall: The point was I do not think that I fully agree with you. I know you have a tremendously large audience for that two and one-half or three-hour period. Some of us are crazy enough to sit up all night in the hopes there will be another dribble or two come in. But the time goes by and then every newspaper in Canada carries the results and usually they are carried in a prominent place, and I understand the readership of the Canadian newspapers is something in the order of 13 million or 14 million a day.

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Mr. Hamel: I am sorry; I did not say that this was necessarily my opinion. I said that some people believe the impact would be greater but others believe it is greater the way it is done now because it is announced all by itself a week later.

Colonel Dewis: Might I say a word, Mr. Chairman?

[Interprétation]

taires le jour des élections? Non. Cela ne ferait pas une grande différence, peut-être un greffier ici et là, mais rien de très important.

M. Forrestall: Donc en l'absence d'une liste permanente, c'est probablement la seule façon pratique de procéder, à savoir le caractère secret de l'électorat.

M. Hamel: Exactement, même si je suis sûr que vous vous rendez compte que la seule chose que l'on obtiendrait, serait que le vote des militaires serait connu en même temps que l'autre. Il serait toujours identifié en tant que groupe et par conséquent, suivant ce principe, il y a autant de gens qui pensent d'une façon que de gens qui pensent différemment. D'aucuns penseraient que le choc de l'annonce du vote des militaires le soir du vote serait plus important que si on l'annonçait une semaine plus tard. La dernière fois, nous avons estimé que 11 millions de télé-spectateurs suivaient les résultats des élections et les premiers résultats reçus et les seuls résultats officiels à ce moment, parce que les décomptes officiels effectués par les directeurs du scrutin à ce moment sont purement officiels, seraient ceux du vote des militaires; ils seraient les premiers à être annoncés.

Le président: Il n'a qu'à envoyer les télégrammes deux heures après le début du comptage des votes dans les circonscriptions; c'est fort simple.

M. Forrestall: Ne peut-on pas le faire?

M. Hamel: Oh, si.

M. Forrestall: Je ne suis pas tout à fait d'accord avec vous. Je sais que vous avez un auditoire énorme pendant cette période de deux heures et demie ou trois heures. Il y en a qui sont assez fous pour rester debout toute la nuit dans l'espoir d'apprendre un ou deux résultats de plus. Mais le temps passe, et chaque journal canadien donne les résultats, généralement en évidence, et je crois savoir qu'il y a chaque jour 13 ou 14 millions de lecteurs au Canada.

M. Hamel: Je m'excuse, mais je n'ai pas dit que c'était forcément mon avis. J'ai dit que certains estimaient que l'impact était plus fort, mais d'autres croient qu'il est plus important si l'on procède comme maintenant, parce que les résultats sont publiés séparément une semaine après.

M. Dewis: Puis-je dire un mot, monsieur le président?

[Text]

The Chairman: Yes, Colonel Dewis.

Colonel Dewis: I quite agree that it is a matter of opinion whether you get more publicity or not and even so far as the Forces and National Defence are concerned, everybody is not in agreement. While it is true enough that the service vote might be the first one announced on the radio or TV, during the next hour or two or three they are waiting for the civilian vote, and by that time I suggest they have pretty well forgotten what the service vote has done.

The big thing about announcing it on the following Saturday is that there is a week of speculation. I have given to the Chairman a cross-sampling of newspaper clippings which I have kept in my office. I have three folders about that big going right back to 1960, the main ones 1962 and 1965, and in the main they are all speculation about seats being close; they say how much and how the service voted the last time.

The pot is really boiling and everybody is waiting until Saturday. It keeps the pot going for that entire week and then, when the results come out, there is another big flurry. I think if everything is announced on the same night there is a kind of recapitulation, of course, the next day or two in the press but then it is a rather dead issue, but now the thing is kept alive right up until practically the Saturday following the service voting.

As I say, even in the Forces we are not all in agreement but I think, however, in giving my personal view probably I am giving the majority view.

Mr. Benjamin: You prefer election day?

Colonel Dewis: Yes; to have it announced on election day.

Mr. Howe: Mr. Chairman, I might comment on that because I am one of the people that have been elected with very small majorities on occasion. I well remember my first when I had a majority of 78 and that week of waiting was very difficult. Of course, the thing that helped matters in our area is that we did not have too many people in the Canadian Forces who were going to be voting. Had there been a lot, I would have been very much disturbed; it is a rather funny thing that most of the returns that come in favour the Liberal Party when it comes to the service voting.

[Interpretation]

Le président: Oui, monsieur Dewis.

M. Dewis: Je suis bien d'accord pour dire que s'il y a davantage de publicité ou non est une affaire d'opinion, et même chez les militaires et à la Défense nationale, tout le monde n'est pas d'accord. Même s'il est vrai que le vote des militaires est annoncé en premier sur les ondes, pendant les deux ou trois premières heures, les gens attendent le vote des civils et à ce moment, je crois qu'ils ont déjà oublié les résultats du vote des militaires.

Ce qui importe, lorsqu'on annonce les résultats le samedi suivant, c'est qu'il y a une semaine de spéculation. J'ai donné au président un échantillonnage de coupures de journaux que j'ai conservées dans mon bureau. J'ai trois chemises sur le sujet, qui remontent à 1960, les principales de 1962 et 1965 et, en général, il y a toutes sortes de spéculations concernant des sièges très contestés. Elles indiquent la quantité et l'orientation du vote militaire la dernière fois.

Tout le monde attend au samedi. Pendant toute la semaine, les choses sont en suspens, puis quand les résultats sont publiés, il y a une autre ruée. Je pense que si l'on annonce tout le même soir, il y a naturellement une recapitulation dans la presse le lendemain ou le surlendemain, mais c'est une question un peu «réchauffée», tandis que maintenant, les choses restent en suspens jusqu'au samedi qui suit le vote des Forces canadiennes.

Comme je l'ai dit, même dans les Forces armées, il n'y a pas unanimité, mais je crois toutefois qu'en vous donnant mon opinion personnelle, je vous donne celle de la majorité.

M. Benjamin: Vous préférez le jour des élections?

M. Dewis: Oui, je préfère qu'on l'annonce le jour des élections.

M. Howe: Monsieur le président, je pourrais faire des observations car je suis un des candidats qui a été élu avec une très faible majorité à l'occasion. Je me souviens bien que lors de ma première élection j'ai eu 78 voix de majorité et cette semaine d'attente a été très pénible. Évidemment, ce qui a facilité les choses dans notre région, c'est qu'il n'y avait pas tellement de personnes dans les Forces armées et qui allaient voter. S'il y en avait eu beaucoup, j'aurais été vraiment très ennuyé car il est plutôt curieux que la plupart des résultats sont favorables au parti libéral lorsqu'il s'agit du vote des militaires.

The Chairman: Mr. Lefebvre.

Le président: Monsieur Lefebvre.

[Texte]

Mr. Lefebvre: In how many electoral districts has the military vote changed the original count on election night on the average, or in the last election, for instance?

Mr. Hamel: There are always one or two. In the last election there was Sherbrooke; I am not too sure about Comox-Alberni. These are only two, if Comox-Alberni is involved, but I am sure of Sherbrooke. In 1965 there were two, I believe; one near Halifax and the other was Shefford. In fact, in Shefford...

Mr. Forrestall: There was never any near Halifax.

Mr. Hamel: I thought Mr. Stewart had been elected.

Mr. Forrestall: That was in 1963, I believe.

Mr. Hamel: Perhaps it was in 1963, but anyway in every election we have at least one or two. I am sorry; I thought I had the figures here but I do not think I do.

Mr. Duquet: That is accurate enough.

Colonel Dewis: From my recollection I would put it closer than an average of two. There have been occasions when there were three, and there have been anywhere from five to six or seven, where it might well have changed it. This is what kept the speculation during that week alive, but certainly an average of two is not excessive.

Mr. Hamel: And, of course, the unpleasant thing about this is that the general opinion is that these people were either elected or defeated by the military vote, which is only partly true. In fact, the military vote is part of the whole process but since it comes late the general belief is that so and so was defeated, or so and so was elected, by the military vote.

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Mr. Lefebvre: Perhaps for that reason alone it might be a good suggestion that they be published on the same date.

Mr. Duquet: Même si cela oblige à avancer la mise en nomination d'une semaine?

Mr. Lefebvre: Oui parce que, d'après les paroles de M. Hamel, cela ne changera pas le coût des élections, du moins je ne crois pas.

Mr. Hamel: Non. Comme je l'ai dit tout à l'heure, le coût de l'élection n'en serait certainement pas affecté de façon substantielle; ce serait une question de quelques dollars.

[Interprétation]

M. Lefebvre: Dans combien de districts électoraux le vote des Forces armées a-t-il modifié les premiers résultats des élections, en moyenne, au cours des dernières élections, par exemple?

M. Hamel: Il y en a toujours un ou deux. Lors des dernières élections, il y a eu Sherbrooke. Je ne sais pas au juste en ce qui concerne Comox-Alberni. Ce sont les deux seuls, si l'on compte Comox-Alberni, mais je suis sûr pour Sherbrooke. En 1965, je crois qu'il y a eu deux cas: un près de Halifax, et l'autre a été Shefford. De fait, à Shefford...

M. Forrestall: Il n'y en a pas eu près de Halifax.

M. Hamel: Je croyais que M. Stewart avait été élu.

M. Forrestall: C'était en 1963, je crois.

M. Hamel: C'était peut-être en 1963, mais de toute façon, au cours de chaque élection, il y a toujours au moins un ou deux cas. Je m'excuse, je croyais avoir les chiffres ici, mais il semble bien que je ne les ai pas.

M. Duquet: C'est suffisamment précis.

M. Dewis: Je pense, si je me souviens bien, qu'on pourrait plutôt dire une moyenne de deux. Parfois, il y en a eu trois, et même jusqu'à cinq, six ou sept, où la situation aurait pu être changée. C'est ce qui a donné lieu aux hypothèses pendant une semaine, mais une moyenne de deux n'est certainement pas excessive.

M. Hamel: Et naturellement, ce qui est malheureux dans tout ça, c'est que tout le monde croit que ces gens ont été élus ou défaits par le vote des militaires, ce qui n'est que partiellement vrai. En fait, le vote des Forces armées fait partie de tout le processus, mais comme il vient en retard, les gens disent que tel ou tel candidat a été défait ou élu par le vote des Forces armées.

M. Lefebvre: Rien que pour cette raison, je crois qu'il serait peut-être bon qu'on publie les résultats le même jour.

Mr. Duquet: Even if that obliges the nomination day to be advanced by one week?

Mr. Lefebvre: Yes, because according to Mr. Hamel's words this will not change the cost of the elections, at least I do not think so.

Mr. Hamel: No. As I said a while ago, the cost of the election would not be affected in a substantial manner. It might be a matter of a few dollars.

[Text]

Le seul problème serait celui du personnel, c'est-à-dire que le dépouillement du vote militaire se ferait à un moment où le personnel est déjà surchargé, à la suite d'une période de six semaines de travail intense, et par conséquent les possibilités d'erreurs seraient nécessairement plus grandes qu'elles ne le sont actuellement.

En d'autres termes, je craindrais que le travail soit moins efficace que présentement.

M. Lefebvre: Parce qu'ils sont déjà surchargés de travail, à ce moment-là?

M. Hamel: Surchargés de travail à ce moment précis et vidés par une période assez longue pendant laquelle la pression a été excessivement dure.

M. Lefebvre: Mais si vous aviez deux ans pour entraîner votre personnel à cette tâche, pourriez-vous contourner ce problème?

M. Hamel: Non, car cela voudrait dire engager du personnel supplémentaire qui ne ferait rien entre les élections; ces gens ne travailleraient qu'une journée ou à peu près. En fait, pour assembler le vote des quatre officiers reporters spéciaux, il faut de 8 à 12 heures au maximum. Nous l'avons fait en 7 heures en 1968 mais nous n'avions rencontré aucun problème. En général, ce travail peut se faire...

M. Lefebvre: A ce moment, les votes des civils étaient déjà comptés?

M. Hamel: Oui. La différence avec le présent système, c'est que maintenant, lorsque la journée de la votation est passée, nous avons deux jours ou trois jours de répit, pendant que le vote militaire est compté dans les bureaux des officiers reporters spéciaux. A ce moment, mon personnel clé, surtout l'agent exécutif, peuvent prendre un certain répit, respirer un petit peu. Ensuite, il s'agit pour eux simplement de donner un autre coup de collier le vendredi ou le samedi suivant. Avec le nouveau système, c'est à la fin d'une période excessivement active et juste avant les deux journées les plus occupées de toute la campagne électorale, alors, que les gens seraient déjà presque vidés, qu'on les surchargerait encore davantage.

Alors c'est là le problème majeur à mon point de vue, et pas du tout celui du coût, parce que, encore une fois, cela n'ajouterait rien au coût.

The Chairman: If I may interject and just read some titles of newspaper articles that were kept by Colonel Dewis, in the newspaper, *The Gazette*, on Monday, November 15,

[Interpretation]

The only problem was that of the personnel, i.e. the service vote would have to be counted when staff is already overworked following a six-week period of intense work, and consequently there the possibilities of mistakes would necessarily be greater than now.

In other words, I am afraid that the work might be less efficient than the way it is done at present.

Mr. Lefebvre: Because they are already over-worked at that time?

Mr. Hamel: They are overworked at that particular time and also worn out by also a fairly long period during which the pressure was extremely tough.

Mr. Lefebvre: If you had two years to train your staff for that particular task, do you think you could avoid that problem?

Mr. Hamel: No, because this means I would have to hire additional staff and this additional staff would have nothing to do between elections. They might be working only a day or two. In fact, in order to collect the votes of the four special Returning Officers, it takes a maximum of eight to twelve hours. In 1968 we did that in seven hours, but we had not encountered any problems. In general, that work can be done...

Mr. Lefebvre: Was the civilian vote already counted then?

Mr. Hamel: Yes. The difference with the present system is that when the polling day is past, we have two or three days of waiting, while the Service vote is counted in the offices of the special Returning Officers. This gives my principal staff, especially the executive agent, time to take a breather. Then, all they have to do is to put their shoulder to the wheel again on the next Friday or Saturday. With the new system, it is at the end of an extremely busy period and just before the two busiest days in the campaign, when people are already close to being worn out, that they would be given an additional load.

So, in my opinion, that is the major problem. It is not a matter of cost, because this would not add anything to the cost.

Le président: Puis-je lire certains titres d'articles de journaux, que le Colonel Dewis a conservés. Dans *The Gazette* du 15 novembre 1965, il y avait un article intitulé, «Service

[Texte]

1965, there was an article entitled: "Service Vote Adds Two To Liberals." Then there is an article in the same paper on the same day with the heading: "That Service Vote Delay":

It may be hoped that this has been the last election in which the vote of the armed services will be reported nearly a week after election day. This practice is bad, in every way. It should be possible to conduct the service vote in such a way that it could be merged with the civilian vote and reported on the same day.

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There are some other articles. I will read one in 1962 from the *Ottawa Citizen*. It is headed: "Results Stress Need For Change." The author is writing about the secrecy of the services vote. He is writing about the fact that the service results get too much publicity and in the same vein, which I believe, substantiates the main complaints of members of the armed forces that they want to have the result of their ballots on the same day.

Mr. Forrestall: Are those too lengthy to be included in our records?

The Chairman: I think it would be nice if we had these comments of the papers; maybe not all of them but the editorial pages. I do not think Mr. Dewis would have any objection.

Colonel Dewis: No.

The Chairman: Could I have a motion to this effect?

Mr. Forrestall: I move that the Committee agree to print these editorial comments as an appendix to this day's Minutes of Proceedings and Evidence.

Motion agreed to.

Mr. Benjamin: Mr. Chairman, while we are in this particular area, Mr. Hamel mentioned that Mr. Nash had dug out some interesting figures on time and travel required for the movement of documentation and what not. I wonder if they are in a prepared form perhaps we could have them shown as part of our record.

The Chairman: Mr. Nash would you comment on that, please?

Mr. Walter Nash (Assistant Chief Electoral Officer): It was not I who dug out this information; it was Lieutenant Colonel Coles, who

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[Interprétation]

Vote Adds Two to Liberals» (Le vote militaire ajoute deux députés aux Libéraux). Un autre article du même journal, le même jour, est intitulé «*That Service Vote Delay*» (Le vote militaire retarde les résultats. En voici un extrait:

... On espère que ça sera la dernière élection où l'on donnera les résultats du vote des forces armées une semaine après le jour des élections. Cette coutume est mauvaise à tous les points de vue. Il devrait être possible de procéder de sorte que l'on puisse faire rapport du vote militaire et du vote civil le même jour.

Ensuite, voici un article écrit en 1962, tiré du *Ottawa Citizen*, intitulé, «*Results Stress Need For Change*». (Les résultats du vote soulignent le besoin d'un changement). L'auteur parle du caractère secret du vote militaire. Selon lui le vote militaire reçoit trop de publicité et il rappelle que les militaires aimeraient que leurs résultats soient publiés le même jour que les résultats de vote civil.

M. Forrestall: Ces articles sont-ils trop longs pour être compris dans notre compte rendu?

Le président: Je crois que ce serait une bonne chose si l'on pouvait conserver ces articles de journaux, les éditoriaux surtout. Je pense que M. Dewis ne s'y opposerait pas.

M. Dewis: Non.

Le président: Puis-je avoir une motion à ce sujet?

M. Forrestall: Je propose que le Comité approuve que ces éditoriaux soient imprimés en appendice au compte rendu.

La motion est adoptée.

M. Benjamin: M. Hamel a dit que M. Nash avait des chiffres intéressants concernant le temps qu'il fallait pour transporter les documents. Peut-être que l'on pourrait l'entendre à ce sujet?

Le président: Monsieur Nash, pourriez-vous faire des commentaires à ce sujet, s'il vous plaît?

M. Walter Nash (directeur général adjoint des élections): Ce n'est pas moi qui ai rassemblé ces renseignements, c'est le lieutenant-

[Text]

is the Director of the Canadian Forces Postal Services. It lists in effect on the one hand those bases in Canada which are in remote areas and are of limited access and also places around the world and an estimate of the travelling time. It is in the form of a memorandum which I am prepared to table.

Colonel Dewis: Mr. Chairman, I might make a remark on that. There is some security aspect involved in this memorandum because it lists all of our outposts in the Northwest Territories and the Yukon, et cetera, and some overseas. I do not think it is really necessary that the Committee have the exact names of all these units. I think Mr. Nash might say that there are 15 or 20 located in the Northern Territories and 4 or 5 in some other places and that the time is such and such rather than table this. I know some of this material does come out of a restricted manual. True enough, it is available to government departments but when it goes into your Minutes then it becomes available to everybody.

The Chairman: Colonel Dewis would you then tell us what information we can get from this document? Could you stress the main...

M. Trudel: Monsieur le président, je crois que tout ce que nous devons savoir, c'est le nombre des bases au Canada et outre-mer, sans nécessairement qu'on les nomme individuellement. Je pense que ce renseignement répondrait aux besoins du Comité sans mettre en danger notre sécurité.

The Chairman: I rather believe this information, which could be available in a general sense, is important for the members, provided we are not in agreement with the witnesses when they say that they require so many days for casting the ballots in such circumstances. Would you think, if Colonel Dewis says that at the election they do not need six days, maybe four days would be sufficient, that he is in a position to express his view, which is quite valuable because of his experience?

• 1020

Mr. Forrestall: Without again trespassing on Mr. Benjamin's time it would be very useful and helpful to me and I am sure to other members of the Committee, if the document could show not specifically the names and locations of the sites, but for example, whether or not in northern Canada there

[Interpretation]

colonel Coles, qui est Directeur des Services postaux des Forces canadiennes. C'est une liste où figure, d'une part, les bases au Canada qui se trouvent dans des régions éloignées et d'accès limité et une liste aussi des endroits de par le monde ainsi qu'une évaluation du temps de voyage nécessaire. C'est sous forme d'un mémoire, que je suis prêt à déposer.

M. Dewis: Monsieur le président, si je puis faire un commentaire à ce sujet. Il y a des aspects sécurité dans ce mémoire car c'est la liste de toutes les bases dans les territoires du Nord-ouest, du Yukon, etc., et certaines bases outre-mer. Je ne pense pas que le Comité ait besoin d'avoir les noms exacts de ces bases. On peut dire qu'il y en a 15 ou 20 situées dans les territoires du Nord et 4 ou 5 dans d'autres endroits et que le temps est tel et tel plutôt que de déposer ce rapport tel quel. Cette liste provient d'un manuel qui renferme des renseignements qui sont de nature confidentielle. Bien sûr, il est à la disposition des ministères, mais s'il est versé au compte rendu il devient à la portée de tout le monde.

Le président: Colonel Dewis, pouvez-vous nous donner les renseignements les plus importants que l'on peut tirer de ce document? Pouvez-vous en souligner les principaux...

Mr. Trudel: Mr. Chairman, I believe that all we want to know is the number of bases in Canada and overseas, without necessarily naming them individually. I think that this information would take care of the Committee's wishes without endangering our security.

Le président: Je pense que ces renseignements qui pourraient être disponibles d'une façon générale, sont importants pour les membres du comité pourvu que l'on ne soit pas d'accord avec les témoins quand ils disent qu'il faut tant de jours pour émettre leur vote dans de telles circonstances. Pensez-vous que si M. Dewis disait qu'aux élections on n'a pas besoin de six jours mais que quatre jours suffisent, pensez-vous qu'il soit en mesure d'exprimer son point de vue, qui est très valable compte tenu de son expérience?

M. Forrestall: Pourrait-on indiquer dans le document et cela nous serait très utile à moi-même et aux autres membres du Comité, pas nécessairement les noms et emplacements exacts, mais par exemple si dans le Nord du Canada il y avait 200 électeurs militaires, dont les votes et documents ne pourraient

[Texte]

were 200 forces electors whose votes or documents could not be transferred say under 10 or 12 days.

If it was four or five electors who were in the same place, my attitude towards correcting the greater evil—because I suppose the principle of lesser evil comes into play here a little—would be different, so it would not be sufficient for you to say to me that there are a number of bases in the north which would require 10 days or a number of bases in Europe which would require 4 days or a number of bases in Asia which would require 15 days. That would not be quite enough for my purposes. And if I am getting into areas of security, then perhaps as far as I am concerned we might just as well—Perhaps the Colonel could summarize that and give us a clearer indication by simply reading it as opposed to having the document tabled and included as part of our record. As a matter of fact, it was numbers more than locations that I was concerned about.

Mr. Nash: Mr. Chairman, if I might, just before Colonel Dewis gives you the excerpts, the purpose for which this paper was prepared was not so much to establish a time period but more to establish whether these people have daily service or whether there is only one train a week, for instance, or two trains a week and these on specific days so that when you are trying to establish a travelling time period, if I may use the phrase, your days of the week would be extremely important because the train may only travel on Mondays and if the ballots missed that Monday train they would have to wait until the following Monday. It is not a question of its taking that length of time to get there.

It is just that within that given period there are only certain days on which stuff can be moved. Therefore the period has to be sufficiently long, shall we say, so that it will pick up these one-day-a-week operations or two-day-a-week operations. Because of the nature of some of these Canadian forces bases, they are obviously out in the bush, if you wish, and obviously they have very limited communications as far as bulk movement is concerned. They have wireless, of course, but supplies or the receiving or dispatching of mail and such things are on a very restricted basis just because we do not have the railroads or the plane service or whatever.

An airplane might only go up to a certain place twice a week and if you miss it on that day you have to wait until the following week, and it was on that basis that this memo was prepared.

[Interprétation]

être transférés en dedans de 10 ou 12 jours.

S'il n'y avait que cinq ou six électeurs dans le même endroit, ce serait différent. Il ne serait pas suffisant de me dire qu'il y a un certain nombre de bases dans le Nord qui requièrent 10 jours ou un nombre de bases en Europe qui demandent quatre jours et, en Asie, quinze jours. Ce n'est pas assez en ce qui me concerne. Si je touche à des domaines de sécurité... peut-être le colonel pourrait-il résumer en le lisant plutôt qu'en déposant le document et en l'incluant au dossier. En fait, ce sont les chiffres qui m'intéressent plus que les emplacements.

M. Nash: Monsieur le Président, avant que le colonel Dewis lise les extraits, je voudrais dire que le but de ce mémoire, ce n'est pas pour établir une période de temps donnée, c'est pour établir si ces gens ont un service quotidien ou s'il n'y a qu'un train par semaine, par exemple, ou deux trains par semaine, et sur des jours précis, afin que, lorsqu'on essaie d'établir une période de déplacement, les jours de la semaine seraient extrêmement importants parce que, si le train ne passe que le lundi et qu'on manque ce train, il faudrait attendre le lundi suivant.

C'est simplement pour dire que, dans une période donnée, il y a seulement certains jours durant lesquels ces documents peuvent être transportés. C'est pour ça que nous devons avoir une période assez longue qui puisse comprendre ces opérations d'un ou deux jours. Il est évident que certaines régions éloignées ont des moyens de communication très limités. Il y a toujours évidemment la radio, mais la réception et l'expédition du courrier, et ainsi de suite, sont soumises à des conditions limitées parce qu'il n'y a pas de chemin de fer ni d'avion.

Un avion se rend peut-être seulement deux fois par semaine à un endroit donné et, si vous l'avez manqué un jour, il faut attendre la semaine suivante. C'est pour ça qu'on a préparé ce mémoire.

[Text]

Colonel Dewis: Mr. Chairman, if I understand Mr. Forrestall's question correctly, I think I can answer it more fully even than what is here but I want to make sure I understand it. I believe your question is: how long on the average does it take these ballots to get from the voting place to the voting territory headquarters, and if we set a period of say two or three days, how many would not get there? In other words, if there are going to be only about 50 disfranchised, possibly there is not much to worry about.

Mr. Forrestall: More or less.

Colonel Dewis: In 1963 when this matter was considered by the parliamentary committee, there was a variation of Mr. Hamel's proposal, and rather than to change the nomination day, one-day voting was suggested. So we had to go into these questions.

If we vote on one day, how long is it going to take the ballots to get to the service counting place? And even with regard to units in

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Canada, where I guess would be most of the voting, you must allow at least two or three days from the time the service voting is completed even if it is only one-day voting. So even in Canada if we had service voting you would have to allow at least two or three days to ensure that the bulk of the vote in Canada would get to any one of these places.

I cannot give you the exact figures up north as I do not really know, but there are certainly several hundred and in future there may be many more. Then we have all of Europe, of course, and we have people in the Middle East, we have people in Viet Nam and people all over the United States and all those ballots have to get back. In the last overseas election, if I said there were about 25,000 with wives, this would be about it, and in the United States there are several thousand. It obviously requires much more than two or three days for the ballots to get to the voting headquarters. On occasion some of the ballots do not get there because of a strike or because of an administrative oversight, so if you make it less than the present week, it is really cutting it very fine. You are going to lose several thousand votes. Does that answer your question?

Mr. Forrestall: Yes, that answers my question.

The Chairman: Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, this particular document of security has to do with locations and numbers of people? We had better

[Interpretation]

M. Dewis: Si je comprends bien la question de M. Forrestall, je peux y répondre encore plus complètement, mais je voudrais bien être sûr d'avoir compris. Est-ce que votre question est de savoir combien de temps il faut en moyenne pour que ces bulletins de vote arrivent de l'endroit du scrutin au quartier général du territoire et, si on établit une période de deux ou trois jours, combien n'y seraient pas arrivés? S'il s'agit seulement d'une cinquantaine, il n'y a pas à s'inquiéter.

M. Forrestall: Plus ou moins.

M. Dewis: En 1963, lorsqu'on a étudié cette question au sein du comité parlementaire, il y avait une variation dans la proposition de M. Hamel: plutôt que de changer le jour des présentations, il y aurait un vote d'un jour.

Si on vote un seul jour, combien de temps faudra-t-il pour que les bulletins atteignent l'endroit où doit se faire le dépouillement.

Même en ce qui concerne les unités au Canada, il faut compter au moins deux ou trois jours pour compléter ces votes des forces armées, même si le vote n'est que d'un jour. Il faut compter au moins deux jours ou trois pour être sûr que la majorité puisse être comptée.

Je ne puis vous donner les chiffres exacts parce que je ne les connais pas. Il y en a, pour l'instant, plusieurs centaines et il y en aura peut-être plus dans quelques années. Puis, il y a toute l'Europe, le Moyen-Orient, le Vietnam et les États-Unis. Je crois que pour la dernière élection, on pourrait dire 25,000 en comptant les femmes. Ça demande certainement plus de deux ou trois jours pour que les bulletins de vote arrivent au quartier général. Parfois, il peut y avoir une grève ou une lacune administrative et les votes n'arrivent pas à temps. Nous allons certainement perdre plusieurs milliers de votes si l'on raccourcit cette période. Ceci répond-il à votre question?

M. Forrestall: Oui, ça répond à ma question.

Le président: Monsieur Benjamin.

M. Benjamin: Je crois que la question de sécurité dans ce document a trait aux emplacements et au nombre de gens, n'est-ce pas? Il

[Texte]

be careful that nobody comes in and looks at that.

Colonel Dewis: To be exact Mr. Forrestall, in the Northwest Territories on August 1, there were 265 servicemen at two bases.

Mr. Benjamin: Mr. Chairman, does this security really involve numbers and locations or are there other details besides that? I mean generally on the whole matter of security.

Colonel Dewis: I am not an expert in it but the security people certainly do not like to see published lists of all units in a particular area with their location.

Mr. Benjamin: If you did not have the number of units, would the number of men and their location be of importance on the security end?

Colonel Dewis: Yes, because one of the security objections to our present CO's list is that everybody can get it and it shows the location of the unit and the number of people in that unit. The security people have said there is a security objection and they do not like it but since a list has to be provided to candidates—and, of course, some type of list has to be—they reluctantly agreed that they could look at the Commanding Officer's list. However, they would prefer this other type of list, by electoral district that Mr. Hamel was discussing the other day so that you do not get a complete list of the units and the numbers in each unit.

Mr. Benjamin: One more point on this security bit. As of August 1, we had 77 bases in Canada, plus ships at sea, 85,888 men exactly; broken down, the smallest station had 38 men and the largest was Rockcliffe with 6,033. Then there is the civilian staff besides that which you can also get in detail in every province in Canada and in the Territories. In addition there is a list of the number of men in every country in the world from a low of 2 in places such as Israel and Italy to a high of 11,199 in Germany. I am very certain there are even more detailed breakdowns of this in public documents. This one was in the *Armed Forces Review* magazine when attempts were being made to save the reduction in forces.

I really cannot get excited about this security bit and I repeat what I said the other day that there would be at least 6 countries—and probably 26—that know exactly what we have, where they are and what their unit numbers are and what they are doing. I think

[Interprétation]

faudrait s'assurer que personne n'entre et voit ce document.

M. Dewis: Le 1^{er} août, il y avait 265 militaires dans deux bases des Territoires du Nord-Ouest.

M. Benjamin: Cette question de sécurité traite-t-elle des emplacements et des nombres de personnes, ou est-ce qu'il y a d'autres détails?

M. Dewis: Je ne suis pas un expert mais les agents de sécurité n'aiment pas que l'on publie des listes de toute les unités d'une région avec leur emplacement.

M. Benjamin: Si vous n'aviez pas le nombre d'unités, est-ce que le nombre d'hommes et leur emplacement seraient importants au point de vue sécurité?

M. Dewis: Oui. C'est là une des objections concernant la sécurité contre la liste des officiers commandants parce que ces listes montrent l'emplacement des endroits et le nombre de personnes à tel emplacement et n'importe qui peut l'obtenir. Les agents de la sécurité ont des objections et n'aiment pas ça mais, comme il faut donner la liste aux candidats, ils ont consenti à contrecœur à permettre qu'on regarde la liste de l'officier commandant. Ils auraient préféré l'autre sorte de liste par district électoral dont parlait M. Hamel l'autre jour pour qu'il n'y ait pas de liste complète des unités et du nombre de personnes par unité.

M. Benjamin: Encore une question sur la sécurité. Le 1^{er} août, nous avions 77 bases, plus des navires en mer, 85,888 hommes en tout. La plus petite base avait 38 hommes et la plus grande, Rockcliffe, en comptait 6,033. Il y a aussi d'autres chiffres sur le personnel civil que je pourrais vous donner pour toutes les provinces du Canada et les Territoires. Il y a aussi une liste du nombre d'hommes dans chaque pays du monde: 2 en Israël et en Italie jusqu'à 11,199 en Allemagne. Je suis très certain qu'on pourrait trouver plus de détails dans les documents publics. J'ai trouvé cela dans la *Revue des forces armées*.

Je ne peux vraiment pas m'enthousiasmer au sujet de cet aspect de la sécurité et, comme on l'a dit l'autre jour, il y a au moins 6 pays, et probablement 26, qui savent exactement quel nombre d'unités nous avons, où elles sont, quels sont leurs numéros d'unité et

ce qu'elles font. Au cours du processus électoral, cela nuit au déroulement normal du

[Text]

proper carrying out of the democratic process for people in the armed forces and their dependants. Would it help any, in terms of reducing the time required for the counting and receiving of these armed forces ballots to have more than four stations? Why not have eight so that there would be shorter distances for these documents to travel and there would be a smaller number to count at each place. Why not have two places right in Germany where there is a large number of personnel where ballots could be received and counted?

The Chairman: You mean in terms of reducing the period at one base?

Mr. Benjamin: Yes, this would involve extra cost for an additional returning officer and the parties would have to name additional scrutineers.

Mr. Hamel: I fail to see the extent to which it would help because even if we set up, let us say, additional voting territory, you used the example of Germany, I do not believe the problems are those of communication between Germany and London, England. The problems are with the outlying areas, Viet Nam, maybe a small group of people in Cyprus, in Korea et cetera. So, I do not believe you could set up a voting territory at a centrally located place to service these small pockets, unless you wanted to go all out and have no more than a few hundred voters in a voting territory. During the Korean War, I believe, we had a voting territory in Japan or, at least, we had one extra voting territory in the Far East because the number of people justified it. However, at the moment, as I said, the three Canadian voting territories are pretty centrally located, Edmonton, Ottawa and Halifax, and the problems, as I believe Colonel Dewis pointed out, are with the outlying areas, the far North and the small groups located in some places.

Mr. Benjamin: But in the interest of shortening the time—and I will go back to where I was the other day—why could the counting not be done at these polling stations making use of telephone, telegraph, wireless or radio services to transmit the same as all civilian polls on election night, unofficial returns. As you know, thousands and thousands of deputy returning officers telephone in their results to the returning officer and some in a few places still send a telegram. Why would this not be practical?

The Chairman: I think, Mr. Benjamin, that this question has already been answered in the sense that there might be 20 people in Viet Nam whose ballots might have to be

[Interpretation]

régime démocratique pour les membres des Forces armées et les personnes à leur charge. Si l'on disposait de plus de 4 et même 8 stations pour le dénombrement du vote militaire pourrait-il gagner du temps? On pourrait raccourcir les distances nécessaires au transport des documents et il y aurait moins de votes à compter à chaque endroit. Pourquoi ne pas avoir deux stations en Allemagne au lieu d'une? Le personnel élevé de ces stations pourrait recevoir et compter les bulletins de vote.

Le président: Vous voulez parler d'une réduction de temps dans une station?

M. Benjamin: Oui, cela entraînerait des frais supplémentaires pour l'addition d'un nouveau directeur du scrutin. Les partis en cause nommeraient d'autres scrutateurs.

M. Hamel: Je ne vois pas dans quelle mesure cela pourrait aider, car même si l'on établit un territoire électoral additionnel, comme en Allemagne, le problème de communications n'existe pas entre l'Allemagne et Londres, par exemple. Il s'agit des autres régions comme le Vietnam, de faibles unités à Chypre, en Corée, etc. Je ne crois pas qu'on puisse établir de territoire électoral qui soit centralisé pour desservir une petite région isolée, à moins d'y aller tout court, et ne vouloir qu'une centaine de votants dans chaque territoire. Je crois qu'il y a eu un territoire électoral au Japon, dans le temps de la guerre de Corée, ou du moins il y avait un territoire supplémentaire à l'extrême Orient à cause du nombre suffisant de militaires. Les trois territoires électoraux sont en ce moment très bien centralisés: Edmonton, Ottawa et Halifax. Comme M. Davis l'a signalé, le problème se situe dans les régions septentrionales et dans d'autres régions isolées.

M. Benjamin: Alors, revenons-en à l'autre jour pour le dénombrement des votes au bureau de scrutin. Ne pourrait-on pas se servir des services de radio, téléphone, télégramme et télégraphie sans fil, pour transmettre les votes non officiels, comme pour le bureau de vote civil. Des centaines d'officiers rapporteurs téléphonent les résultats et dans certains cas, on envoie des télégrammes. Cela ne serait-il pas pratique?

Le président: Monsieur Benjamin, cette question a déjà fait l'objet d'une discussion; il peut y avoir, en effet, une vingtaine de gens au Vietnam qui pourrait venir de 20 circons-

[Texte]

counted in 20 different constituencies. Those ballots have to be checked at some place. Also, what about the secrecy of the ballot?

Mr. Benjamin: Yes, but surely that telephone call or cable would go to that central point where they would all be meshed together by constituencies. You would have your election officials there who also are sworn to secrecy and even though there might be only one ballot cast in some place in Viet Nam, there would be a certain number of people who would know how that one person voted, in any case, no matter how you did it.

Mr. Hamel: I am still convinced, though, that you could not save time because chasing all over the world to get the results of these small polling stations, and not only the ballots that are sent by the voters themselves, may actually take more time than it does at the moment. The Chairman mentioned the question of secrecy of the ballot and while it would not be known to everybody, it would be known to a small number of people. This is, perhaps, the principle which the Committee might wish to decide upon, but if you had 20 or 25 people voting at one given place and if they happened to vote in 25 different electoral districts and it was known who was in which electoral district, immediately it would be known for whom each of these 25 electors voted.

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Mr. Benjamin: I was attempting to find some way of shortening the time in addition to the possibility of advancing nomination day.

The Chairman: Excuse me, if I may interrupt, we were told by Mr. Hamel that some men in the armed forces register their vote by writing in the party for which they want to vote and the ballot is good. Therefore, Mr. Hamel, would it then be possible without advancing nomination day for those people who could not get the names of the candidates to register their vote by entering the party for which they want to vote.

Mr. Hamel: Perhaps I should be more specific. I believe I said that...

The Chairman: From my own experience, I believe I have never received more than four or five or at the most ten votes from the armed forces because in many instances the people have been in Europe for years and do not even know the names of the candidates. What is the difference between the name and the party?

[Interprétation]

criptions différentes. Donc, il faut en faire les vérifications et il y a aussi le secret du vote, n'est-ce pas?

M. Benjamin: Le message ira à certains endroits où se trouve un réseau de tous les votes par circonscription. Il ne faut pas oublier qu'en ces lieux les officiers rapporteurs sont obligés au secret. Il pourrait y avoir un seul vote au Vietnam, alors un certain nombre de gens sauront pour qui le militaire a voté, de toute façon.

M. Hamel: Je doute que l'on pourrait épargner du temps, car se lancer à la poursuite de ces votes à travers le monde demanderait plus de temps qu'il n'en faut actuellement. Le président a mentionné la question du secret du vote. Celui-ci ne sera pas connu d'un grand nombre de personnes, mais de quelques-uns et c'est peut-être là le principe sur lequel un comité pourrait statuer. Si vous avez 20 ou 25 personnes qui votent à un endroit particulier et qui votent pour une vingtaine de circonscriptions, alors, vous savez pour qui ces militaires votent dans chaque cas. Il y aura toujours un certain nombre de gens qui le sauront.

M. Benjamin: A part la possibilité d'avancer la journée des présentations, j'essayais de trouver un moyen de gagner du temps.

Le président: Permettez-moi de vous interrompre. M. Hamel a déclaré que certains militaires inscrivent leur vote en faisant figurer le nom du parti et leur vote est bon. Alors serait-il possible, ai-je demandé à M. Hamel, si l'on avance la journée de mise en candidature de 7 jours, que sans avoir les noms des candidats, ces gens puissent voter par parti?

M. Hamel: Je dois préciser... Je crois avoir dit...

Le président: Pour ma part, il n'y a pas plus de 5 ou 10 militaires qui m'ont donné leur vote parce que dans bien des cas ils sont en Europe depuis des années, et ne savent même pas qui est le candidat de leur parti. Quelle différence y a-t-il entre le nom du candidat et le parti?

[Text]

Mr. Hamel: If I may say, Mr. Chairman, I do not believe a ballot on which only the name of the party were shown would be counted. The vote has to be cast for a candidate, but if the voter puts in brackets, even if it were not in brackets, the name or identifies the party—the list is prepared with the name of the candidate followed by the name of the party—yes, the ballot would be valid.

The Chairman: On the legal aspect, yes, but if it were put in the Act that the armed forces vote could be registered by putting in the name of the party, that would solve this problem of rejected ballots.

Mr. Benjamin: In many instances where they did not get the names of candidates, they would always have the name of the party.

The Chairman: Yes.

Mr. Benjamin: Would there not be an exception if you had a constituency where all four parties, say, ran a candidate and in addition to which there were two independents. It would then be necessary to designate independent No. 1 or independent No. 2. I like your idea, Mr. Chairman, but this would be an exception, I would think, and it would only occur probably in a handful of ridings at the most in the whole country.

Mr. Hamel: But, in fact, he would not even know whether there were independents or not...

Mr. Benjamin: That is true, until nomination day.

Mr. Hamel: ...and they would be aware only of the national parties...

Mr. Benjamin: Right.

Mr. Hamel: ...the four or five major parties.

The Chairman: Mr. Duquet?

M. Duquet: Je vais être très bref, monsieur le président, car M. Dewis a répondu tout à l'heure à une partie des questions que je voulais poser. Je voudrais demander à M. Hamel si on a envisagé toutes les possibilités, en ce qui concerne le vote des Forces armées, de ce qui pourrait empêcher que la mise en candidature soit reportée à 21 jours au lieu de 14. Voilà ma première question.

Deuxièmement, je voudrais savoir si, à sa connaissance, au cours des cinq ou six dernières années, ou à l'occasion des deux ou trois dernières élections fédérales, il est arrivé que des candidats soient choisis à une période aussi tardive que 15 jours, ou 17 jours ou 18 jours ou avant la fin de cette période de 21 jours.

[Interpretation]

M. Hamel: Il me semble, monsieur le président, que je ne crois pas qu'un vote où seul le nom du parti figurerait serait valable. Il faut préciser le nom du candidat. Mais si le votant met entre parenthèses le nom du parti, et même s'il ne le met pas entre parenthèses, car la liste est préparée avec le nom des candidats suivi du nom des partis, alors le vote serait valable.

Le président: S'il était inscrit dans la loi que le vote pourrait inclure le nom du parti, alors le problème de rejeter ce bulletin serait résolu.

M. Benjamin: Quand ils ne recevraient pas les noms des candidats, ils auraient toujours le nom du parti.

Le président: Oui.

M. Benjamin: Ne pourrait-on pas faire exception dans un comté où les quatre partis seraient représentés et qu'il y aurait, par exemple, deux indépendants, faudrait-il dire indépendant n° 1, indépendant n° 2? J'aime bien votre idée, monsieur le président, mais alors il s'agirait d'un cas exceptionnel car la situation ne se présenterait que dans quelques comtés.

M. Hamel: On ne saurait pas s'ils sont indépendants ou non.

M. Benjamin: En effet, nous ne le saurions pas jusqu'au jour de la présentation.

M. Hamel: On ne connaîtrait que les partis nationaux.

M. Benjamin: C'est exact.

M. Hamel: Les quatre ou cinq grands partis.

Le président: Monsieur Duquet?...

Mr. Duquet: Mr. Chairman, I shall be very brief, because part of the questions that I wanted to ask were answered by Mr. Dewis a moment ago. I would like to ask Mr. Hamel, if all the avenues have been explored, as far as the Service vote is concerned, with regard to what could prevent having nomination day advanced by 21 days instead of 14?

Secondly, I would like to know, if to his knowledge, during the last five or six years, or during the last two or three federal elections, it so happened that candidates were selected at such a late date as the 15th or 17th or 18th day before this period of 21 days?

[Texte]

M. Hamel: Pour répondre à votre première question, monsieur Duquet, à peu près toutes les formules ont été étudiées et je pense que le capitaine Dewis a dit tout à l'heure qu'en 1963, le Comité avait étudié la possibilité de laisser la mise en candidature à 14 jours. Et à ce moment-là, on n'accordait qu'une seule journée aux membres des Forces armées pour voter, et on réduisait, par le fait même, le temps, présentement accordé pour l'acheminement des bulletins de vote, au bureau des directeurs de scrutin spéciaux.

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Alors, les conséquences de ceci c'est que premièrement, en n'allouant qu'une seule journée, vous ne donnez pas la chance à tout le monde de voter; deuxièmement, en réduisant la période accordée pour l'acheminement des bulletins de vote au bureau du président d'élection spécial vous privez de leur droit de vote un très grand nombre d'électeurs qui ont voté, parce que leur bulletin ne sera pas reçu en temps pour être compté. Et je pense que cela affecterait plusieurs milliers de membres des Forces armées qui ne pourraient pas voter parce que la période serait trop courte.

Quant à votre deuxième question, je pourrais, très facilement, pour la prochaine réunion du Comité, faire un dénombrement des candidats qui ont été présentés, disons dans les derniers...

M. Duquet: A la dernière minute.

M. Hamel: ...15, 16 ou 17 jours. Je sais pertinemment qu'il y en a eu plusieurs. Je pense même qu'il y a plusieurs candidats officiels des grands partis dont la mise en candidature a eu lieu le dimanche.

M. Duquet: La vieille de...

The Chairman: It is simply a question of putting the official document in the hands of the Deputy Returning Officer. For many of them these statistics do not answer the question.

M. Lefebvre: Mais ils peuvent avoir la date des congrès qui ont eu lieu dans les comtés parce que, souvent ils se tiennent deux, trois semaines avant la date des mises en candidature.

M. Hamel: Je n'aurais pas les renseignements...

M. Lefebvre: Ah non!

M. Hamel: ...au sujet des congrès, mais seulement au sujet du dépôt du bulletin de présentation par le candidat.

[Interprétation]

Mr. Hamel: To answer your first question, Mr. Duquet, just about all the formulas have been studied, and I think that Captain Dewis said a while ago that, in 1963, the Committee had studied the possibility of leaving the nomination date at 14 days. And at that time, only one day was granted to the Armed Forces people to vote, and this reduced, *ipso facto*, the time granted at present for the transmission of the votes to the special Returning Officer's office.

So consequently by granting only one day you do not give the possibility to everyone to vote; secondly, by reducing the period granted for the voting ballots to be transmitted to the office of the special Returning Officer, you disenfranchise a great number of people who voted, because their votes will not be received at the appropriate time to be counted. And I think this would affect several thousands of Armed Forces people who could not vote because the time period could be too short.

As far as your second question is concerned, by the next Committee meeting I could very easily count the number of people who have been nominated, let us say...

Mr. Duquet: At the last minute.

Mr. Hamel: ...during the last 15, 16 or 17 days. I know definitely that there have been several. I think that there were even several official candidates of the major parties whose nomination occurred on a Sunday.

Mr. Duquet: The day before...

Le président: Il s'agit simplement de remettre le document officiel au sous-directeur du scrutin. Dans bien des cas, ces données statistiques ne sont pas une réponse à la question.

Mr. Lefebvre: But they may have the date of the conventions that have been held in rural ridings, because they are often held two or three weeks before the nomination date.

Mr. Hamel: I do not have the information...

Mr. Lefebvre: You don't?

Mr. Hamel: ...about the conventions. I have the information only as far as nomination procedures of the candidates are concerned.

[Text]

M. Lefebvre: Exactement.

M. Duquet: Une autre question, monsieur Hamel. Si je comprends bien, lors d'une prochaine élection, les bulletins préparés pour les Forces armées canadiennes seront identiques au spécimen que nous avons ici. Bon. Tout d'abord devez-vous attendre la journée de la mise en candidature pour expédier ces bulletins?

M. Hamel: Non. Tous ces documents-là sont expédiés bien à l'avance. La seule chose qu'il faut attendre à la mise en candidature, c'est la liste des candidats. Et on ne peut la préparer qu'une heure après la fermeture de la mise en candidature dans le Yukon, où il est 6 heures...

Le président: Je m'excuse, monsieur Hamel, n'est-ce pas afin que les membres des Forces armées reçoivent la liste des candidats en temps pour voter qu'il est nécessaire d'avancer la date de la présentation des candidats?

M. Duquet: C'est cela.

M. Hamel: Oui. C'est le seul document qu'il faut attendre à la dernière minute...

M. Duquet: Je comprends.

M. Hamel: ...les autres peuvent être envoyés bien à l'avance.

M. Duquet: Alors, c'est ce qui explique la période de temps dont vous avez besoin, un minimum de 15 jours, afin de leur donner le temps de voter et de recevoir le retour et, à votre avis, il est impossible que cela se fasse dans les 15 jours précédant le jour du scrutin...

M. Hamel: Bien...

M. Duquet: ...de façon à donner le résultat le même jour que celui du scrutin général.

M. Hamel: Mais, c'est-à-dire, j'ai posé une prémisses tout à l'heure. Ce n'est pas impossible, mais si vous le faites, vous privez de leur droit de vote un très grand nombre de personnes.

M. Duquet: Merci monsieur Hamel.

Le président: Monsieur Forest.

Mr. Forest: Mr. Hamel, could it be arranged without difficulty—and what do you think of the suggestion—for all military personnel across Canada to vote on the regular voting day, either at civilian polls or polls that could be organized on bases where military personnel are concentrated, and that only military personnel on shifts or in foreign countries, together with foreign service

[Interpretation]

Mr. Lefebvre: Right.

Mr. Duquet: I have another question, Mr. Hamel. If I understand correctly, the ballots will be as those we have here, for the next elections, for the Armed Forces. First of all, must you await the nomination day to send these ballots?

Mr. Hamel: No, these documents are sent well in advance. The only thing we have to await for the nomination, is the list of candidates. This cannot be prepared one hour after the closing of the nomination date in the Yukon, when it is six o'clock...

The Chairman: Excuse me, Mr. Hamel, is it not so that the Armed Forces people can have the list of candidates in time to vote that it is necessary to set the nomination date earlier?

Mr. Duquet: That's right.

Mr. Hamel: Yes, this is the only document that has to be awaited at the last minute...

Mr. Duquet: I see.

Mr. Hamel: ...the others can be sent well in advance.

Mr. Duquet: I guess this explains the period of time that you require, i.e. a minimum of 15 days, to give them the time to vote and to receive the documents back, and in your opinion, there is no possibility that this can be done within the 15 days preceding the voting day...

Mr. Hamel: Well...

Mr. Duquet: ...so that results could be given on the voting day.

Mr. Hamel: That is to say, I set a premiss a while ago. It is not impossible but if you do that, you disenfranchise a very great number of people.

Mr. Duquet: Thank you, Mr. Hamel.

The Chairman: Mr. Forest.

M. Forest: Monsieur Hamel, serait-il possible, sans créer trop de difficultés—et que pensez-vous de cette idée—de faire en sorte que tout le personnel militaire au Canada vote le jour normal des élections, soit dans des bureaux de vote civils soit dans des bureaux de vote que l'on pourrait installer sur les bases où est concentré le personnel militaire, et que seul le personnel militaire qui travaille

[Texte]

employees and all the civil service outside of Canada, would vote according to the rules? That would mean that perhaps for only 10,000 or 15,000 people would the vote be delayed and counted afterwards. What do you think of that idea?

Mr. Hamel: So far as I am concerned, I do not see any problem in the sense that we would probably not have any repetition of what we have known every now and then, such as we had in Comox-Alberni last time or in Digby-Annapolis-Kings a few years ago and St. John's West in Newfoundland. All servicemen would vote as civilians; in other words, they would be put on the list of electors and would vote there, and then the Canadian Forces Voting Rules would apply only to people abroad, or on shifts and manoeuvres and so on.

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This is perhaps the only problem we may have to look into with respect to navy personnel, for instance. What would be their permanent residence when on shore and when at sea? This is one of the problems that we would have to look into, but so far as the conduct of the election is concerned I cannot foresee any problem whatsoever. In fact, if Parliament ever adopted a system of permanent lists, this would be exactly the way it would be done, because then we would scrap the Canadian Forces Voting Rules and the members of the Forces would vote as civilians.

It means that whenever stationed in Canada they would vote at the nearest poll and when stationed abroad they would vote absentee in the same manner as any employee of any Canadian company or any employee of the government.

Mr. Forest: You would not need a permanent list.

Mr. Hamel: To achieve what you suggested?

Mr. Forest: Yes.

Mr. Hamel: No, we would still need the Canadian Forces Voting Rules if you still wanted to allow members of the Forces abroad to vote, but for Canada we would not.

[Interprétation]

par quarts ou qui se trouve à l'étranger, ainsi que les employés du service extérieur et tous les fonctionnaires en dehors du Canada, votent selon les règles? Ainsi, il n'y aurait plus que les votes de 10,000 ou 15,000 personnes, peut-être, qui auraient lieu et seraient déposés avec du retard. Que pensez-vous de cette idée?

M. Hamel: Pour ma part, je ne pense pas que cela poserait de problème, car nous pourrions ainsi éviter que ne se répète le genre de situation qui s'est produite de temps à autres, par exemple, à Comox-Alberni aux dernières élections, ou à Digby-Annapolis-King il y a quelques années, et à St. John's West à Terre-Neuve.

Tous les membres des Forces armées voteraient en tant que civils; autrement dit, ils figureraient sur la liste des électeurs et voteraient à l'endroit où ils se trouvent, et les règles électorales concernant les Forces canadiennes ne s'appliqueraient qu'aux gens qui seraient à l'étranger ou en manœuvre, ou qui travaillent par quarts, et ainsi de suite.

On n'aurait peut-être à examiner que le problème suivant, en ce qui concerne le personnel de la Marine, par exemple. Quel serait le domicile permanent de ces gens-là lorsqu'ils seraient à terre, et lorsqu'ils seraient en mer? C'est là l'un des problèmes qu'il nous faudrait examiner, mais pour ce qui est de la conduite de l'élection, je ne peux envisager aucune difficulté. A vrai dire, si le Parlement adoptait jamais un régime de listes permanentes, c'est exactement la façon dont nous procéderions, car nous supprimerions alors les règles électorales concernant les Forces canadiennes, et les membres des Forces armées voteraient en tant que civils.

Autrement dit, tous les membres des Forces armées qui se trouvent au Canada voteraient au bureau de vote le plus proche, et ceux qui se trouvent à l'étranger voteraient en tant qu'absents, de la même manière que tout employés d'une entreprise canadienne ou que tout fonctionnaire.

M. Forest: On n'aurait pas besoin d'une liste permanente.

M. Hamel: Pour faire ce que vous avez proposé?

M. Forest: Oui.

M. Hamel: Non, en effet. Il faudrait maintenir les règles électorales concernant les Forces canadiennes pour permettre aux membres des Forces armées à l'étranger de voter, mais au

[Text]

On the other hand, they would not have any vote if they happened to be away from their residence on polling day or an advance poll, the same as any civilian voters, unless you make specific provisions.

Mr. Forest: Do you have any idea of the number of civil employees that are employed overseas for Trade and Commerce and External Affairs?

Mr. Hamel: I believe I have the figure here that was established earlier this year or last year. I believe it is about 4,000 but that does not include wives and dependents. This is something we had to look into when we prepared the necessary amendments to the Canadian Forces Voting Rules to extend their provisions to civil servants abroad.

I am sorry, my estimate was much too high. In 1968—I do not have the exact date, but I believe it was at the end of the year—there were 2,878 civil servants. I must qualify what civil servant means. It means employees coming under the Public Service Staff Relations Act and, with only very few exceptions, participating in the general pension plan available to civil servants. That includes Agriculture, Defence Research Board, Finance, Labour, External Affairs, Trade and Commerce, and so on.

Mr. Lefebvre: I have one supplementary. Could an attempt be made to ensure that Canadians working in other countries for Canadian corporations, not necessarily employees of the government, also are given an opportunity of voting also?

Mr. Hamel: If you want the normal safeguards—that is a list; in that case we would have to have a permanent list for those people—I must admit I do not see how it can be done. In the case of civil servants it is quite easy because before being posted abroad, part of the documentation to be done would be only a matter of filling out a card that is kept on file, and when an election comes along we just establish a list on that basis and we have to have access to their personal files.

In the case of Canadian corporations, in the case of missionaries, for instance, we do not have any file. I do not think we would have

[Interpretation]

Canada nous n'en aurions plus besoin. D'autre part, tout comme les électeurs civils, ces gens-là ne pourraient pas voter s'ils ne se trouvaient pas aux lieux de leur domicile le jour des élections ou s'ils ne pouvaient aller à un bureau provisoire de vote, à moins que l'on ne prévoie des dispositions spéciales.

M. Forest: Avez-vous une idée du nombre de fonctionnaires qui travaillent outre-mer pour le ministère du Commerce et pour le ministère des Affaires extérieures?

M. Hamel: Je crois que j'ai ici les chiffres que l'on a établis au début de l'année ou l'an dernier. Il y en a environ 4,000, mais cela n'inclut pas les familles de ces fonctionnaires. C'est une question qu'il nous a fallu examiner lorsque nous avons préparé les modifications nécessaires à apporter aux règles électorales concernant les Forces canadiennes de sorte à en étendre les dispositions aux fonctionnaires à l'étranger.

Pardon; je vous ai donné un chiffre beaucoup trop élevé. En 1968—je n'ai pas la date exacte, mais je pense que c'était à la fin de l'année—il y avait 2,878 fonctionnaires à l'étranger. Je dois vous préciser ce que l'on entend par «fonctionnaires». Ce terme désigne les employés qui relèvent de la loi des relations de travail dans la Fonction publique et, à de très rares exceptions près, qui adhèrent au régime de pension général des fonctionnaires. Cela inclut les employés du ministère de l'Agriculture, du Conseil de recherches pour la défense, des ministères des Finances, du Travail, des Affaires extérieures, du Commerce, et ainsi de suite.

M. Lefebvre: J'ai une question supplémentaire à poser. Pourrait-on essayer de faire en sorte que tous les Canadiens qui travaillent à l'étranger pour des entreprises canadiennes, et pas seulement les fonctionnaires, aient aussi l'occasion de voter?

M. Hamel: Si l'on veut conserver les mesures de protection normales—soit une liste, car dans ce cas, il nous faudrait avoir une liste permanente de ces gens-là—je dois dire que je ne vois pas comment ce serait possible. Dans le cas des fonctionnaires, c'est assez facile, car il suffirait qu'avant d'être affectés à l'étranger, ils remplissent, entre autres documents, une carte qui serait conservée dans les dossiers; et au moment des élections, nous n'aurions qu'à dresser une liste à partir de ces cadres, et il nous faudrait, bien sûr, pouvoir consulter les dossiers personnels.

Dans le cas des entreprises canadiennes, ou dans le cas des missionnaires, par exemple, nous n'avons pas de dossier. Je ne pense pas

[Texte]

access to the personal files of these employees at the headquarters of their companies. This, to me, is the crux of the problem.

Mr. Lefebvre: I was wondering whether there is some way of letting them know that if they applied at the nearest Canadian Embassy and registered it would be one way that they could be allowed to vote on their own.

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Mr. Hamel: How are you going to ascertain the electoral districts they come from?

Mr. Lefebvre: How would you do it with the civil servants?

Mr. Hamel: It is quite easy because they would fill out a statement of ordinary residence the same as members of the forces do before being posted abroad.

Mr. Lefebvre: These people could do the same thing.

The Chairman: You have to know when they leave.

Mr. Hamel: Then you need an office or some sort of registrar's office to take care of this. You have to set up some machinery.

Mr. Lefebvre: I was thinking of a form available at the Canadian embassies overseas where any Canadian citizen, whether he is a civil servant or not, would be allowed to go in and fill it out voluntarily if he wishes to vote.

An hon. Member: If he wishes to vote.

Mr. Lefebvre: Yes, on a voluntary basis, so that every citizen would have an opportunity of voting, not only necessarily civil servants.

Mr. Hamel: I still do not see how...

Mr. Lefebvre: You mentioned missionaries, but there are all kinds of Canadians overseas studying at universities, all over the world there may be persons working for different corporations, newspapers and so on, all these persons would be given an opportunity, if they wished to avail themselves of it, to go into an embassy, fill out a form and then be allowed to vote.

Mr. Hamel: I still maintain that you have to establish some sort of list. I presume that as a candidate you would wish to know the potential number of voters who may avail themselves of those facilities. In the case of a very

[Interprétation]

que nous pourrions consulter les dossiers personnels de ces employés au siège social des entreprises pour lesquelles ils travaillent. A mon avis, c'est là le cœur du problème.

M. Lefebvre: Je me demande s'il serait possible de signaler à ces personnes qu'en faisant une demande et en s'inscrivant à l'Ambassade du Canada la plus proche, elles pourraient voter personnellement.

M. Hamel: Mais comment savoir de quelle circonscription électorale viennent ces personnes?

M. Lefebvre: Comment procéderiez-vous pour les fonctionnaires?

M. Hamel: C'est assez facile parce qu'ils auraient à remplir une formule de résidence ordinaire, la même que remplissent les membres des Forces armées avant d'être postés à l'étranger.

M. Lefebvre: Ils pourraient procéder de la même façon.

Le président: Il vous faut savoir quand ils partent.

M. Hamel: Ensuite, il faut un bureau ou un genre de secrétariat pour s'en occuper. Il faut organiser un genre de système.

M. Lefebvre: Je pensais à une formule que l'on peut se procurer aux ambassades canadiennes outre-mer. Tout citoyen canadien, qu'il soit fonctionnaire ou non pourrait s'y rendre et remplir la formule s'il désire voter.

Une voix: S'il veut voter.

M. Lefebvre: Oui, s'il le veut, afin que chaque citoyen ait l'occasion de voter et non seulement les fonctionnaires.

M. Hamel: Je ne vois pas encore comment...

M. Lefebvre: Vous avez mentionné les missionnaires, mais beaucoup de Canadiens étudient dans des universités à l'étranger partout au monde. Il y a peut-être des personnes qui travaillent pour diverses sociétés, des journaux et ainsi de suite. Toutes ces personnes devraient avoir l'occasion, si elles le veulent, d'aller remplir la formule à l'ambassade et d'être ainsi autorisées à voter.

M. Hamel: Je soutiens encore qu'il vous faut établir un genre de liste. Je présume qu'à titre de candidat, vous voulez savoir le nombre de votants qui profiteraient de l'occasion. Lorsque la marge est serrée, vous voulez

[Text]

tight vote, you would want to ascertain that every vote cast on that basis is a bona fide vote. Whoever administers this will need some list to make sure that the person who is applying for a vote is the person she or he claims to be.

Mr. Duquet: Also whether he is entitled to vote.

Mr. Lefebvre: Could you find out, Mr. Hmel, what is done in other countries on this basis?

Mr. Hamel: Every other country has permanent lists so there are no problems. With a permanent list every elector has a card with all kinds of information, including his signature. When he casts an absentee ballot overseas normally it is by mail, so when he applies for a mail ballot, his signature is compared to the signature on the card and then he is sent a ballot. When the ballot comes back with the statement, his signature appears again and so this is compared again. If a voter votes absentee from Canada he fills out a form and his signature appears and before the vote is actually counted that signature is compared to the signature on the card. American jurisdiction even goes to the extent of putting in each poll. Instead of a list, as we use, they have some sort of an index book in which each card of the individuals entitled to vote in that poll is listed. The first thing the elector is asked to do is to sign his name on a piece of paper. He is not asked any other questions. This is compared to his signature on the card and he is allowed to vote.

Mr. Lefebvre: At the present time, because we do not have a permanent list, you feel this would be quite difficult to put into operation.

Mr. Hamel: You would have to establish a form of permanent list for these people.

The Chairman: Mr. Benjamin?

Mr. Benjamin: On this point then, Mr. Chairman, in the instances in Canada where one or more provinces have had absentee balloting, certainly it is the case in Saskatchewan, the onus was on the elector. When you walked into a poll anywhere in the province, 500 miles away from where you lived for example, the onus was on the elector to sign a declaration and take an oath. Then in order to maximize the opportunity to vote, you worried less about ascertaining the eligibility at that point. You placed the onus on him by having him sign an oath as to his place of

[Interpretation]

être certain que chacun des votes est un vote de bonne foi. Quiconque s'occupera de l'administration devrait s'assurer que la personne qui demande de voter est bien celle qu'elle prétend être.

Mr. Duquet: Il faut savoir aussi si elle a le droit de voter.

Mr. Lefebvre: Pourriez-vous trouver, monsieur Hamel, ce qui se fait dans les autres pays à cette occasion?

Mr. Hamel: Tous les autres pays ont des listes permanentes, donc il n'y a pas de problème. Lorsqu'il y a une liste permanente chaque électeur a une carte, portant tous les renseignements et sa signature. Lorsqu'il vote à l'étranger, il le fait ordinairement par courrier, donc lorsqu'il demande un bulletin de vote sa signature est comparée à la signature sur la carte, puis on lui envoie un bulletin. Lorsque le bulletin revient avec la déclaration, la signature apposée est de nouveau comparée. Si le votant est absent du Canada, il remplit une formule et il y appose sa signature. Avant le compte des votes, la signature est comparée à la signature sur la carte. La juridiction américaine va même jusqu'à le mettre dans chaque bureau de votation. Au lieu de la liste dont nous nous servons, ils ont un genre de livre où est inscrit le nom de chaque particulier qui a le droit de voter à ce bureau de votation. La première chose que l'on demande à l'électeur est de signer son nom sur un bout de papier. On ne lui pose pas d'autres questions. On compare ensuite cette signature avec celle qui figure sur la carte et on lui permet de voter.

Mr. Lefebvre: Comme nous n'avons pas de liste permanente à l'heure actuelle, pensez-vous qu'il serait assez difficile d'adopter ce système?

Mr. Hamel: Il vous faudrait établir un genre de liste permanente pour ces personnes.

Le président: Monsieur Benjamin.

Mr. Benjamin: Monsieur le président, dans les cas au Canada où dans une ou plusieurs provinces des absents du Canada ont voté, certainement dans le cas de la Saskatchewan, l'obligation relevait de l'électeur. Lorsqu'un électeur entre dans un bureau de votation à 500 milles d'où il habite par exemple, il incombe alors à l'électeur de signer une déclaration et de prêter serment. Afin de favoriser les occasions de voter, vous vous préoccupez moins de vérifier le droit de vote. Vous lui donnez la responsabilité en lui faisant signer un serment donnant le lieu de résidence, son

[Texte]

residence, age and so forth and that he was fully qualified to vote in the electoral district he named.

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Surely after the election is over or from the time those forms are signed—it might be some time before an election day but certainly after the election is over—the onus then would be on the election officials and the political parties, and it would only occur in constituencies where the election was very close, to scrutinize those names from those forms and do their own checking. It could be just a straight oath that is taken when they sign the form in an embassy or a consular office anywhere in the world.

Mr. Lefebvre: I think what we have to remember and what we should strive to do is make it as easy as possible for every Canadian citizen to vote. If he wants to walk into an embassy and declare on a form and even take an oath if we wish, then he should be allowed to vote.

Mr. Benjamin: Sir, we should assume that 99.9 per cent of them are honest and the others are not going to be, no matter what kind of rules you have, nor how stringent they are at the beginning of the electoral process or at the end.

Mr. Hamel: Your only safeguard would be the oath taken by the elector?

Mr. Benjamin: Yes.

Mr. Lefebvre: If a man walks into an embassy with his Canadian passport, I think it should be enough to show that he is really the man he claims to be.

Mr. Hamel: Would he have the choice to apply his vote to any electoral district? How would you establish his electoral district?

The Chairman: The last domicile he had.

Mr. Lefebvre: The last domicile he had in Canada. What other way you could do it, I do not know.

Mr. Hamel: This would be on the form, because this is not on the passport as far as I know.

Mr. Lefebvre: No, it could be on the form.

[Interprétation]

âge et ainsi de suite et qu'il a pleinement droit de voter dans le district électoral qu'il a nommé.

Certainement, après l'élection ou à partir du moment où les formules sont signées, il peut s'écouler un certain temps avant l'élection mais certainement une fois l'élection passée, la responsabilité incomberait au personnel de l'élection et aux partis politiques—la chose ne se produirait que dans les circonscriptions où l'élection a été très serrée—de vérifier les noms sur les formules et de faire leur propre vérification. Il pourrait s'agir d'un simple serment prêté lorsqu'ils signent la formule dans une ambassade ou dans un consulat n'importe où au monde.

Mr. Lefebvre: Je pense que nous devons nous souvenir qu'il faut qu'il soit aussi facile que possible de voter pour tous les citoyens canadiens. C'est le but que nous devons nous fixer. S'il veut se rendre à l'ambassade, faire une déclaration sur une formule et même prêter serment, il devrait ensuite avoir le droit de voter.

Mr. Benjamin: Monsieur, nous présumerions que 99.9 p. 100 d'entre eux sont honnêtes parce que les autres ne le sont pas, peu importe le règlement, peu importe si ce règlement est très rigoureux au début ou à la fin du processus électoral.

Mr. Hamel: Votre seule mesure de sécurité serait le serment prêté par l'électeur?

Mr. Benjamin: Oui.

Mr. Lefebvre: Si un homme se rend à l'ambassade en possession de son passeport canadien, je pense qu'il y aurait là une preuve suffisante que l'homme est celui qu'il prétend être.

Mr. Hamel: Aurait-il la possibilité d'appliquer son vote à n'importe quel district électoral? Comment établiriez-vous son district électoral?

Le président: D'après son dernier domicile.

Mr. Lefebvre: Son dernier domicile au Canada. Je ne sais pas de quelle autre façon vous pourriez procéder.

Mr. Hamel: Cela figurerait sur la formule parce que ce n'est pas sur le passeport, que je sache.

Mr. Lefebvre: Non, cela pourrait figurer sur la formule.

[Text]

Mr. Hamel: It boils down to what I said earlier, that your only safeguard would be the oath taken by the elector.

Mr. Lefebvre: What other safeguard can you have? It is good enough in a court of law.

Mr. Duquet: It may be a vote for the party but only if we are short of votes.

Mr. Benjamin: Of course a proportional representation system would solve a lot of that problem, would it not? **Mr. Chairman,** may I pose one question to the Committee?

The Chairman: Yes, Mr. Benjamin.

Mr. Benjamin: Regarding this business of advancing the date of nomination, a previous Committee has gone through this, the House did not like it and turned it down. Maybe it would be helpful if the Committee made an effort to obtain from all of the political parties whatever record they could supply of when their candidates were nominated to see if we could get some kind of picture of how legitimate the problem of that extra week is. How many were nominated in there?

The Chairman: Or, Mr. Benjamin, ask the different parties if they would object to putting the party name instead of the name of the candidate which solve the problem...

Mr. Benjamin: All right.

The Chairman: ... and does not force advancing the...

Mr. Lefebvre: I believe we will be having witnesses from the various political parties.

The Chairman: We will have Miss Flora MacDonald next Tuesday and Mr. Cairns will not be available before December 16. These are the only two witnesses we will hear before Christmas. As to Mr. Norman Ward of the University of Saskatchewan, our Clerk will circulate to the members of the Committee his earlier papers giving his views on the elections, how they should be held and so on. He does not feel he should appear before the Committee because he says that he has nothing to add to what is already written in these papers. So these papers will be available to us before we hear Miss Flora MacDonald and Mr. Cairns and we could ask questions of these two witnesses.

[Interpretation]

M. Hamel: Nous revenons donc à ce que j'ai dit plus tôt, c'est-à-dire que la seule mesure de sécurité serait le serment prêté par l'électeur.

M. Lefebvre: Quelle autre mesure de sécurité pouvez-vous avoir? Elle suffit en cour.

M. Duquet: Il pourrait s'agir d'un vote pour le parti mais seulement si nous manquons de votes.

M. Benjamin: Naturellement, un système de représentation proportionnelle résoudrait presque tout le problème n'est-ce pas? Monsieur le président, puis-je poser une question au comité.

Le président: Oui, monsieur Benjamin.

M. Benjamin: En ce qui a trait à cette question de devancer la date de nomination, un comité antérieur a traité ce sujet. La Chambre n'était pas en faveur et elle l'a rejeté. Il serait peut-être utile que le Comité tente d'obtenir de tous les partis politiques tous les dossiers qu'ils pourraient fournir au moment de la nomination de leurs candidats afin de voir si nous pourrions déterminer le caractère de légitimité de cette semaine supplémentaire. Combien de candidats ont été nommés?

Le président: Ou encore, monsieur Benjamin, nous pourrions demander aux divers partis s'ils auraient objection à ce que nous mettions le nom du parti au lieu du nom du candidat, ce qui résoudrait le problème.

M. Benjamin: Très bien.

Le président: Ce qui n'oblige pas de devancer le...

M. Lefebvre: Je crois que nous aurons des témoins des divers partis politiques.

Le président: Nous aurons M^{lle} Flora MacDonald mardi prochain et M. Cairns ne pourra être à notre disposition avant le 16 décembre. Ce sont les deux seuls témoins que nous aurons avant Noël. En ce qui concerne M. Norman Ward, de l'Université de la Saskatchewan, notre greffier fera circuler chez les membres du Comité les documents antérieurs dans lesquels il donne ses opinions sur l'élection, la façon dont elle devrait être tenue et ainsi de suite. Il n'est pas d'avis qu'il devrait comparaître devant le Comité parce qu'il dit qu'il n'a rien à ajouter à ce qui est écrit dans ces documents. Nous aurons donc accès aux documents avant d'entendre M^{lle} Laura MacDonald et M. Cairns et nous pourrions poser les questions à ces deux témoins.

[Texte]

Mr. Benjamin: These people will not be here as representatives of parties?

The Chairman: No.

Mr. Benjamin: They will be here as individuals.

Mr. Lefebvre: Maybe we should ask...

Mr. Benjamin: I think there are some areas in which it is unfair to ask for information from Mr. Hamel or other witnesses or officials from his office, information that the political parties may have. I am not sure that my own has any but I would be quite willing to ask my party or maybe it would be better if the Chairman officially contacted the political parties and sort of enumerated three or four things. Any information they could give us would be helpful in arriving at decisions. Or, even better, invite them to present a brief if they wish, but at least try to provide us with the information we would like.

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The Chairman: The forces no longer want this late reporting system. So to match them we either have to advance the registration of candidates a week or put the name of the party on the ballots. I believe these are the two solutions.

Mr. Dewis, in your view, would the armed forces object if instead of putting the name of the candidate in we put in the name of a party?

Colonel Dewis: As I understand it, they would just put in the name of the party. But would the candidates list be available? Servicemen are not too much different from civilians and I do know of a number of service people who will vote for the man rather than the party. I would be very loath to recommend on behalf of the forces that that be adopted, particularly when it is not done in the civilian vote. Most of the service people feel they should be able to vote as a civilian.

Now the other variation or alternative is that in Canada all servicemen vote as civilians. This would be only a partial merging of the service vote, but it would be better than now because we have large concentration of military personnel at Petawawa, Greenwood, Borden, et cetera.

The Chairman: But, Mr. Dewis, this list will still be available wherever possible.

[Interprétation]

M. Benjamin: Ces personnes ne seront pas ici à titre de représentants de partis?

Le président: Non.

M. Benjamin: Elles seront ici à titre de particuliers.

M. Lefebvre: Peut-être devrions nous demander...

M. Benjamin: Je crois qu'il y a des domaines où il serait injuste de demander des renseignements à l'heure actuelle, soit à M. Hamel ou à d'autres témoins ou représentants de son bureau, des renseignements que les partis politiques pourraient donner. Je ne suis pas certain que le mien en ait mais je consentirais à en demander à mon parti. Il serait peut-être mieux encore que le président communique officiellement avec les partis politiques et qu'il énumère trois ou quatre choses. Tout renseignement qu'ils pourraient donner serait utile pour en arriver à une décision. Ou mieux encore, invitez-les à présenter un document s'ils le veulent, mais essayer, au moins de nous obtenir les renseignements qui nous intéresseraient.

Le président: Les forces armées ne veulent plus de ce système. Il faudrait donc avancer la date de mise en candidature des représentants ou bien inscrire le nom du parti sur le bulletin de vote. Voilà, à mon avis, les deux solutions au problème.

Monsieur Dewis, croyez-vous que les militaires, s'opposeraient à ce qu'on inscrive le nom du parti au lieu de celui des candidats?

M. Dewis: Sauf erreur, ils mettraient seulement le nom du parti. Cependant, est-ce qu'il y aurait une liste des candidats? Je sais que les militaires ne sont pas tellement différents des civils. Ils aiment mieux voter pour un homme que pour le parti. Je ne voudrais pas que l'on recommande ceci pour les militaires si ça ne se fait pas pour les civils. La plupart des militaires veulent voter comme s'ils étaient des civils. L'autre solution, ce serait que les militaires votent comme des civils. Cela ne ferait que réunir en partie le vote militaire car il y a de grands camps à Petawawa, Greenwood, Borden, etc.

Le président: Mais, monsieur Dewis, cette liste sera toujours disponible dans la mesure du possible?

[Text]

Mr. Benjamin: If you had the alternative, if you had left that 14 days as is, where there are names, names are provided, as well as the party, and if there is the odd constituency with one two or three names short, that is too bad—all they will have is the name of the party. This would place more onus on the party...

The Chairman: Yes.

Mr. Benjamin: ...to get their nominations in quicker.

Mr. Duquet: Then those votes would be applied to their constituency, to the official candidate of such and such a party.

Mr. Benjamin: Yes. Where the names were already nominated and the Chief Electoral Officer had them, fine, they would be on the list.

Mr. Hamel: In Canada the names would be known only through the normal means of the press and so on, because if the intention is to let the members of the forces vote during the same period of time as at present it means that they would even vote before nominations are closed—because nominations start at 9:00 o'clock on the 14th day and they close at 2:00 o'clock on the 14th day. So we could not send any list until maybe the following afternoon, on the 13th day, and this would be in the nearest places.

If I may add something, in 1955, when the idea was put of advancing nomination day to the 21st day, I understand that the objection came from the headquarters of the parties. They may have changed their views since then, but I could not say.

If I may, Mr. Chairman, I would like to come back to Mr. Lefebvre's question. I hope I do not give the impression of trying to suppress ideas; I am just trying to show some of the problems.

On this question of affidavits, in the general election of 1957 in one electoral district in Ontario there were 900 names added to the list of electors on the basis of affidavits. This is no confidential document; this is in the report of the Chief Electoral Officer to the Speaker of the House of Commons. These names were added during the revision and it is as a result of this that we had the new system of revision introduced in 1960. At the same election we had over 300 fictitious names added in an electoral district in Montreal. This was done in a very methodical way. There was a commission of inquiry into this. They did not add more than three or four names in each poll. They did not add 900

[Interpretation]

M. Benjamin: Si on laisse les quatorze jours tels quels et que l'on a les listes des noms et des partis et s'il y a deux ou trois circonscriptions qui sont à court de deux ou trois noms, tout ce qu'il y aura sur le bulletin, c'est le nom du parti, n'est-ce pas? Cela obligerait d'avantage le parti...

Le président: Oui.

M. Benjamin: ...à faire parvenir à temps leurs présentations.

M. Duquet: Les votes s'appliqueront alors à leur circonscription, au candidat officiel d'un parti ou l'autre.

M. Benjamin: Lorsque les noms sont disponibles et que le Directeur général des élections les connaît, ils figurent sur la liste.

M. Hamel: Au Canada, les noms sont connus simplement par les moyens normaux de la presse parce que, si vous avez l'intention de faire voter les militaires durant la même période qu'à l'heure actuelle, ils voteraient avant la fin des mises en candidature car celles-ci commencent à 9h et se terminent qu'à 14 heures le 14^e jour. On ne peut envoyer de liste avant l'après-midi du 13^e jour et ce dans les endroits les plus rapprochés.

En 1955, lorsqu'on eut l'idée d'avancer la date de nomination au 21^e jour, je crois que l'objection provenait des bureaux centraux des partis. Ils ont peut-être changé leur point de vue depuis, je n'en sais rien.

Si vous permettez, monsieur le président, j'aimerais revenir à la question de M. Lefebvre; j'espère que je ne donne pas l'impression que je veux m'opposer à certaines idées, mais je veux simplement mettre les problèmes en lumière.

Au sujet des affidavits lors des élections générales de 1957, dans un district électoral de l'Ontario, il y a eu 900 noms à ajouter à la liste des électeurs, d'après les affidavits. Ce n'est pas un document confidentiel, cela figure dans le rapport du Directeur général des élections à l'Orateur de la Chambre des communes. Ces noms ont été ajoutés pendant la révision. Cette situation a entraîné une révision du système en 1960. Lors de cette élection, 300 noms fictifs ont été ajoutés dans une circonscription de Montréal. Ceci s'est fait d'une façon très méthodique. Il y a eu une commission d'enquête. On n'a pas ajouté plus de trois ou quatre noms dans chaque bureau de vote. On n'a pas ajouté 500 noms à la même place,

[Texte]

names at the same place but three here and two there and four there—and these were all added on the basis of affidavits.

• 1105

Mr. Duquet: I think this is inevitable Mr. Hamel, and I think we should ensure that it is not possible to promote such an undertaking. We know many people are not too scrupulous as long as there is a vote to get. I think that system of affidavits is presenting an open door to such people.

Mr. Hamel: That is exactly what I was trying to point out. I personally feel that if you rely strictly on an affidavit you are certainly inviting very serious problems.

Mr. Duquet: What do you think of the suggestion that was made. Mr. Dewis just mentioned that all the Canadian Armed Forces would vote as civilians and the forces abroad would remain as they are now. Of course it would not eliminate that week of suspense but it would be much lower as far as numbers of voters is concerned.

Mr. Hamel: I do not know what the reaction of the forces would be. I do not see any problem and, in fact, I personally would be in favour of it. The results of the votes of the forces outside the country would be known only one week later, but the impact would be relatively small.

Mr. Duquet: Very small.

Mr. Hamel: Particularly if you extend the right to vote to civil servants. In such case you would have an almost equal number of forces and civil servants.

The Chairman: Well, they could vote as civilians if we have a proxy system. If there are 5,000 armed forces in Valcartier, Quebec and they voted as civilians they would have to vote in the civilian polls. But if their last domicile was, let us say, in Saskatchewan or in British Columbia then, to register their votes and put them in the constituency where they belong, a proxy system would be needed.

Mr. Hamel: Mr. Chairman, I do not believe they should be given that option. If they vote as civilians, they should vote as civilians.

The Chairman: The parties will not accept that.

Mr. Hamel: This is, of course, the problem.

Last week I was asked to find out how in provincial elections members of the forces

[Interprétation]

mais trois ici, quatre là, à droite et à gauche, et tout ceci, grâce aux affidavits.

M. Duquet: Il ne devrait pas être possible d'agir de la sorte. Il y a bien des gens qui ne sont pas très scrupuleux lorsqu'il s'agit d'obtenir un vote. Je pense que ce système d'affidavit, c'est une porte qui leur est ouverte.

M. Hamel: C'est ce que j'ai essayé d'indiquer. Personnellement, je pense que si l'on se fie seulement à un affidavit, il y aura de graves problèmes.

M. Duquet: Que pensez-vous de la suggestion qui a été faite. M. Dewis vient de dire que toutes les Forces canadiennes voteraient en tant que civils et que le vote des militaires, outre-mer, resterait comme aujourd'hui. Cela n'éliminerait pas cette semaine de «suspense» mais le nombre des votants concernés serait moins important.

M. Hamel: Je ne sais pas quelle serait la réaction des Forces armées à ce sujet. Je n'y vois pas de problème en fait. Je serais personnellement favorable à une telle suggestion. Maintenant, le résultat du vote des militaires en dehors du pays, serait connu une semaine plus tard mais l'effet en serait peu important.

M. Duquet: Très peu.

M. Hamel: Surtout si vous donnez le droit de vote aux fonctionnaires, vous aurez alors un nombre égal de militaires et de fonctionnaires.

Le président: Ils pourraient voter en tant que civils, si nous avons un système de vote par procuration. S'il y a 5,000 militaires à Valcartier (Québec) il faudra qu'ils votent dans les bureaux de votation avec les civils. Si leur domicile antérieur était en Saskatchewan ou en Colombie-Britannique, il faut avoir un système de vote par procuration pour inscrire leur nom sur la liste des électeurs de la circonscription à laquelle ils appartiennent.

M. Hamel: Je crois qu'on n'a pas à leur donner le choix, ils devraient voter en tant que civils.

Le président: Les partis n'accepteront pas cela.

M. Hamel: C'est naturellement le problème.

La semaine dernière, on m'a demandé de voir comment les Forces armées sont traitées

[Text]

were treated. There are only two provinces which make some provision for the members of the forces. In all other provinces they vote as civilians. In other words a member of the forces originally from Ontario or Saskatchewan and posted in Manitoba, if he has the qualifications under the law as to residence, age and other qualifications, he votes as any other Manitoban. The only two provinces are Nova Scotia and Ontario. Ontario's new legislation received their reading last week, and under the Ontario and Nova Scotia legislation members of the forces can vote by proxy if they are of course outside the province. But if their permanent residence is Toronto, for instance, and they are posted to Petawawa they cannot vote in Toronto, they have to vote in Petawawa. But if they are outside the province or outside the country they can vote by proxy.

Mr. Benjamin: Provided they have been resident in Petawawa long enough.

Mr. Hamel: That means provided they are there on the date of the issue of the writ, and they have been in the province for a year.

Mr. Benjamin: But suppose they were not there on the date of the issue of the writ—they just got posted to Petawawa—would they then vote where they come from in Toronto?

Mr. Hamel: No. If they come from Toronto and are posted to Petawawa and are not there on the date of issue of the writ, no, they do not vote—or they have to go back to Toronto.

Mr. Benjamin: I see. There is no absentee provision for them.

Mr. Hamel: This has some limitations, as you can immediately imagine, because to vote by proxy in both provinces the name of the elector must be on the list. So if the serviceman is posted overseas with his wife, who will take care of putting his name on the list? So this has some limitations.

The Chairman: If members do not have any further questions to ask Mr. Dewis or Mr. Nash, perhaps next week we will start with Miss Flora MacDonald, whose appearance is scheduled for 11:00.

Mr. Dewis, you have given us very valuable information, for which we thank you. We will surely try to deal with some of the complaints made in the past regarding the actual system. Thank you very much.

[Interpretation]

lors des élections provinciales. Il y a deux provinces seulement qui prévoient des dispositions pour les Forces armées. Dans toutes les autres provinces, ils votent en tant que civils. Donc, un militaire de l'Ontario ou de la Saskatchewan qui se trouve au Manitoba, s'il a les qualifications nécessaires d'après la loi, vote comme tout autre Manitobain. Les deux seules provinces: l'Ontario et la Nouvelle-Écosse. La nouvelle législation de l'Ontario a été examinée la semaine dernière et, d'après les lois de ces deux provinces, les membres des Forces armées peuvent voter par procuration s'ils se trouvent à l'extérieur de la province. Mais si leur résidence est à Toronto et qu'ils se trouvent à Petawawa, alors, ils sont obligés de voter à Petawawa. S'ils sont en dehors de la province, ils doivent voter par procuration.

M. Benjamin: Pourvu qu'ils aient résidé assez longtemps à Petawawa.

M. Hamel: S'ils sont dans la province depuis un an, le jour de l'émission du bref.

M. Benjamin: S'ils ne sont pas là le jour de l'émission du bref, est-ce qu'ils doivent voter à Toronto ou non?

M. Hamel: Non.

S'ils viennent de Toronto et sont envoyés à Petawawa, et qu'ils ne s'y trouvent pas ce jour-là, ils sont obligés de revenir à Toronto, ou ils ne votent pas.

M. Benjamin: Le vote des absents ne s'applique pas à eux alors?

M. Hamel: Il y a des limites comme vous le voyez, à cause du vote par procuration dans les deux provinces. Le nom de l'électeur doit se trouver sur la liste. Donc, si le militaire se trouve à l'étranger avec sa femme, qui va s'occuper de mettre son nom sur la liste? Il y a des limites à ce système.

Le président: Si les membres n'ont pas d'autres questions à demander à M. Dewis et à M. Nash, la semaine prochaine, nous écouterons Mlle MacDonald à 11 heures.

Monsieur Dewis, vous nous avez donné des renseignements très utiles, nous vous remercions de l'expérience que vous nous avez apportée. Nous allons essayer d'éliminer les plaintes que nous avons eues par le passé. Merci beaucoup.

[Texte]

[Interprétation]

• 1110

Col. Dewis: Thank you, Mr. Chairman.

M. Dewis: Merci, monsieur le président.

The Chairman: This meeting is adjourned
until Tuesday at 11:00.

Le président: La séance est levée jusqu'à
mardi prochain à 11 heures.

[Text]

[Translation]

APPENDIX 2

THE OTTAWA CITIZEN

Tuesday, 3 July 1962.

Announcement of the servicemen's vote

The delay in announcing results of the service vote in the general election took on a particular significance because of the closeness of the returns in a number of ridings. This should prompt members of the new Parliament to consider once again means of ensuring that all federal election returns are made public at the same time.

As it turned out, the results of votes cast by some 96,000 servicemen, dependents in Europe and hospitalized veterans gave the Liberals two more seats at the expense of the Progressive Conservatives. *Weakness in existing election machinery meant that the party standings were not known until six days after the election date.*

Such situations tend to create uncertainties for political parties and candidates alike. Many servicemen complain that too much attention is drawn to the way in which the service vote is allocated among the various parties under the present system. It should be noted, however, that since the results of all polls are made available to the public it would be quite possible for the trend of the service vote to be determined in any case.

The necessity to extend voting privileges to servicemen located at establishments from Camp Borden, to the Congo does present difficulties for electoral officials. But surely there are avenues that can be explored to reduce the time gap between Canada's election date and the announcement of the results of the service vote.

One possibility that should be explored again is that of advancing the day of nomination by one week—thus allowing three full weeks for the conduct of advance polls and for receipt of the returns. It should be possible to cut down on the period during which servicemen are permitted to vote—now about a week. These are matters that Parliament should not overlook when the Canada Elections Act again comes up for study.

APPENDICE 2

THE OTTAWA CITIZEN

Le mardi 3 juillet 1962

Publication des résultats du vote militaire

Le délai encouru dans la publication des résultats du vote militaire au terme de l'élection générale a pris une importance particulière en raison des résultats serrés enregistrés dans un certain nombre de circonscriptions. Ceci devrait amener les députés qui viennent d'être élus à étudier de nouveau les moyens à prendre pour s'assurer que tous les résultats d'une élection fédérale soient rendus publics en même temps.

La publication des résultats du vote de 96,000 militaires cantonnés en Europe, de leurs dépendants et des militaires hospitalisés a permis aux libéraux de ravir deux autres sièges aux progressistes-conservateurs. La faiblesse du système fait qu'il a fallu attendre six jours après la date de l'élection pour connaître la position des partis en Chambre.

De telles situations tendent à provoquer l'incertitude tant chez les partis politiques que chez les candidats eux-mêmes. Plusieurs militaires se plaignent de ce qu'on porte une trop grande attention à la répartition, sous le présent système, du vote militaire entre les divers partis politiques. Il faut toutefois noter qu'il demeure possible de déterminer la tendance du vote militaire puisque les résultats de tous les bureaux de scrutin sont rendus publics.

Le fait qu'il soit nécessaire d'accorder le droit de vote aux militaires cantonnés quelque part entre Camp Borden et le Congo présente des difficultés pour les officiers électoraux. Mais il existe certes des moyens de réduire le délai entre la date des élections au Canada et la publication des résultats du vote militaire.

Il faudrait étudier à nouveau la possibilité de devancer d'une semaine la date de la présentation des candidats; il y aurait ainsi trois semaines complètes pour la mise sur pied des bureaux provisoires de scrutin et la réception des résultats. Il devrait être possible de réduire cette période au cours de laquelle les militaires peuvent déposer leurs bulletins de vote, qui s'échelonne actuellement sur une semaine. Le Parlement ne devrait pas ignorer ces aspects lorsque les députés seront appelés à réétudier la Loi électorale du Canada.

[Texte]

THE OTTAWA JOURNAL

Monday, July 9, 1962

The Soldiers' Vote — An Old Fashioned System

The results of the June 18 General Election threw into prominence the fact that the *existing method of counting and announcing the votes of Canada's armed forces and veterans is out of date and even undemocratic.*

There were 96,179 of these votes cast, between June 11 and June 16, but they were not announced until June 24. The result of the separate announcement, six days after election day, meant that the public was able to know that 63.5 per cent of the service vote went Liberal, compared to the 36.9 per cent slice given the Liberals by the general civilian vote. Conservatives got 25.5 per cent in the service vote and 37.5 per cent in the civilian vote.

Our concern here is not with the fortunes of either party, or their reputation. Had the trend been reversed our concern would be the same. Our concern is that of one segment of Canadians it is possible to say: "they voted Liberal," or "they voted Tory."

In a democratic system based on a secret ballot one should no more be able to say "the soldiers voted Liberal" than one could say with accuracy "the doctors voted Conservative", or the merchants or the teachers or the miners.

The present system enables the serviceman overseas, or in Canada but away from his place of domicile, to vote on the six days of the week before the Monday of General Election. But the counting does not begin until the day after Election Day; "such counting shall be carried out with all possible despatch, and shall be completed not later than the Saturday next following such polling day."

The delay is said to be caused by the fact that nomination of candidates does not close until two weeks before Election Day. It is said to take a full week for the nomination list to be processed in Canada by the Chief Electoral Officer and then despatched overseas and delivered to the various places where Canadian forces are situated. Then, it is said, there must be a full week given for voting, because

[Traduction]

THE OTTAWA JOURNAL

Le lundi 9 juillet 1962

Le vote militaire: Un système démodé

La publication des résultats de l'élection générale du 18 juin a démontré que la méthode actuelle de dépouillement et de publication du vote des militaires et des anciens combattants canadiens est démodée et même peu démocratique.

96,179 de ces votes militaires ont été déposés entre le 11 et le 16 juin mais les résultats n'en ont été rendus publics que le 24 juin. Le fait que ces résultats aient été annoncés 6 jours après l'élection signifie que les contribuables canadiens ont pu savoir que 63.5 p. 100 du vote militaire est allé aux Libéraux alors que le reste de la population canadienne accordait son appui aux Libéraux dans une proportion de 36.9 p. 100. De leur côté les progressistes-conservateurs obtenaient 25.5 p. 100 du vote militaire et 37.5 p. 100 du vote des autres contribuables.

Ce qui nous inquiète ici ce n'est pas le sort réservé à l'un ou l'autre des partis non plus que leur réputation. Si la tendance avait été à l'inverse de ce qu'elle a été nous nous serions inquiétés de la même façon. Ce qui nous inquiète c'est que les Canadiens peuvent dire d'une partie de la population: «Ils ont voté Libéral» ou «Ils ont voté Conservateur».

Lorsqu'un système démocratique s'appuie sur le scrutin secret personne ne devrait pouvoir dire «Les militaires ont voté libéral» pas plus qu'on ne devrait pouvoir dire avec précision «Les médecins ont voté conservateur», ou les commerçants ou les instituteurs ou les mineurs.

Le système actuel permet aux militaires qui sont outre-mer ou au Canada mais éloignés de leur lieu de résidence, de voter pendant les six jours de la semaine qui précède le jour des élections générales. Mais le dépouillement ne débute que le lendemain de l'élection; «ce comptage doit être effectué avec toute la diligence possible, et être terminé au plus tard le samedi qui suit immédiatement ledit jour du scrutin.»

La difficulté vient de ce que la présentation des candidats ne se termine que deux semaines avant le jour du scrutin. Il faut une semaine complète pour que la liste des noms des candidats soit préparée par le bureau du directeur général des élections au Canada et expédiée outre-mer afin d'être livrée partout où sont cantonnés les soldats canadiens. Il faut par la suite qu'une semaine complète soit

[Text]

of the inaccessibility of many servicemen, and the fact that they may not all be given time off to vote on the same day.

As things are we must take a week to get the nomination list to the troops, give them a week to vote, give the voting official a week to count.

Several remedies seem worth examining.

1. As most candidates are nominated well before the 14-day deadline we might advance nomination day by a week. (As it is, nomination day in distant places such as the Yukon or Northwest Territories must be 28 days in advance of polling day.) If the nomination list were made available to the forces a week earlier then they could vote a week earlier and the counting process would be completed a week earlier and in time for inserting it into the General Election results;

2. If it were found undesirable to advance nomination day it is entirely possible with modern communications that the week now employed to deliver the lists to the troops could be cut to four days, the week now employed to enable the troops to vote could be cut to four days, and the week now given for counting and reporting could be cut to three days. This would telescope the three-week operation into two and permit the inclusion of the armed forces vote into the civilian vote without identification of either being possible.

It is interesting to note that the British and American armed forces vote is not segregated as is ours. The British soldier leaves a proxy with a friend before he goes overseas, giving that proxy authority to vote for him as he sees fit or giving him authority to exercise the proxy when the serviceman writes him instructions. It is assumed the British serviceman will be interested enough to find out by newspapers or mail or broadcasts who is running in his constituency and it is up to him to instruct his proxy or leave his proxy to vote as he sees fit.

[Translation]

prévue pour le déroulement du scrutin parce que certains militaires peuvent difficilement se présenter au bureau et tous ne peuvent pas être libérés en même temps afin de voter le même jour.

Il faut donc en définitive une semaine pour expédier la liste des noms des candidats jusqu'aux cantonnements des militaires, une semaine pour déposer leur bulletin de vote, puis une semaine aux officiers d'élection pour le compiler.

Voici à titre d'exemple quelques solutions au problème.

1. Puisque la plupart des candidats sont déjà choisis longtemps avant cette période de quatorze jours avant l'élection, il serait possible d'avancer d'une semaine la date de la présentation des candidats. (De fait, la présentation des candidats dans les endroits éloignés tels que les Territoires du Yukon et du Nord-Ouest doit se faire 28 jours avant le jour du scrutin). Si la liste des noms des candidats était remise aux Forces armées une semaine plus tôt, les militaires pourraient voter une semaine plus tôt, le dépouillement pourrait s'effectuer une semaine plus tôt, et ce résultat pourrait être inséré avec les autres résultats de l'élection générale.

2. S'il n'apparaît pas souhaitable de devancer la date de la mise en candidature, il est très certainement possible grâce aux communications modernes, de réduire à quatre les sept jours actuellement nécessaires pour faire parvenir les listes aux différents cantonnements des militaires; de réduire à quatre le nombre de jours actuellement prévus pour le scrutin lui-même; et de réduire à trois le nombre de jours actuellement prévus pour le dépouillement et la publication des résultats. On condenserait ainsi en deux semaines trois opérations qui en prennent actuellement trois, ce qui permettrait d'incorporer le résultat du vote militaire au vote des autres contribuables canadiens sans qu'il soit possible d'affirmer qui a voté de quelle façon.

Notons que le vote militaire en Grande-Bretagne et aux États-Unis n'est pas séparé du vote des autres contribuables comme c'est le cas chez nous. Le soldat anglais laisse une procuration à un ami avant de se rendre outre-mer l'autorisant de voter comme bon lui semble ou d'utiliser cette procuration lorsque le militaire lui aura fait parvenir ses instructions. On suppose que le militaire britannique sera assez intéressé à l'élection pour apprendre par les journaux, le courrier ou les émissions radiophoniques, quels sont les candidats dans sa circonscription; il lui appartiendra de communiquer son choix à celui qui détient sa procuration ou de lui laisser le choix de voter comme bon lui semble.

[Texte]

The American soldier is given opportunity to vote at the scene of his posting sufficiently in advance of the general election date so that the vote of American forces is included in the general results, with no identification or segregation possible.

It is surely within the wit of Canadians to amend our voting laws so that the soldiers, sailors and airmen may not be singled out as something separate.

It is not impossible that in these days of tight government the present system would encourage a two-way pressure between the armed forces and the political parties. The forces might try to exact special considerations in return for their vote, or the politicians might be inclined to hold out special bait for the armed forces. We could even find ourselves with an armed forces lobby.

But the force of our desire to have the system changed does not depend upon the uncertain and even unlikely possibility of graft or unwise voting practices. It springs from the fundamental proposition that we should not be able to single out any group of people in our electorate *by their occupations* and say this is how they voted.

THE GAZETTE

Monday, November 15, 1965

COMMENT

That Service Vote Delay

It may be hoped that this has been the last election in which the vote of the armed services will be reported nearly a week after election day. This practice is bad, in every way. It should be possible to conduct the service vote in such a way that it could be merged with the civilian vote and reported on the same day.

There seems to be no sufficient reason for this long delay in reporting how the services have voted. Advanced polls are conducted for many citizens who, for one legitimate reason or another, cannot be in the country on election day. The reporting of these votes is not delayed; they form part of the regular national total.

The present system of conducting the service vote is bad for two important reasons.

[Traduction]

Le soldat américain peut voter là où il est cantonné assez tôt avant l'élection générale pour que le vote militaire soit inclus dans les résultats généraux afin de rendre toute identification impossible.

Les Canadiens sont sûrement assez intelligents pour modifier les lois électorales afin de permettre aux soldats, aux marins et aux aviateurs de ne plus être considérés comme des gens à part.

Il est possible que le système actuel encourage de part et d'autre des pressions entre les Forces armées et des partis politiques. Les militaires pourraient tenter d'obtenir des faveurs spéciales en promettant de voter de telle, ou telle façon, tandis que les politiciens pourraient tenter d'offrir certains appâts spéciaux aux Forces armées. Nous pourrions même voir les membres des Forces armées faire de l'antichambre.

Si nous désirons si ardemment changer le système ce n'est pas parce que nous craignons la possibilité de pots-de-vin ou de pratiques électorales peu sages. C'est tout simplement parce que nous ne devrions pas, croyons-nous, pouvoir dire de tel ou tel groupe d'électeurs, quelle que soit leur occupation, qu'il a voté de telle ou telle façon.

THE GAZETTE

le lundi 15 novembre 1965

COMMENTAIRE

Le délai du vote militaire

Il est à espérer que nous venons de connaître la dernière élection générale qui comporte un délai d'une semaine avant la publication des résultats du vote militaire. Cette façon d'agir est mauvaise, à tout point de vue. Il devrait être possible d'organiser le scrutin de telle sorte que les résultats du vote militaire soient rattachés à ceux du reste de la population et rendus publics le même jour.

Il ne semble y avoir aucune raison suffisante pour justifier ce long délai entre la tenue du scrutin et la publication des résultats d'un vote militaire. Des bureaux provisoires de scrutin sont à la disposition de tous ceux qui, pour une raison légitime ou une autre, savent qu'ils ne seront pas au pays le jour du scrutin. La publication de ces résultats n'est pas retardée; ils sont incorporés aux résultats compilés dans l'ensemble du pays.

Deux raisons principales rendent mauvaise la façon dont se tient actuellement le vote militaire.

[Text]

In the first place, it leaves the results of the voting on election day still undecided, in the case of a close vote, as occurred on Monday, it leaves the fate of the Government in the balance.

In any case, it leaves some constituencies with uncertainty as to whom they have actually elected. In the days when Canada had a two-party system these narrow margins were less likely to occur. But now that the vote in many constituencies is split three or more ways, narrow margins of victory are far more frequent.

In the second place, this delayed reporting of the service vote tends to place the servicemen in a category of their own, as though, as citizens, they were set apart, but this is not the basis of the services in Canada. The services are made up of volunteers. Even though professional servicemen, they are still, in a real sense citizen-servicemen. We do not live in a country where the armed forces are a state within the state. Their vote should be considered as a citizen vote, and tallied with the rest of the citizen vote.

If the electoral laws could be changed, we would no longer hear from politicians on election night the same statement: "We will have to wait for the service vote." On election night the decision would be, as it ought to be, complete and final. The people would have spoken, and the servicemen would be, as they ought to be, among the people.

[Translation]

Tout d'abord elle permet le jour même du scrutin la publication de résultats imprécis. Lorsque le vote est serré, comme ce fut le cas lundi, le sort du gouvernement demeure incertain.

Quoi qu'il en soit, certaines circonscriptions ignorent quel candidat elles ont élu. Lorsque le Canada ne comptait que deux partis politiques, la possibilité d'une élection par une faible majorité était moins marquée. Mais de nos jours, il est plus fréquent de voir un candidat remporter la victoire par une faible majorité puisque dans plusieurs circonscriptions les électeurs ont le choix entre 3 candidats ou même davantage.

Deuxièmement, la publication tardive des résultats du vote militaire tend à placer les membres des forces armées dans une catégorie différentes, tout comme si, en tant que citoyens, ils faisaient classe à part. Telle n'est pas la situation. Ce sont des volontaires qui font partie des forces armées. Bien que militaires professionnels, ils n'en demeurent pas moins en un certain sens des citoyens-soldats. Nous ne vivons pas dans un pays où les forces armées sont un État dans l'État. Leur vote devrait être considéré comme tout autre vote et compilé avec les autres.

Si les lois électorales pouvaient être changées nous n'entendrions plus les politiciens répéter, le soir de l'élection: «Il nous faudra attendre le résultat du vote militaire». La décision serait complète et finale, comme elle devrait l'être, le soir même du scrutin. Le peuple aurait parlé et les militaires feraient partie, comme ils le devraient, de ce peuple.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969

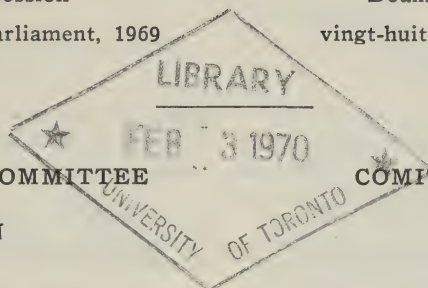
vingt-huitième législature, 1969

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES



PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS

PROCÈS-VERBAUX ET

AND EVIDENCE

TÉMOIGNAGES

No. 5

TUESDAY, DECEMBER 9, 1969

LE MARDI 9 DÉCEMBRE 1969

Canada Elections Act

Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir les *procès-verbaux*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

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PRIVILÈGES ET ÉLECTIONS

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Mr. Code,
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Mr. Forrestall,
Mr. Fortin,
Mr. Francis,
Mr. Howard (*Skeena*),
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Mr. Jerome,
Mr. Lefebvre,
Mr. Macquarrie,
Mr. Marceau,
Mr. Murphy,
Mr. Trudel—20.

(Quorum 11)

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

[Text]

TUESDAY, December 9, 1969.

(6)

The Standing Committee on Privileges and Elections met this day at 11:15 a.m. The Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Alkenbrack, Code, Duquet, Forrestall, Jerome, Laflamme, Lefebvre, Macquarrie—(8).

Witnesses: Miss Flora MacDonald, Administrator, Queens University; Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed its study of the Canada Elections Act.

The Chairman introduced Miss MacDonald and requested her to make a summary of her brief.

The members questioned Miss MacDonald thereon.

On Motion of Mr. Jerome, it was

Agreed,—that Miss MacDonald's brief entitled "Electoral and Party Reform" be printed as an Appendix to this day's Minutes of Proceedings and Evidence (See Appendix 3).

The Committee agreed that Miss MacDonald be reimbursed for reasonable travelling expenses incurred by reason of her appearance before the Committee.

The Chairman thanked Miss MacDonald on behalf of the Committee for her interest and assistance to the Committee.

At 12:45 p.m. the Committee adjourned until 11:00 a.m., December 11, 1969.

PROCÈS-VERBAL

[Traduction]

Le MARDI 9 décembre 1969.

(6)

Le Comité permanent des privilèges et élections se réunit aujourd'hui à 11 h. 15 du matin. Le président M. Laflamme occupe le fauteuil.

Députés présents: MM. Alkenbrack, Code, Duquet, Forrestall, Jerome, Laflamme, Lefebvre, Macquarrie—(8).

Témoins: M^{lle} Flora MacDonald, administrateur, Université Queens; M. J.-M. Hamel, directeur général des élections.

Le Comité reprend l'étude de la Loi électorale du Canada.

Le président présente M^{lle} MacDonald et lui demande de faire un exposé de son mémoire.

Les membres questionnent ensuite M^{lle} MacDonald.

M. Jerome propose, et

Il est convenu—que le mémoire de M^{lle} MacDonald intitulé "Réformes des partis et réforme électorale" soit publié en appendice au compte rendu de ce jour (*voir appendice n° 3*).

Le Comité convient de rembourser à M^{lle} MacDonald les frais de voyage raisonnables qu'elle a dû déboursier pour venir témoigner devant le Comité.

Le président remercie M^{lle} MacDonald de la part du Comité pour l'intérêt et l'aide qu'elle a apportés à ce dernier.

À 12 h. 45 le Comité s'ajourne jusqu'au 11 décembre 1969 à 11 h. 00 du matin.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, December 9, 1969.

• 1116

The Chairman: Would the meeting come to order, please, as I see we now have a quorum to hear evidence? While we are almost 15 minutes late, I will start by introducing to you Miss Flora MacDonald who is our witness today.

Miss MacDonald, we are pleased to have you with us this morning. You travelled a slippery way to be here on time which you were.

I believe Miss MacDonald has some documentation to circulate among the member. As I already have told you, articles 62 and 63 which deal with the election expenses have been withdrawn from our terms of reference by the House, but as it is such a closely related matter I will not object if you have some practical remarks to make in this regard. I would appreciate if you could make a general review of the main points on which you want to raise the attention of the members, after which we will start with the question period so the members can get your views on their particular inquiries. Miss MacDonald.

Miss Flora MacDonald (Queen's University): Thank you very much, Mr. Chairman.

The Chairman mentioned that I had some documentation. I am not just quite sure about distributing it in such an august body because, in a sense, it might be termed a partisan document, and knowing that I am in a very non-partisan forum I wish to make you aware that the document in question, although it was delivered to what might be called a partisan body, does not, in fact, relate to any political persuasion or partisan view.

It is a paper which I had written for delivery to a conference at Niagara Falls which dealt with electoral reform as it is reflected in the operations of political parties, covering both the financial resources of political parties and how they might be related to the Canada Elections Act and also certain legal matters now under the Act which I had some beliefs might, in fact, be changed or might be improved.

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 9 décembre 1969.

Le président: Nous allons commencer. Nous avons suffisamment de députés présents pour entendre des témoignages. Nous commençons toutefois avec quinze minutes de retard. Je vous présente donc M^{lle} MacDonald.

M^{lle} MacDonald, nous sommes heureux de vous avoir parmi nous ce matin. Je sais que vous avez dû affronter des routes verglacées pour arriver à temps et je m'excuse du retard que nous vous imposons.

Je crois que M^{lle} MacDonald a des documents à distribuer aux membres du Comité et, comme je l'ai dit, les articles 62 et 63 sur les dépenses électorales ont été éliminées de notre mandat par la Chambre des communes, mais comme il s'agit d'un sujet pertinent, je n'ai pas d'objection à ce que vous fassiez quelques observations à ce sujet. J'espère que vous pourrez nous donner un aperçu général des points principaux sur lesquels vous voulez attirer l'attention des députés. Après quoi, nous pourrions passer à une période de questions et réponses qui permettra à chaque député de préciser les points qui lui semblent obscurs. M^{lle} MacDonald.

Mlle Flora MacDonald (Université Queen): Merci, monsieur le président.

Comme l'a mentionné monsieur le président, j'ai certains documents à distribuer. Je ne sais pas si je puis toutefois les distribuer. Il s'agit en quelque sorte d'un document partisan et sachant que l'audience à laquelle je m'adresse n'est pas du tout partisane, j'aimerais que vous soyez bien conscients du fait que les documents en question, même s'ils ont été distribués à un organisme partisan, n'ont pas trait, en fait, à quelque persuasion politique ou à quelque opinion partisane.

Il s'agit d'un document que j'ai préparé pour une conférence à Niagara Falls sur la réforme électorale telle qu'elle est reflétée dans l'activité des partis politiques. Il traitait des ressources financières des partis politiques, de leur rapport avec la Loi électorale du Canada et de certaines questions juridiques qui relèvent actuellement de la loi et qui, à mon avis, devraient faire l'objet de modification ou d'amélioration.

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[Text]

The first matter I would like to deal with actually comes under Section 2 of the Act, that is, the section dealing with interpretation or definition and because so many of the other recommendations that I make later in the paper relate to this very basic matter, I in fact, wish to bring up this right at the outset. This deals with the question of the recognition of political parties as legal entities under the Canada Elections Act.

In framing the legislation of 1874 by which candidates are required to report election expenditures, no mention was made of political parties.

My view in this is that in the terms of definition, or in the definitions included in Section 2, the term "political party" should be defined.

At that time, of course, that is in 1974, political parties were in an embryonic state in Canada and their role in election campaigns was minimal. Although the ensuing years have seen that role grow to one of considerable proportions, Parliament has continued to sanction the oversight of the 1874 legislation by neglecting to accord official legal recognition to political parties under the Canada Elections Act.

The result has been a parliament with schizophrenic tendencies where, on the one hand, parties are recognized for certain legislative purposes, that is, privileges are accorded to leaders of opposition "parties" in the House of Commons, while at the same time parties are denied status for purposes of electing those same leaders to Parliament. Until such legal recognition is granted, all other proposals that I have to make concerning political parties—and in my paper I deal with matters which will be coming before this special committee or are relevant to this special committee, that is, disclosure, subsidization, and limitation of campaign expenses—are legally unenforceable. So I would propose that political parties be explicitly recognized under the Canada Elections Act.

The question arises, of course: how does one define a party? Naturally this is a matter for discussion by your group. There already have been certain proposals made. One might say that recognition could be based on a requirement that a party must field a specified number of candidates in any current election, or have obtained a specified percentage of votes in the preceding election. Actually, for purposes of national broadcasting during a national political campaign, the

[Interpretation]

La première question dont j'aimerais traiter relève de l'article 2 de la loi sur l'interprétation ou à la définition et cela, parce que plusieurs des recommandations que j'ai faites plus loin ont trait à cette question fondamentale. Il s'agit de la reconnaissance des partis politiques à titre d'entités juridiques en vertu de la Loi électorale du Canada. Je déclare donc:

Que la loi de 1874, en vertu de laquelle les candidats doivent déclarer leurs dépenses électorales, ne fait pas mention des partis politiques.

A mon avis, dans les définitions comprises dans l'article 2, l'expression «parti politique» devrait être définie.

A ce moment-là, en 1874, les partis politiques canadiens n'étaient qu'à l'état embryonnaire et leur rôle dans les campagnes électorales était minime. Au cours des années subséquentes ce rôle n'a cessé de s'accroître et a pris des proportions considérables. Le Parlement a entériné la loi de 1874 et a négligé de reconnaître juridiquement et officiellement les partis politiques aux termes de la loi électorale du Canada.

Le Parlement a donc manifesté des tendances schizophréniques car d'une part les partis sont reconnus pour certaines raisons législatives, c'est-à-dire que certains privilèges sont accordés aux leaders des partis de l'opposition à la Chambre et en même temps, les partis se voient nier leur statut afin d'élire ces mêmes leaders au Parlement. Jusqu'à ce qu'une telle reconnaissance juridique soit accordée, toutes les autres propositions que j'avais à faire au sujet des partis politiques, et dans ce document je traite des questions qui seront soumises au comité spécial ou qui s'adressent au présent comité permanent, soit du relevé des dépenses, des subventions et la limitation des dépenses des campagnes. Tout cela est presque impossible à appliquer sur le plan juridique. Je propose donc que l'on reconnaisse les partis politiques dans la Loi électorale du Canada.

Naturellement, comment définit-on un parti politique? Votre groupe pourrait débattre cette question. On a déjà avancé certaines propositions à ce sujet. On pourrait fonder la reconnaissance d'un parti sur le fait qu'un parti doit présenter un certain nombre de candidats à une élection ou a obtenu un pourcentage bien précis de votes lors de l'élection précédente. En fait, lors d'une campagne électorale nationale, la Société Radio-Canada fixe une norme à laquelle un parti politique doit

[Texte]

Canadian Broadcasting Corporation, in granting free time to political parties, sets down certain criteria that a national political party must meet. It says:

- (i) it must have a policy program in regard to a great many matters involving the national interest;
- (ii) it must have a nationally recognized leader;
- (iii) it must have a national organization set up as a result of a national conference or convention;
- (iv) it must have representation in the House of Commons;
- (v) it must appeal for voters in at least three provinces, and present a candidate in at least one of every four ridings.

That is the way the CBC looks at political parties when it is meting out national free-time broadcasting.

• 1125

The new election act of the Province of Quebec defines a political party. It says that a recognized party means the party of the Prime Minister or of the leader of the official opposition, and a party which at the last general election had 10 official candidates or which at the current general election is permitted to designate an official agent under Section 375, which reads:

A political party wishing to incur election expenses shall appoint, by a writing signed by its recognized leader, an official agent. The appointment of an official agent of a party shall be delivered to the chief returning-officer with proof to the satisfaction of the latter that the signatory is the recognized leader of the party. The appointment of the official agent shall not be accepted unless the party has at least ten official candidates at the last general elections or it is shown that it will have that number at those in progress.

I cite these different interpretations to show that there are different ways by which parties can be defined. They are being defined by the Canadian Broadcasting Corporation, the Broadcasting Act, by the Quebec election act, and by the commission which is looking into electoral revision in Nova Scotia.

I have said that it might be based on the requirements that the party must field a specified number of candidates in any current

[Interprétation]

se conformer pour profiter gratuitement d'une période d'antenne.

- i) un parti politique doit avoir un programme d'action sur un grand nombre de questions d'intérêt national;
- ii) il doit avoir un chef national reconnu;
- iii) il doit avoir une organisation nationale créée à la suite d'un congrès national;
- iv) il doit avoir des représentants à la Chambre des communes;
- v) il doit briguer les suffrages dans au moins trois provinces et mettre un candidat en lice dans au moins une circonscription sur quatre.

Voilà comment Radio-Canada considère les partis politiques qui demandent une période d'antenne gratuite pour la diffusion de messages politiques à l'échelle nationale.

La Loi électorale de la province de Québec définit un parti politique comme le parti du premier ministre ou du leader de l'opposition officielle et un partie qui, lors de la dernière élection, avait au moins dix candidats officiels sur les rangs ou qui, à l'élection en cours, a droit de nommer un agent en vertu de l'article 375 qui stipule:

Un parti politique désirant faire des dépenses électorales doit, par écrit signé de son chef reconnu, nommer un agent officiel. La nomination d'agent officiel d'un parti est remise au président général des élections avec une preuve à la satisfaction de ce dernier que le signataire est le chef reconnu du parti. La nomination d'agent officiel n'est acceptée que si le parti avait au moins dix candidats officiels aux dernières élections générales ou s'il démontre qu'il aura ce nombre à celles qui sont en cours.

Ces différentes interprétations indiquent les diverses manières de définir un parti politique. Cette expression fait l'objet d'une définition de la Société Radio-Canada de la Loi électorale du Québec, et de la commission chargée de la révision de la Loi électorale en Nouvelle-Écosse.

J'ai déclaré qu'on pourrait exiger que le parti ait un certain nombre de candidats ou ait obtenu un certain pourcentage des votes

[Text]

election or have obtained a specified percentage of votes in the preceding election. These are ways in which this might be done.

Each political party would be required to register, and presumably such registration would necessitate that each party stipulate the names of its representatives legally responsible for its activities. Failure of a party to register officially would disqualify it from receiving any benefits under the provisions of the Canada Elections Act. Candidates sponsored by the registered party would be designated as party candidates on the ballot and all others would be described as independents.

The reason I say this is that I feel quite strongly that we must face the reality that politics is more importantly a party process than an individual process and that we must make allowance for this under the Canada Elections Act. In so doing political parties would not only enjoy legally recognized rights, but would equally incur legal obligations.

I go on in my paper from this point to deal specifically with those two sections which you mentioned are really outside the terms of reference of this Committee, that is, Sections 62 and 63 of the Canada Elections Act. But you may wish to pass on copies of this paper to the other committee. The points I deal with there can be grouped in three categories, and I will outline them briefly so that you will know what they are.

One deals with disclosure of party funds. At present the Act calls for disclosure of funds raised by candidates, but I put forward the proposal that complete statements of party income, including the explicit identification of all sources and expenditures, should be required to be published at the conclusion of each election campaign, and annually.

Then the second major matter with which I deal is subsidization of political parties. Again this is at the national level, and I say that the state should subsidize electoral activity of the political parties by making all radio and television election broadcasts available on a free-time basis, but there should be limits to the use of these media for campaign purposes. I am talking here not only about the public networks but also about the private networks.

Then with regard to limitation, I say that there should be no limitation to the expenditures that political parties might make except within the confines of the broadcast media, and they would be confined because of the

[Interpretation]

au cours de l'élection précédente. Voilà quelques façons de procéder.

Chaque parti politique devrait obligatoirement être inscrit, ce qui présuppose qu'il devra faire connaître le nom de ses représentants chargés juridiquement de ses activités, à défaut de quoi, un parti ne pourrait recevoir aucune compensation en vertu de la Loi électorale du Canada. Les candidats appuyés par les partis inscrits seraient désignés comme des candidats du parti sur les bulletins de votes et les autres seraient inscrits à titre de candidats indépendants.

Si j'avance ces propos, c'est que je crois que nous devons faire face à la réalité suivante: la politique est de plus en plus l'affaire d'un parti que celle d'un particulier. Nous devons donc tenir compte de cette situation dans le cadre de la Loi électorale du Canada. De cette façon, non seulement les partis politiques bénéficieraient de droits reconnus juridiquement, mais assumeraient également certaines obligations juridiques.

Je traite ensuite de deux articles bien précis de la loi, les articles 62 et 63, qui ne relèvent pas du mandat du Comité. Vous aimeriez peut-être distribuer ce document à l'autre comité. Ces arguments peuvent être groupés sous trois catégories que je vous explique en quelques mots. Je voudrais d'abord traiter du relevé de la caisse électorale. La loi actuelle exige le relevé des sommes d'argent recueillies par les candidats, mais j'avance le relevé détaillé des revenus du parti, y compris l'identification de toutes les sources et dépenses d'argent doivent être publiées à la fin de chaque campagne électorale et de chaque année.

La deuxième question a trait aux subventions versées aux partis politiques. Il s'agit également de l'échelle nationale. L'État devrait subventionner l'activité électorale des partis politiques en mettant gratuitement à leur disposition les organes de diffusion, comme la radio et la télévision, mais de façon limitée. Il s'agit ici de réseaux publics et privés de radiodiffusion.

Donc, en ce qui concerne les limites, je dis qu'il ne doit pas y avoir de plafonnement des dépenses des partis politiques, sauf pour l'utilisation des organes de radiotélédiffusion, parce qu'ils reçoivent déjà des subventions et

[Texte]

• 1130

[Interprétation]

fact that they are being subsidized and only a limited amount of time would be available to them.

Donations to political parties or candidates of up to \$100 should be tax deductible for income tax purposes. There should be more stringent enforcement of existing provisions of the Canada Elections Act in respect to the disclosure of candidate income and expenditure.

Finally, elected candidates should be required to disclose any private interests or associations which might be constructed to conflict with the fulfillment of their public responsibility.

That in general covers the items which would deal with Sections 62 and 63, but as you can see it would be impossible to enforce any of these proposals unless the basic promise, that is, the recognition of political parties as legal entities is included. It is interesting to note, of course, that at the present time, under the Canadian Forces Voting Regulations which are, of course, related to the Canada Elections Act, we do recognize political parties in that, if I am correct Mr. Hamel, the ballots which go to our Armed Forces voters do in fact show the party affiliation of the various candidates.

That was one major point that I wanted to deal with, and the second was this question of registration of voters which I know has been dealt with by your Committee before. Mr. Castonguay has appeared before you and you have studied the report of the Representation Commissioner. I gather that it is not quite a closed subject, or at least that it would be permissible to make certain suggestions on this subject.

Having had some experience with election campaigns and their length, I think that we must take into consideration, in this whole operation under the Canada Elections Act, not just the cost in dollar terms but the cost in wear and tear on individuals involved, and the way in which an election campaign over a period of time begins in fact to intrude itself, sometimes to the disadvantage of the democratic process. There is also the cost of the movement of moneys in other ways, in accelerated costs to parties over a lengthy period of time as against the cost to perhaps the public purse.

que leur période d'antenne serait limitée.

Les dons faits aux partis politiques devraient être déductibles jusqu'à concurrence de \$100. Il faudrait une application plus rigoureuse des dispositions actuelles de la Loi électorale du Canada au sujet de la révélation des revenus et des dépenses des candidats.

Finalement, un candidat élu devrait être obligé de révéler quels sont les intérêts privés ou les associations qui pourraient avoir des motifs de ne pas remplir leur responsabilité envers le peuple.

Cela, en général, tient compte des questions qui traiteraient des articles 62 et 63, mais, comme vous pouvez le voir, monsieur le président, il serait impossible de faire appliquer l'une ou l'autre de ces propositions à moins que l'on ne modifie les prémisses c'est-à-dire que l'on reconnaisse les partis politiques comme des entités juridiques. Il est intéressant de remarquer naturellement qu'à l'heure actuelle, en vertu des Règlements électoraux concernant les forces canadiennes qui naturellement se rapportent à la Loi électorale du Canada, nous reconnaissons les partis politiques, en ce sens que, à moins que je ne me trompe, les bulletins de vote qui vont aux électeurs des Forces armées indiquent effectivement l'affiliation politique des divers candidats.

C'est le premier point important dont je voulais discuter. Passons maintenant à la question de l'enregistrement des électeurs, qui, je le sais, avait été traitée antérieurement par votre Comité. Monsieur Castonguay est venu témoigner et vous avez étudié le rapport du Commissaire à la représentation. Je pense qu'il ne s'agit pas là d'une question secrète ou qu'on pourrait peut-être faire quelques suggestions à cet effet.

Fort d'une certaine expérience des campagnes électorales et de leur durée, je crois qu'il faut considérer pour cette opération, dans le cadre de la Loi électorale du Canada; non seulement le coût mais l'effort, et la fatigue de ceux qui travaillent du fait qu'une campagne électorale au bout d'une certaine période de temps pèse d'une façon néfaste quelquefois sur le processus démocratique. Il y a le coût de déplacement de l'argent vers des frais accrus, sur une période de temps assez longue, proportionnellement plus importantes pour les partis que pour le public.

[Text]

I have come back to this question of this whole system of enumeration in Canada and whether or not we do have the most efficient and effective means of enumeration to allow us to carry out the electoral process. It seems to me that one thing we must keep in mind at all times is the desire to make the franchise available to the largest number of people with the least possible inconvenience. I am not sure that our present system does not bear further investigation to see if this is being done. Certainly in a comparison of the various enumerative systems that are now in vogue in Western countries—I will quote from the remarks of Professor R. C. Scammon, Director of the Election Research Centre of Government Affairs at the Institute of Washington, who recently gave as his opinion:

...that an enumeration system such as we have in Canada, a continuous electoral roll system such as applies in Australia, or the permanent voters' list maintained in Britain—in fact any system which places upon the state apparatus the responsibility for ensuring that people get on the voters' lists—is more practical than one which depends on voluntary registration as is the case in the United States.

He continues:

The present Canadian system—while providing a comparatively uncomplicated and reasonably efficient method of registering the electorate, has certain shortcomings.

A prescribed period of time is necessary between the issuance of the writ and polling day to fulfil the statutory requirements

So the minimum of

...57 days required by the Chief Electoral Officer to perform his duties determines that any federal election campaign will be of at least two months duration, a period which many consider too long.

The requirement that an elector must vote in the poll where he has been enumerated has the effect of disfranchising those who move to new locations between enumeration and polling day.

Perhaps the most glaring drawback...

And you are all familiar with this one

... concerns the Armed Forces vote. Lacking any system of absentee voting which would make provision for all those away from their homes on polling day to cast their ballot, the special treatment

[Interpretation]

Donc, je suis revenu à la question de l'énumération au Canada et si nous avons les moyens d'énumération les plus efficaces qui nous permettent de mener à bien une élection, nous devrions avoir toujours présent à l'esprit le désir de permettre au plus grand nombre possible de personnes d'exercer leur droit de vote avec le moins d'ennuis possible. Je me demande si notre système actuel ne mériterait pas d'être étudié plus à fond dans ce sens, en comparant les différents systèmes d'énumération en vogue dans les pays occidentaux. Je me reporterais donc aux observations de M. R.-C. Scammon, directeur du Centre de recherches en matières d'élection de l'Institut de Washington, qui déclarait récemment qu'un système d'énumération dans le monde occidental, du Canada ou le système de la liste électorale continue en Australie ou de la liste permanente des électeurs en Grande-Bretagne, en réalité, tout système qui rejette sur l'État la responsabilité de s'assurer que les gens figurent sur la liste des électeurs—est plus pratique que celui qui laisse aux citoyens la liberté de s'inscrire sur la liste, comme aux États-Unis.

Il ajoute que le système actuel au Canada bien qu'étant une méthode simple et assez efficace d'énumération des électeurs présente certaines lacunes.

Pour respecter les exigences statutaires, il faut que s'écoule un délai prescrit entre le moment de l'émission du bref d'élection et le jour de votation. Aussi le minimum de 57 jours exigé par le directeur général des élections pour remplir ses fonctions oblige toute campagne électorale fédérale à durer au moins deux mois, période que beaucoup considèrent comme étant trop longue.

Le fait que l'électeur doive voter au bureau de votation de l'endroit où il a été inscrit retire le droit de vote à ceux qui déménagent entre le moment de l'énumération et le jour de votation.

Peut-être la plus grande lacune...

Et peut-être êtes-vous au courant des dispositions qui ont trait au vote des Forces armées. En l'absence d'un système de vote pour les absents qui permettrait à tous ceux qui sont éloignés de leur foyer le jour de votation de voter. Le traite-

[Texte]

presently accorded the Armed Forces has the effect of singling out their voting patterns for special scrutiny.

We know, of course, the procedures by which this is done, and this has been discussed by you. I think the procedure does in fact permit two inequities as regards the Armed Forces vote.

First, the voting patterns of the Armed Forces are publicized in a way which applies to no other sector of the voting public; second, many service voters, often through...

lack of knowledge

...improperly register at the time of regular enumeration in the constituencies in which they happen to be stationed—even though their official registration is a matter of record on their signed declaration. On occasion this has resulted in a serviceman voting illegally in the wrong constituency.

And on occasion, too, this has resulted in

...controverted elections in Canada...

In failing to provide a system of absentee voting, the Canadian system succeeds in disfranchising all Canadians out of the country on government business, i.e. diplomatic staff, trade commissioners, etc.

There are the people in hospitals, and in fact a great variety of people to whom I think your Committee should be directing its attention to see that these people do in fact, if at all possible, have the right of the franchise extended to them.

The Australian system is probably the one which could be most easily adapted to this country. It does have certain advantages and certain drawbacks. It does make

...registration compulsory, and the responsibility for enrolment rests directly on the elector.

There are a number of people who might initially object to a system which makes registration compulsory, but I think that in this country we have by and large accepted this principle, in that social insurance and various methods of registration for social security benefits have in fact made this just another facet of our lives. As we move further and further toward what some might consider a form of minimum annual income, we will in fact be moving even further toward this question of compulsory registration.

I think the advantages in Canada of a system similar to the Australian system, or adapted from the Australian system, are

[Interprétation]

ment spécial que l'on accorde actuellement aux Forces armées a pour effet d'indiquer séparément leur vote aux fins d'un examen spécial.

Nous savons, naturellement, comment on procède et vous en avez discuté. Je pense que cette procédure permet deux injustices en ce qui concerne le scrutin des Forces armées.

Tout d'abord, la structure de leur scrutin est rendue publique plus que pour tout autre secteur du vote public; deuxièmement, beaucoup de militaires, souvent par... manque de connaissance... ils ne sont pas convenablement enregistrés dans les circonscriptions électorales où ils se trouvent stationnés—même si leur enregistrement officiel dépend de leur déclaration signée. Il arrive parfois qu'un soldat vote illégalement dans une mauvaise circonscription.

Et, parfois, aussi, il en est résulté lors d'élections controversées au Canada...

En ne donnant pas un système de vote pour les absents, le système canadien réussit à enlever le droit de vote à tous les Canadiens qui se trouvent à l'extérieur du pays pour affaires—soit les diplomates, les délégués commerciaux, etc. Il y a aussi les personnes hospitalisées et en fait toute une série de gens sur qui ce Comité devrait porter son attention et s'assurer que, si cela est possible ils puissent avoir le droit de vote eux aussi. Le système australien pourrait peut-être être adapté le plus facilement à ce pays. Il y a des avantages et des désavantages. Il rend l'inscription obligatoire et la responsabilité de l'inscription est directement entre les mains des électeurs.

Il y a un certain nombre des gens qui s'opposeraient peut-être au système obligatoire, mais je crois en fait que nous avons déjà accepté ce principe, car dans le domaine de l'assurance sociale et des différentes méthodes d'enregistrement destinées aux avantages de sécurité sociale, nous y sommes déjà habitués. Comme nous nous avançons de plus en plus vers le concept du salaire minimum garanti, nous accepterons encore plus la question de l'inscription obligatoire.

Les avantages au Canada d'un système semblable au système australien adapté du système sont nombreux.

[Text]

several. In the first place, it would eliminate the present system of enumeration thereby reducing the length of time our election machinery requires from approximately 60 to perhaps as little as 30 days. And I do feel, and have found, that the general public grows weary of political campaigning long before any campaign reaches its conclusion. But whatever the reaction of the general public, it cannot be compared with the mental and physical strain to which party leaders, their aides, candidates and workers are subjected for the lengthy period of our present campaigns. I have often thought that some of the humane rules developed by the Society for the Prevention of Cruelty to Animals should be applied to persons caught up in political campaigns.

Secondly, registration with its built-in safeguards would permit the introduction of absentee and postal voting procedures. This would mean that members of the Armed Forces, government personnel overseas, students and invalids, would be able to avail themselves of one or other of these processes, thereby correcting past injustices. And it is interesting to note that in the 1966 election in Australia approximately 10 per cent of the electorate took advantage of these means of voting, either by absentee or postal voting procedures.

I do know that the question of cost has been raised as one of the disadvantages that could be cited. I think that Mr. Castonguay mentioned something in the vicinity of \$44 million as the cost over a four-year period. But the cost of our present enumeration would be eliminated, as would the salaries of hundreds of casual employees the present system necessitates. Furthermore, by a series of relatively minor amendments—and perhaps this is something which we could direct to the Federal-Provincial Conference—federal and provincial regulations regarding voting age, rules of residence and poll boundaries could be brought into conformity, thus permitting the utilisation of the electoral polls at both levels of government and thereby eliminating the cost of provincial enumeration as well.

However, as I said earlier, cost cannot be equated in dollar terms alone and the saving in wear and tear on the persons on whom campaign responsibilities rest heaviest also merits consideration.

Then there is the difficulty perhaps of keeping such a system up to date. I believe that Mr. Castonguay said that he estimated the electoral status of approximately 25 per cent of Canada's population changes annually,

[Interpretation]

D'une part, cela éliminerait le système actuel d'énumération en réduisant la période de temps nécessaire à la machine électorale, soit de 60 à 30 jours environ. J'ai découvert que le public est souvent très fatigué de la campagne électorale longtemps avant la fin. Quelle que soit la réaction du public, cela ne peut pas se comparer à la fatigue physique et intellectuelle des chefs de partis, leurs auxiliaires, des candidats et de tous ceux qui travaillent aux élections pendant cette longue période. J'ai souvent pensé que certaines règles de la Société protectrice des animaux devraient être appliquées aux personnes qui sont impliquées dans une campagne politique.

Deuxièmement, l'énumération et ses sauvegardes inhérentes pourraient permettre les votes des absents ou le vote par courrier, ainsi le personnel des Forces armées, le personnel gouvernemental, les étudiants et les invalides pourraient faire appel à l'une ou l'autre de ces méthodes, ce qui corrigerait les erreurs du passé. Il est intéressant de remarquer qu'aux élections de 1966 en Australie, environ 10 p. 100 des électeurs se sont servis de ces moyens, du vote que ce soit des absents ou du vote par courrier.

Je sais que la question du coût a été soulevée au rang des désavantages. Je crois que M. Castonguay l'a évalué à environ 44 millions de dollars pour une période de 4 ans, mais le coût de l'énumération actuelle serait éliminé, tout comme le salaire de centaines d'employés occasionnels qu'exige le système actuel. Ensuite, par une série de modifications relativement peu importantes et peut-être pourrions-nous discuter de cette question lors de la conférence fédérale-provinciale, les règlements fédéraux et provinciaux concernant l'âge de l'électeur, la résidence et la limite des districts électoraux pourraient être uniformisés, ce qui permettrait d'utiliser les bureaux de votation aux deux niveaux de gouvernement et d'éliminer les coûts de l'énumération provinciale.

Toutefois, comme je l'ai dit précédemment, il faut tenir compte non seulement de la question du coût, mais surtout du travail et de la fatigue des personnes sur lesquelles retombe le poids de la campagne.

Puis, il y a aussi peut-être la difficulté de tenir à jour un système de ce genre. Je pense que M. Castonguay a dit qu'à son avis, environ 25 p. 100 des électeurs du Canada changeaient tous les ans de statut, ce qui nécessi-

[Texte]

which would necessitate approximately 2,500,000 changes on the rolls if the Australian system or something similar to it were to apply here.

In dismissing this question with computer analysts and people involved in the whole question of data processing, it has been suggested to me that in this era of such astonishing electronic advancement systems can be developed to cope with our highly mobile population and the electoral changes that would be necessary. I know that it was cited that we did try some comparable system, a kind of permanent voters' list back in the mid-nineteen-thirties and that it was not successful. But I think one would be hard put to compare the two periods, with the technology now available to cope with the necessary changes.

• 1145

A question was also raised in your earlier discussions about the time factor—whether or not a period of 30 or 35 days would be sufficient to allow an election to be run in this country. Well, the Commissioner did say that it could be done, from a practical point of view, by those people handling the election machinery, but I think some objection was raised as to whether or not parties in fact would be able to cope with this.

If I may just revert to a position as a political spokesman, I would suggest that perhaps this is what parties need to force them to focus not only their attention in a limited period during an election campaign but it would also force them to act in a more efficient and more effective way as political educators between elections. In this way they would be fulfilling more of a role, a role which is necessarily theirs, which they might not be able to carry out at the present time if, in fact, they did not have this latitude which they presently have in a 60-day campaign.

There are just one or two other points which I would like to mention before you question me. I earlier had touched upon the fact that in the recognition of parties as legal entities would be included the acceptance of the fact that the party name would be put on the ballot. In fact, recognition of the legal status of political parties paves the way for inclusion of the candidate's party affiliation on the ballot.

Numerous instances I think, can be cited where substantial sums of money have been spent in an effort to identify the candidate with his party. The fact that such expendi-

[Interprétation]

terait environ 2,500,000 changements à ces listes, en supposant que l'on adopte le système australien ou quelque système semblable.

En discutant de cette question avec des analystes en ordination, et des personnes qui s'occupent du traitement électronique des données, on m'a laissé entendre que dans ce domaine où les progrès techniques sont si extraordinaires, on peut arriver à trouver un système qui tienne compte de la haute mobilité de nos gens et des changements électoraux qui s'imposeraient. Je sais que l'on a avancé que nous avons mis à l'épreuve un système semblable au genre de liste permanente des électeurs dans les années '30 et que cela n'avait pas réussi, mais je crois qu'on ne peut guère comparer ces deux périodes, compte tenu des progrès actuels de la technologie dont nous disposons pour nous adapter aux changements qui ont lieu.

Il y a aussi le facteur temps qui a été soulevé au cours des discussions préalables à savoir si une période de 30 à 35 jours serait suffisante pour mener à une élection au Canada. Eh bien! le commissaire a dit que cela pourrait être fait, d'un point de vue pratique, par les personnes préposées à l'élection, mais je pense que l'on a soulevé une objection sur la possibilité pour les partis de s'y soumettre.

Pour parler à nouveau comme politicien, je dirais que c'est peut-être là ce dont les partis ont besoin pour consacrer toute leur attention à la période limitée des élections, mais aussi pour devenir avec plus d'efficacité des éducateurs politiques entre les élections. De cette façon, ils rempliraient le rôle qu'ils ne peuvent peut-être pas remplir actuellement à cause des 60 jours de campagne électorale mis à leur disposition.

Il y a encore un ou deux points que j'aimerais mentionner avant de passer aux questions. J'avais fait état tout à l'heure qu'en reconnaissant les partis politiques en tant qu'entités juridiques, on accepterait le fait que le nom du parti figurerait sur le bulletin de vote. En fait, la reconnaissance du statut juridique des partis politiques a pour conséquence d'inscrire le nom du parti du candidat sur le bulletin de vote.

On peut donner de nombreux exemples, je pense, de sommes substantielles d'argent qui ont été dépensées pour attacher le nom du candidat à un parti. Que ces dépenses n'aient

[Text]

tures have not always achieved their goal is attested to by the fact that many voters seek assistance at the pool in relating candidates to parties. Party affiliation on the ballot would obviate such queries. The frequent mistakes made by the voters who, in the privacy of the poll, are unable to remember the name of their party's candidate and gamble wildly when placing their "X" would be eliminated, as would the confusion caused by candidates with similar names.

And finally, I think the question of voting age may in fact already—I am not sure—have been determined elsewhere. However, I would say that at the present time our provincial and federal jurisdictions exhibit an ambivalent approach to the age at which persons are eligible to vote. In the federal field it is 21; in B.C. it is 19; in Alberta it is 19; in Saskatchewan it is 18; in Manitoba legislation is now before the House to reduce the age to 18; in Ontario the Premier indicated recently that legislation might be forthcoming to reduce the age to 18; in Quebec it is 18; in New Brunswick and Nova Scotia it is 21; in Prince Edward Island it is 18; and in Newfoundland it is 19.

This is one of the matters in which it seems to me federal and provincial agreement could be easily forthcoming. I would just like to make the point that coming from a full-time position where most of the decisions are now being made by students, I have long since passed the point where I think the voting age should be reduced to 18. When I see the manner in which students are in fact participating in universities, in committees, on decision-making boards and handling themselves so capably, I would say that we should be looking to these people and encouraging them in the decision-making processes in the country at large. Thank you very much.

• 1150

The Chairman: Thank you very much, Miss MacDonald. As I said earlier, Miss MacDonald is in a position to answer questions on any particular point raised. Mr. Macquarrie.

Mr. Macquarrie: I would like to ask a question, Mr. Chairman, not because it is the most important matter Miss MacDonald has dealt with but because it is the last one.

[Interpretation]

pas toujours entraîné de résultat est démontré par le fait que de nombreux électeurs sont obligés de demander des renseignements dans leur bureau de votation pour savoir à quel parti le candidat appartient. En mettant le nom du parti sur le bulletin de vote, on éviterait de telles questions. L'erreur fréquente du votant dans l'isoloir parce que celui-ci a oublié le nom du candidat de son parti et essaie vainement de se rappeler le nom pour apposer son "X" serait évitée ainsi que la confusion qui résulte des noms similaires des candidats.

Et, en fin de compte, pour parler de l'âge du votant question qui a peut-être déjà été traitée ailleurs je n'en suis pas sûr. Toutefois je dirais qu'actuellement les compétences provinciales et fédérale ont une attitude ambivalente sur l'âge de la personne qui aurait le droit de voter. Au fédéral, c'est 21 ans, en Colombie-Britannique, 19 ans, en Alberta, 19 ans et en Saskatchewan, 18 ans. Au Manitoba on demande actuellement à la Chambre de réduire l'âge à 18 ans. En Ontario, le premier ministre a dit récemment qu'il y aurait probablement une réduction à 18 ans; au Québec, l'âge est fixé à 18 ans; au Nouveau-Brunswick et en Nouvelle Écosse, à 21 ans; dans l'Île-du-Prince-Édouard, à 18 ans; et à Terre-Neuve, à 19 ans.

Je crois qu'on pourrait certainement se mettre d'accord au fédéral et au provincial à ce sujet-là. Étant donné son travail à plein temps dans un endroit où la plupart des décisions sont prises actuellement par des étudiants, il y a longtemps que, pour ma part, j'ai accepté l'idée de fixer l'âge du votant à 18 ans. Lorsque je vois la façon admirable dont les étudiants participent en fait dans les universités, aux comités, aux conseils où se prennent les décisions et la façon dont ils se comportent, je dirais que nous devons leur faire confiance et les encourager à participer à la prise de décisions au pays. Merci beaucoup.

Le président: Merci beaucoup, M^{lle} MacDonald. Comme je l'ai dit plus tôt, M^{lle} MacDonald est en mesure de répondre aux questions relatives aux différents points qui ont été soulevés. Monsieur Macquarrie.

M. Macquarrie: J'aimerais poser une question non pas parce qu'il s'agit du sujet le plus important dont ait traité M^{lle} MacDonald, mais parce que c'est le dernier.

[Texte]

You have no doubt read the excellent report of the United Kingdom committee which looked into the whole question of age of majority.

Miss MacDonald: Yes.

Mr. Macquarrie: We have, through many of our election acts, an age for voting and a higher age for candidates and the lawyers have fun on this. After your careful study, are you of the opinion that it would be a good idea to have the age of voting and the age to qualify as a candidate the same?

Miss MacDonald: Yes, I am. In Britain the Committee on the Age of Majority under Mr. Justice Latey has in fact recommended, and I believe legislation is under way, to reduce the age of majority to 18. I think that we should be consistent within the context of all these discussions and I would set the age at 18. I would recommend the age of 18.

Mr. Macquarrie: I agree with you. Do you know of a Canadian jurisdiction which has lowered the candidacy eligibility?

Miss MacDonald: No, I do not. At least I am unaware that any has.

Mr. Macquarrie: Thank you. The candidate's age is something I hope we will be taking up in due course.

The Chairman: Mr. Hamel may be able to elaborate on the question of age.

Mr. Jean-Marc Hamel (Chief Electoral Officer): Only Quebec, P.E.I. and Newfoundland have retained 21 as the age of candidates while dropping the age of the electors. In all other provinces, the age to be a candidate is the same as the age to be an elector because one of the qualifications of the candidate is to be a qualified elector.

Mr. Macquarrie: The three western provinces are the ones?

Mr. Hamel: That is correct. Well, the four western provinces because Manitoba has done the same recently.

Mr. Macquarrie: Yes, that has just happened lately. That is disturbing because I used to think that wise men came from the east.

The Chairman: Miss MacDonald, on this question of the voting age, do you draw the conclusion that the youth may vote at 18 because you see them acting so capably as part of the university process?

[Interprétation]

Vous avez certainement lu l'excellent rapport du Comité du Royaume-Uni qui s'est penché sur la question de l'âge de la majorité.

Mlle MacDonald: Oui.

M. Macquarrie: Dans plusieurs de nos lois sur les élections, il y a une catégorie d'âge pour les votants et une autre plus élevée pour les candidats, ce qui amuse les avocats. Après avoir soigneusement étudié la question, êtes-vous d'avis que l'âge des votants devrait être le même que celui des candidats?

Mlle MacDonald: Oui. En Grande-Bretagne, le Comité sur l'âge de la majorité présidé par le juge Latey a en fait recommandé que l'on réduise l'âge de la majorité à dix-huit ans, et je crois que des mesures législatives sont en voie d'être prises à cet égard. Je crois que compte tenu de toutes ces discussions, l'âge devrait être fixé à dix-huit.

M. Macquarrie: J'en conviens. Connaissez-vous une autorité canadienne qui ait abaissé l'âge d'admissibilité des candidats?

Mlle MacDonald: Je n'en connais pas. Tout au moins, j'ignore si on l'a fait.

M. Macquarrie: Merci. J'espère que l'on pourra aborder en temps opportun la question de l'âge des candidats.

Le président: Monsieur Hamel pourrait ajouter quelques commentaires sur le sujet.

M. Jean-Marc Hamel (Directeur général des élections): Seules les provinces de Québec, de Terre-Neuve, et l'Île-du-Prince-Édouard ont gardé 21 ans comme étant l'âge des candidats tout en baissant l'âge du votant. Dans les autres provinces, l'âge des candidats est le même que celui du votant car une des conditions d'éligibilité d'un candidat est celle d'être habile à voter.

M. Macquarrie: Dans les trois provinces de l'Ouest?

M. Hamel: C'est exact. Je dirais que les quatre provinces de l'Ouest, car le Manitoba aussi a décidé tout récemment de faire la même chose.

M. Macquarrie: Oui, cela s'est produit récemment. C'est étonnant parce que j'ai toujours cru que les sages venaient du Levant.

Le président: M^{lle} MacDonald, en ce qui concerne l'âge du votant, est-ce que vous tirez la conclusion que les jeunes peuvent voter à dix-huit ans parce que vous les voyez agir avec compétence dans le processus universitaire?

[Text]

Miss MacDonald: I see them acting as capably as some at the age of 60. I do not limit it necessarily to university, though I have had some experience in seeing them on committees and, in fact, chairing committees on which the principal of the university has sat as a member. I have been extremely impressed by the way in which, given responsibility, they handle responsibility.

• 1155

The Chairman: Mr. Lefebvre.

Mr. Lefebvre: In your former experience as a high official of the Conservative Party—you may still be—I am not too sure...

Miss MacDonald: Neither am I.

Mr. Lefebvre: You are not too sure? You know, you are giving your testimony in the Liberal caucus room. I hope you know that.

You mentioned candidates' names as well as party affiliations. Do you feel, from your past experience, that there were candidates of your party who might have been defeated because the party name was not on the ballot? You mentioned a lot of confusion in some constituencies because of the fact that the names of the party were not on the ballot.

Miss MacDonald: No. I cannot cite any particular instance where I feel this has happened. Again I will not say that it may not in any party, but my point was really not in doing it from the point of view of either the party or the candidate but from the point of view of convenience to the elector, who I feel sometimes has his vote spoiled or his franchise ruined by the fact that he or she is not sure, when the moment of truth comes, whom he is voting for.

Mr. Lefebvre: I am quite in favour of this. I just wanted to know your opinion on it. Thank you.

The Chairman: Miss MacDonald, you talked about legal recognition of parties and you referred to some definitions of parties in the Quebec law and the national broadcasting system. Have you yourself any definition of what could or should be a party?

Miss MacDonald: Well, in the first place, it has to be slightly different from a provincial approach. The Quebec act, and I believe the Nova Scotia, base it on the number of candi-

[Interpretation]

Mlle MacDonald: Je vois qu'ils agissent avec autant d'aptitudes que des gens de 60 ans. Je ne limite pas cela au domaine universitaire bien que j'aie déjà vu des jeunes au sein de comité, et même présider des comités alors que le président de l'université y siégeait à titre de membre. J'ai été extrêmement impressionné par leur façon d'agir. Quand on leur donne une responsabilité, ils savent l'assumer.

Le président: Monsieur Lefebvre.

M. Lefebvre: Votre expérience passée en tant que haut fonctionnaire du parti conservateur, vous l'êtes encore peut-être, je n'en suis pas sûr.

Mlle MacDonald: Non je ne le suis pas.

M. Lefebvre: Vous n'en êtes pas sûre? Vous savez qu'en ce moment vous témoignez. J'espère que vous le savez dans la salle du caucus libéral. Vous avez mentionné des noms de candidat ainsi que leur affiliation aux partis. D'après votre expérience passée, croyez-vous que des députés de votre parti auraient pu être défaits parce que le nom du parti ne figurait pas sur le bulletin de vote? Vous avez mentionné la confusion qui existait dans certaines circonscriptions parce que les noms des partis ne figuraient pas sur les bulletins de vote.

Mlle MacDonald: Non. Je ne peux pas citer de cas particuliers où cela s'est produit. Je ne veux pas dire que cela ne s'est pas produit pour un parti, mais je parlais moins au point de vue du parti ou du candidat que de la commodité que cela représentait pour l'électeur qui, souvent, voit son vote, ou son droit de vote annulé parce que, le moment venu, il ne sait plus pour quel candidat il est en train de voter.

M. Lefebvre: Je suis tout à fait de cet avis, mais je voulais simplement avoir votre opinion à ce sujet. Merci.

Le président: Mademoiselle MacDonald, vous avez parlé de la reconnaissance juridique des partis, et vous vous êtes reportée à certaines définitions des partis dans la loi du Québec et au réseau de radiodiffusion canadien. Pouvez-vous nous dire ce qu'un parti pourrait ou devrait être, selon vous?

Mlle MacDonald: En premier lieu, il faut que ce soit quelque peu différent de l'optique provinciale. La loi du Québec, et je crois qu'il en est de même pour la Nouvelle-Écosse, est

[Texte]

dates but I think we have to remember that what we are talking about here is a national party and that it must be able to make some claim to national scope. It could not be "The Party of Maritime Union", for instance. It must have some basis which could claim for it national prominence. This might mean 15 per cent of the popular vote throughout the country, even though it were mainly in certain areas.

Suppose that you had one which was perhaps oriented toward the major cities or oriented to some particular group but nevertheless could claim that much of the popular vote. Then it would have every right. Fifteen per cent is just a figure I pulled out. I think that 5 per cent would be too small to say that it was national though I really have not come to any definitive view of this. I think that it also must run a certain number of candidates. I do not think that you could put up, say, five candidates in various parts of the country and group them together under a party label and claim that they are a national party and therefore should have all the benefits that I go on to cite through subsidization and so on.

The Chairman: Mr. Duquet.

•1200

Mr. Duquet: Miss MacDonald, you listed a few conditions which would qualify a party as a national party.

Miss MacDonald: Yes. This is the way in fact, for broadcasting purposes, that the CBC defines a national party.

Mr. Duquet: Among such conditions I think you said that a party should field candidates in three provinces.

Miss MacDonald: Yes.

Mr. Duquet: What would be your evaluation of a party which, for instance, fielded 25 or 30 candidates, all in the one province, with just a token showing in two other provinces?

Miss MacDonald: You know, what I was quoting was the CBC's understanding of what a national party was. My own feeling is that it should be tied to one of two things, or perhaps jointly the percentage of votes it got at the last election or the number of candidates it fields in the current election, or a combination of these two.

Mr. Duquet: Would you go as far as mentioning a minimum as to the number of votes?

[Interprétation]

fondée sur le nombre de candidats, mais je crois qu'il faut se souvenir que nous parlons d'un parti national qui doit pouvoir prétendre à une envergure nationale. Cela ne pourrait être le parti de l'union des Maritimes, par exemple. Il faut une base pour prétendre à une importance nationale. Cela peut représenter, par exemple, 15 p. 100 du vote populaire au pays, même si ce n'est concentré que dans certaines régions.

Supposons que vous ayez un parti orienté vers les villes principales ou vers un groupe particulier, mais qui, néanmoins, recueillerait autant de votes populaires. C'est alors qu'il aurait tous les droits. Je crois que 5 p. 100 constituerait une proportion bien minime pour prétendre à une importance nationale, bien que je ne sois pas arrivé à une conclusion à ce sujet. Il faut aussi que ce parti ait un certain nombre de candidats. Vous ne pouvez pas tout simplement présenter cinq candidats dans diverses parties du pays, et parler d'un parti national, et par conséquent, prétendre à tous les droits et à tous les avantages, comme les subventions et autres.

Le président: Monsieur Duquet.

M. Duquet: Mademoiselle MacDonald, vous avez indiqué quelques conditions qui feraient d'un parti un parti national.

Mlle MacDonald: Oui. Aux fins de la radio-diffusion, c'est ainsi que Radio-Canada définit un parti national.

M. Duquet: Vous avez dit que pour être un parti national, un parti doit présenter des candidats dans trois provinces.

Mlle MacDonald: Oui.

M. Duquet: Quelle serait votre évaluation d'un parti, qui par exemple présenterait 25 ou 30 candidats dans une province, et juste quelques-uns dans deux autres provinces?

Mlle MacDonald: Vous savez, je parlais de la façon dont Radio-Canada voyait un parti national. Mais en ce qui me concerne, je pense que cela doit être relié à une de deux choses, ou peut-être aux deux aspects ensemble, c'est-à-dire au pourcentage du vote populaire à la dernière élection ou au nombre de candidats qu'il présente à l'élection courante, ou aux deux à la fois.

M. Duquet: Iriez-vous jusqu'à stipuler des minimums quant au nombre de votes requis?

[Text]

Miss MacDonald: Yes. I had mentioned 15 per cent and I would be prepared to say 10 per cent, but I do not think I would agree that a party which gets 5 per cent of the vote is a national party. On the other hand, suppose that a party in Ontario, like the U.F.O., ran a sizeable number of candidates even though it might not have had any vote at all in the previous election, I think in such a case it would have to be considered as a national party for purposes of both meeting the obligations and receiving the benefits.

Mr. Duquet: Thank you.

The Chairman: Could you allow me to ask a supplementary question?

Mr. Duquet: Yes.

The Chairman: But if a new party organized how could one judge the growth of such a party before an election?

Miss MacDonald: This is why I say that recognition might be based on a requirement that the party must field either a specified number of candidates in any current election or have obtained a specified percentage of votes in the preceding election, or a combination of both. But I think if a group is able to get together, field and organize around a sizeable number of candidates it does in fact merit consideration. I do not think that this can be done just because a group of people think that they are going to go out and organize a party overnight—I just do not believe from practical experience that that sort of thing can be brought about. And the benefits that I go on to cite with regard to what candidates would receive—I go back to this question of finance—is all predicated on what they subsequently receive in the way of bal-

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lots at the polls. In fact, you might get the very odd case where a party is able to field 50 candidates and pay out a sizeable amount of election expenditures. But if they do not get the percentage of votes that I cite then they are not going to get any of this back, financially. So I think that anybody who would take a gamble on this is going to make sure that they are a pretty sure bet to attract electoral support before they get into it.

The Chairman: Thank you. Mr. Alkenbrack.

Mr. Alkenbrack: I would like to ask Miss MacDonald a question regarding national party recognition. I would like to have her

[Interpretation]

Mlle MacDonald: Oui, j'avais mentionné quelque chose comme 15 p. 100. J'irais peut-être jusqu'à accepter 10 p. 100, mais je ne crois pas qu'un parti qui reçoit uniquement 5 p. 100 des votes puisse être reconnu comme étant un parti national. D'autre part, supposez qu'un parti en Ontario comme les « Fermiers unis de l'Ontario » ait présenté un grand nombre de candidats, même s'il n'avait pas eu de vote à l'élection précédente, je pense que dans ce cas, ce parti devrait être reconnu comme étant un parti national, pour avoir rempli les conditions et bénéficié des avantages.

M. Duquet: Merci.

Le président: Me permettez-vous une question complémentaire?

M. Duquet: Oui.

Le président: S'il s'agit d'un nouveau parti, comment pouvez-vous juger la valeur de ce parti, avant l'élection?

Mlle MacDonald: C'est la raison pour laquelle je soutiens que la reconnaissance d'un tel parti pourrait se fonder sur la nécessité pour ce parti de présenter un certain nombre de candidats dans toute élection courante, ou d'avoir gagné un certain pourcentage du vote à l'élection précédente ou une combinaison des deux. Mais si un nouveau parti présente un nombre suffisant de candidats, il mérite une considération. Je ne crois pas que l'on doive s'y fier simplement parce qu'un groupe de personnes décide de former un parti du jour au lendemain; l'expérience me dit que ce genre de choses ne peut donner de résultat. Les avantages que retireraient les candidats, et je reviens à la question financière, sont prévus dans ce qu'ils obtiendront subséquentement sous forme de bulletin de vote au scrutin. En fait, il arrive parfois qu'un parti soit

en mesure de présenter 50 candidats et dépense de fortes sommes d'argent aux élections, mais s'ils n'obtiennent pas le pourcentage de voix que je préconise, ils ne pourront rien récupérer, au point de vue financier. Quelqu'un qui prendrait un tel risque ferait en sorte que ses candidats soient assez sûrs d'attirer un appui électoral avant de s'y lancer.

Le président: Merci, monsieur Alkenbrack.

M. Alkenbrack: J'aimerais poser à M^{lle} MacDonald une question concernant la reconnaissance d'un parti au niveau national. Je

[Texte]

comment on the fact that we already have a very unsatisfactory condition now brought about by this government or its immediate predecessor, the same party, where we recognize parties which, I am sure, have obtained less than 5 per cent of the national vote. I believe that parliamentary recognition is given if you have 12 members. Is that not right, Mr. Chairman?

The Chairman: For the leader of any such party to receive an additional allowance.

Miss MacDonald: Yes.

Mr. Alkenbrack: And he is subsidized by the public purse?

The Chairman: In a sense, yes.

Mr. Alkenbrack: I wonder if the electoral act was amended to do that? That is another question I would like to ask.

Miss MacDonald: That is the House of Commons Act; that is not...

Mr. Lefebvre: That is a parliamentary group.

Mr. Alkenbrack: Yes, it is the House of Commons, but the House of Commons represents the electors of Canada.

Miss MacDonald: But it is not part of the Canada Elections Act though. My point was that in order to get those 12 people there there had to be a great many more candidates than that running and that is what in fact, I say, entitles it to recognition under the Canada Elections Act.

Mr. Alkenbrack: I have heard a lot of pros and cons regarding party affiliation on the ballot. Could this not be an option of the candidate? At every election just before the ballots are printed, the candidates are asked in what manner they want their names to appear upon the ballot and an option is given the candidate in that regard. He is given an option as to his occupation nomenclature. Could he not be given the option, party-wise, as well?

I ask that question because the democratic process still evolves from the individual—the voter?

Miss MacDonald: Of course, what I was saying was that sometimes we take the choice away because the person does not really

[Interprétation]

voudrais connaître son point de vue sur le fait que ce gouvernement ou son prédécesseur immédiat sont la cause d'une situation peu satisfaisante à l'heure actuelle, où nous reconnaissons des partis qui j'en suis certain, avaient obtenu moins de 5 p. 100 du vote national. Je crois que la reconnaissance parlementaire est accordée aux partis qui ont 12 députés. Est-ce exact monsieur le président?

Le président: Le chef d'un tel parti reçoit une allocation supplémentaire.

Mlle MacDonald: Oui.

M. Alkenbrack: Subventionnée par le trésor public?

Le président: Dans un certain sens, oui.

M. Alkenbrack: Je me demande si la loi électorale a été amendée à cet effet? C'est une autre question que je voudrais poser.

Mlle MacDonald: Oh, il s'agit de la Loi sur la Chambre des communes.

M. Lefebvre: C'est un groupe parlementaire.

M. Alkenbrack: Oui, c'est la Chambre des communes, mais n'oubliez pas que cette institution représente les électeurs du Canada.

Mlle MacDonald: Mais cela n'est pas inscrit dans la Loi électorale du Canada. Je veux dire que pour en faire élire 12 il faut que le nombre des candidats soit beaucoup plus élevé. C'est justement le fait de présenter un grand nombre de candidats qui est l'une des normes qui permettraient à un parti de se faire reconnaître en vertu de la Loi électorale du Canada.

M. Alkenbrack: J'ai entendu beaucoup de pour et de contre en ce qui concerne l'inscription de l'affiliation d'un parti sur le bulletin de vote. Est-ce que le candidat ne pourrait pas choisir de lui-même l'inscription qu'il veut faire porter sur le bulletin? A chacune des élections, juste avant l'impression des bulletins, on demande aux candidats s'ils veulent avoir leur nom et prénom inscrits au complet. Comment veulent-ils que leur nom soit inscrit sur le bulletin de vote? On leur permet d'y inscrire la nomenclature de leur profession. Ne pourrait-on pas également leur donner la même option en ce qui concerne l'inscription du nom du parti? Je pose cette question parce que le processus démocratique découle de l'individu, c'est-à-dire du votant.

Mlle MacDonald: Évidemment, ce que je disais, c'est que parfois, nous devons enlever ce choix, parce que la personne ne se rappelle

[Text]

recall, is excited or gets upset. It is very easy in a rural riding, because everyone knows everyone else and so on, but in the fast-changing metropolitan or urban ridings this does become a problem.

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People may only have been in a riding perhaps six months or five months and have not had a chance to get to know the incumbent or the new candidates. It is something which is now so highly mobile. The other thing is that we have to face up to certain practices which have taken place in the past where people have been put on ballots whose names are absolutely identical and this has caused confusion and upset. It is these sorts of practices and inconveniences which I think party affiliation on the ballot would serve to eliminate.

Mr. Duquet: Is it not also a fact that some candidates will be elected on the leader's popularity rather than on their own, and having the affiliation of the party on the ballot may work for any party?

Miss MacDonald: Yes. They identify that party more with the leader than they do with the candidate.

Mr. Duquet: This comes with your argument that some of the candidates may not be very well known to new-comers in the riding or something like that.

Miss MacDonald: But the party may.

Mr. Duquet: Then it may help.

Miss MacDonald: My premise throughout the whole paper was the fact that people who are in fact political activists must begin to be more aware than they have given indication in the past that the political party system as such is under attack and they have to do everything they can to strengthen it if they are going to make sure that it remains as it is now—an essential part of the democratic process.

Mr. Duquet: I agree with that.

The Chairman: Mr. Alkenbrack.

Mr. Alkenbrack: I would like to discuss that first question a little further. It is the opinion of many people, many members of this Commons and many electors, many thousands of electors in Canada that recognition of these parties in the Commons without the

[Interpretation]

pas exactement de tous les éléments dont elle a besoin au moment du vote. C'est facile, dans les comtés ruraux parce que tout le monde se connaît, mais dans les régions urbaines, cela constitue un problème.

Les gens n'habitent parfois que 5 ou 6 mois dans une circonscription et ne connaissent pas les candidats ou le titulaire. La population est tellement mobile que cela cause des problèmes presque insurmontables. D'autre part, il nous faut tenir compte de certaines situations où des noms absolument identiques ont été inscrits sur les bulletins de vote, ce qui a provoqué une certaine confusion. Je crois que l'inscription du nom du parti sur le bulletin de vote aiderait à régler ce problème.

M. Duquet: N'est-ce pas également un fait établi que certains candidats seront élus en fonction de la popularité du chef du parti plutôt qu'en vertu de leurs propres qualités, de sorte que le fait d'inscrire ainsi le nom du parti sur le bulletin de vote avantagerait le parti?

Mlle MacDonald: Oui. Ils identifient ce parti, plus en fonction du chef que du candidat.

M. Duquet: Ceci est en accord avec votre point de vue, à savoir que certains candidats peuvent être des inconnus ou des nouveaux venus.

Mlle MacDonald: Oui, mais le parti est connu.

M. Duquet: Alors c'est utile.

Mlle MacDonald: J'ai traité de cela dans le document mentionné au début de la séance. Les activistes politiques doivent se rendre compte plus qu'ils ne l'ont fait dans le passé que le système des partis politiques comme tels est maintenant soumis à des attaques violentes, et ils doivent tout faire pour le renforcer, s'ils veulent que les choses restent telles qu'elles sont présentement, un important élément du processus démocratique.

M. Duquet: J'en conviens.

Le président: Monsieur Alkenbrack.

M. Alkenbrack: J'aimerais approfondir cette question. De l'avis de bien des gens, de bien des députés de la Chambre et de milliers d'électeurs au Canada, la reconnaissance de ces partis à la Chambre des communes sans amender la loi électorale, ce qui veut dire la

[Texte]

amendment of the electoral act—and recognition of parties willy-nilly throughout the country for electoral purposes is not a good move because you would have them springing up like mushrooms and saying they are the B.C. Coast party or the Maritime party or the Arctic party and so on. You would have them springing up automatically, all demanding assistance from the public purse.

Miss MacDonald: Well, of course, if the principle were ever accepted, it would require a fair amount of study and working out and negotiation among the present parties and their feelings as to the best possible solution. In seeking to recognize or to legalize the term “political parties” within the Canada Elections Act, what followed from there in my proposals was the disclosure of party funds, the limitation of the amounts that might be spent on subsidization to a degree from the public purse through the use of the public airwaves and so on.

These things will in the long run serve to enhance the image of the political party with

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the general public and thereby strengthen our whole system, and I think that the chance of parties just springing up—and mind you I recognize that there is a certain danger in this—but I think the benefits to be derived far outweigh the dangers and that in devising legislation and in writing the regulations they can be done carefully enough so as to eliminate the abuses that might otherwise be brought under this.

I think that very definitely in seeking to define what a national political party is one must keep in mind that there are dangers and that there are ways in which this could be abused. If you are aware of this when it is defined, then it will be looked after.

Mr. Alkenbrack: I have one more question, Mr. Chairman. I did not hear Miss MacDonald say just how far—probably she discreetly did not mention how far her paper would recommend that individual candidates be subsidized.

Miss MacDonald: No, I did not go into that but I certainly did in the paper. My whole premise in this is that with the question of campaign expenditures, whether they are at the national level or at the candidate level, the area in which costs are growing most quickly is in the whole field of the media. For instance, to give you an idea of how they are growing, in national broadcasting in the 1965 election campaign, the total costs to political parties for paid time on private radio and

[Interprétation]

reconnaissance, bon gré, mal gré, des partis dans tout le Canada aux fins électorales, n'est pas à conseiller car vous aurez des partis qui pousseront comme des champignons et se donneront comme nom «le parti de la côte Ouest», ou le «parti des Maritimes» ou le «parti de l'Arctique», etc... Ils se multiplieront du jour au lendemain et demanderont de l'aide provenant des deniers publics.

Mlle MacDonald: Si le principe était accepté, cela demanderait une étude assez étendue. Il faudrait qu'il y ait des négociations entre les partis actuels pour tenter de déterminer quelle serait la solution idéale au problème. En essayant de reconnaître ou de légaliser le terme «partis politiques» dans le cadre de la Loi électorale du Canada, je voulais parler de la divulgation des fonds du parti, de la limitation des sommes qui pourraient être affectées à la subvention à même les fonds publics par l'utilisation de la radiodiffusion, etc.

Ces facteurs, à la longue, amélioreront l'image des partis politiques que se fait le

public en général, et du fait même raffermiront tout notre système. Je pense que les avantages que pourraient en tirer les nouveaux partis qui se forment sont bien plus grands que les risques à courir et que l'élaboration des mesures législatives et des règlements peut être faite assez soigneusement afin d'éliminer les abus qui pourraient se produire.

Je suis persuadée qu'en essayant de déterminer la définition d'un parti politique, il faut se rappeler que l'on court des risques et qu'il peut y avoir des gens qui abuseront de la situation. Si, à ce moment-là, on en tient compte, le problème se réglera de lui-même.

M. Alkenbrack: Me permettez-vous une autre question, monsieur le président? M^{lle} MacDonald ne nous a pas dit dans quelle mesure elle recommandait que des candidats particuliers seraient subventionnés?

Mlle MacDonald: Non, je n'en ai pas parlé mais j'ai traité de cette question dans le document. Je me fonde, dans ces cas-ci, sur l'hypothèse que les dépenses pour la campagne électorale au niveau national ou au niveau du candidat augmenteront le plus rapidement dans le domaine de l'information. Pour vous donner une idée de l'augmentation des dépenses dans l'utilisation des organes de diffusion à l'échelle nationale, au cours de l'élection de 1965, le coût total pour le temps réservé par

[Text]

television stations amounted to \$1,211,963.91. By 1968 this figure had climbed to \$1,425,528.65. Now that is at the national level for paid time, and this is the area in which I would recommend subsidization at the national level.

Mr. Alkenbrack : TV and radio?

Miss MacDonald: TV and radio. In fact what I say in my paper is that national political parties should be prohibited from purchasing any radio or television time on the private networks; that they will be given free time by the private network in the same way they are now by the public network. You know that you cannot buy time on the CBC. Then at the candidate level, the same thing, it seems to me, is happening when I look at the campaign costs of individual candidates; that the greatest growth of expenditure is in this field of the media.

So what I propose is that candidates be allowed to incur expenses of not more than 15 cents per elector in the print and broadcast media, including television, radio, film production, newspapers, periodicals, posters, billboards, pamphlets and election gimmicks; in that whole field, that the individual candidate be tied to the number of electors in his riding and then allowed to spend not more than 15 cents per elector and that on presentation of official receipts after the election, any candidate who receives at least 15 per cent of the votes cast would be entitled to reimbursement of a sum equal to five cents per elector towards media and advertising costs; also that on presentation of official receipts, each candidate would be reimbursed for postage costs of mailing two pieces of campaign literature to every elector in his constituency; and that "Vote At" cards, which are now a plethora, at least in urban ridings, instead of being distributed by the numerous candidates with resulting duplication of effort and costs, would become the responsibility of the Chief Electoral Officer and his officials.

So, these would be the ways in which you would be limited from spending more than a certain amount in the media field. You would be reimbursed a portion of that, one-third of it. You would also have two mailings looked after and the "Vote At" card would no longer be the responsibility of the candidate. It seems to me that these things would mitigate the cost to the candidate. What I was refer-

[Interpretation]

les partis politiques auprès des stations privées de radio-télévision a atteint \$1,211,963.91. En 1968, ce chiffre a grimpé à \$1,425,528.65. Ceci c'est pour le temps payé à l'échelle nationale. C'est dans ce domaine que je recommanderais le versement de subsides au niveau national.

M. Alkenbrack: Parlez-vous de la télévision et de la radio?

Mlle MacDonald: Oui, télévision et radio. En fait, les partis politiques nationaux devraient se voir interdire l'achat de réclames à la radio et à la télévision privée. On leur donnera du temps gratuitement sur les réseaux privés comme cela se fait sur les réseaux public à l'heure actuelle. Vous savez très bien que vous ne pourrez acheter de la réclame à Radio-Canada. Au niveau du candidat, la même chose se produit, si l'on regarde le coût de la campagne pour chacun des candidats; on voit que la plus grosse augmentation des frais se produit dans le domaine de l'information.

Je propose donc que l'on permette aux candidats que des dépenses de 15 cents par électeur en ce qui concerne les organes de diffusion de masse, y compris la radio et la télévision, les journaux, les magazines, les périodiques, les annonces, les dépliants, les brochures; que le candidat soit lié au nombre d'électeurs dans sa circonscription et qu'il ne lui soit permis de dépenser que 15 cents pour chacun des électeurs dans sa circonscription; que sur présentation du compte officiel après les élections, tout candidat qui aura reçu 15 p. 100 des votes pourra se faire rembourser une somme égalant 5 cents par électeur pour l'utilisation des organes de diffusion; d'autre part, sur présentation d'un reçu officiel, chacun des candidats se fera rembourser les frais d'affranchissement pour documentation officielle composée de deux pièces envoyées à chaque électeur dans sa circonscription; et que les cartes «Votez à» qui sont envoyées en grand nombre, du moins dans les circonscriptions urbaines, devienne la responsabilité du directeur général des élections et des fonctionnaires, au lieu d'être distribuées individuellement par les nombreux candidats, ce qui éviterait une double dépense d'effort et de fonds.

Ce serait une façon de limiter les dépenses dans le domaine des organes d'information. Le candidat pourrait s'en faire rembourser une partie, le tiers disons, ainsi que les frais de deux communications à chaque électeur; de plus, il n'aurait plus à s'occuper de la carte «Votez à». Cela diminuerait les frais du candidat. Selon moi, le système actuel est très injuste parce que les dépenses électorales sont

[Texte]

ring to in the paper was the fact that I consider the present system highly inequitable in that the election cost, that is, the cost of running our democratic system, is borne by the few rather than the many and it should be the other way around if we are all interested and involved in it.

I also feel that there are people in this country who would make excellent candidates, excellent members, and so on, but at present they are prohibited from doing this because of the current high costs of running elections. And so these are the...

Mr. Alkenbrack: The things you cite that could be subsidized do not include such things as hall rentals, and so on.

Miss MacDonald: No.

Mr. Alkenbrack: That is good. If a candidate rents a hall and gets a crowd before him in that hall and starts to talk about some things that some of the electors might not agree with, they would quickly try to shut him up because they would remind him that they are subsidizing him.

Miss MacDonald: In regard to subsidization, one of the things that concerns me again is the public impression of political parties and the fact that there is a great deal of mythology—I will admit that in some cases there is some basis for it—that political campaigns, whether at the national or the local level, are not always open and aboveboard with regard to financing and people have a very real suspicion of this. I am making recommendations in those areas which in fact are already in the public knowledge. Everything that is done in the media you can check on so that the possibility of evasion, or any of this type of thing which the public now suspects, is limited. In fact, it is done away with. So all of the things that I cite, in which a person would either be limited in their application of or reimbursed, are in those areas where the public is already knowledgeable and they are open to public inspection.

Mr. Alkenbrack: Thank you

Mr. Macquarrie: Mr. Chairman, I am also going to ask a question or two about the party designation. I do not actually think it is the most important part of Miss MacDonald's presentation; I think what she said about absentee voting and the list is actually more fundamental in terms of function. However, since she is now in the ivory tower I think she should be asked to philosophize a bit.

[Interprétation]

supportées par la minorité et non la majorité. Ça devrait être le contraire, si nous sommes tous intéressés.

Je crois aussi que nombreux sont ceux qui feraient d'excellents candidats, d'excellents députés. Ces personnes ne peuvent se présenter à cause des frais élevés. Et ainsi...

M. Alkenbrack: On ne rembourserait cependant pas les frais de location des salles, etc...

Mlle MacDonald: Non.

M. Alkenbrack: C'est très bien. Si un candidat loue une salle, y réunit des électeurs et commence à leur parler de choses sur lesquelles ils ne sont pas d'accord, ceux-ci essaieront de le faire taire car ce sont eux qui le subventionnent.

Mlle MacDonald: Au sujet des subsides, ce qui m'inquiète, c'est l'impression que font sur le public les partis politiques et le fait qu'il y a beaucoup de mythes en cause, j'admets que dans certains cas il y a de bonnes raisons pour que les campagnes électorales au niveau national ou au niveau local ne soient pas toujours ouvertes et loyales en ce qui concerne leur financement. Les gens qui voient dépenser ces sommes folles regardent avec une réelle suspicion les partis politiques. Je présente des recommandations en ce moment, dans un domaine qui est déjà connu du public. Tout ce que vous pouvez faire dans ce domaine des moyens d'information peut être réglé, aussi les possibilités de fuite ou de ce genre de chose que soupçonne le public sont très limitées. En fait il n'y en a pas. Aussi lorsque je dis qu'une personne se verrait limitée dans ce qu'elle pourrait faire ou remboursée de ses dépenses, je parle des secteurs que le public connaît déjà et que le public peut actuellement inspecter.

M. Alkenbrack: Merci.

M. Macquarrie: Monsieur le président, j'aimerais poser une ou deux questions sur l'identification du nom du parti sur les bulletins de vote. Je ne pense pas que ce soit la partie la plus importante de l'exposé de Mademoiselle MacDonald. Ce qu'elle a dit au sujet du vote des absents et de la liste électorale porte essentiellement sur l'aspect fonctionnel. Maintenant que mademoiselle MacDonald s'est

[Text]

Do you feel that this extension of the unofficial designation of people by parties—and the Chief Electoral Officer does it, he does it more in reference to the military voters too, he does it after when he gets his report out, and so on—that if this were officialized it would make for an increase in the rigidity of the party system? Can you conceptualize that it might be more difficult for me in the House of Commons if I wanted to shuffle off the coil

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of my political party? Do you think that this is an inhibitor? Does it allow for structuring in more rigidity in the party system? Did this go through your mind as you followed this?

Miss MacDonald: Very much so because I think we have in fact already become politicized to this. I think that anyone who is in any way connected with the political party process is in fact locked into a hierarchical structure that all too few people are in any way willing to counteract—to use that famous phrase, the “countervailing force”, and I think that far more of this needs to be done in political parties, particularly at the moment—and this inhibits a lot of open discussion which should be carried on. I do not feel that putting political party names or affiliation, or any other sort of identification of the political party, is in any way going to make this any worse than it is at the moment. I do not see how it possibly can. However, I do not think what you are suggesting is altogether the proper approach. While I have some appreciation for the fact that there must be certain cohesion of views, and so on, we do not have the latitude, for instance, in Canada that there is in Britain to take a different stand with one's party, that in the party process we are not really encouraged to speak out, which I think could be just as advantageous as some people think the opposite.

What I am really saying is that I do not think by having party affiliation on the ballot that it is going to in any way structure or make more rigid the present system. What I think I am appealing for is a change of attitude in the minds of people engaged in a political process so that they realize the real parameters of the political party system and make use of them in a way that we have not done in the past.

[Interpretation]

installée dans sa tour d'ivoire elle devrait nous exposer ses idées.

Est-ce que vous pensez que cette désignation officielle des candidats par parti et le directeur général des élections le fait, dans le cas des militaires aussi, le fait après avoir fourni son rapport et ainsi de suite, si cette procédure était rendue officielle, pensez-vous que le système de partis en serait rendu plus rigide? Serait-il plus difficile par exemple pour moi, qui suis à la Chambre des communes, de me dépouiller de mon appartenance à

mon parti politique? Pensez-vous qu'il s'agit là d'une mesure inhibitrice? Est-ce que vous pensez que ceci augmenterait la rigidité de la structure du parti? Avez-vous pensé à cela lorsque vous nous exposez votre point de vue là-dessus?

Mlle MacDonald: Oui, énormément, car je crois que d'un point de vue politique, nous sommes devenus en fait très conscients de ce qu'une personne qui appartient de quelque façon à une structure de parti politique est liée à une hiérarchie contre laquelle très peu de gens malheureusement voudraient s'élever. Pour utiliser l'expression célèbre de «force de neutralisation» et qu'une telle action devrait être plus fréquente au sein des partis politiques actuellement et ceci jugule bien des possibilités de discussions publiques qui devraient avoir lieu. Je ne pense pas qu'inscrire le nom du parti politique ou mentionner l'affiliation politique d'un candidat ou identifier d'une façon ou d'une autre le parti politique compliquera la tâche davantage qu'elle ne l'est actuellement. Je ne vois pas pourquoi il n'en serait pas ainsi. Toutefois, je ne pense pas que ce que vous proposez soit la bonne solution. Bien que je sois d'accord sur le fait que nous devons avoir une certaine cohésion dans nos points de vue, nous n'avons pas au Canada la latitude d'adopter comme en Grande-Bretagne une attitude différente de celle de notre parti. On ne nous encourage pas, dans le cadre du parti à exprimer nos opinions réellement ce qui je pense est aussi bien que l'attitude contraire.

Ce que je veux en fait dire, c'est que le fait d'inscrire sur le bulletin de vote le nom du parti ne changera rien à la rigidité du présent système. Ce que je demande réellement, c'est un changement de mentalité chez les gens qui s'occupent de politique, qu'on sache utiliser mieux que par le passé les vraies possibilités du système de parti politique.

[Texte]

Mr. Macquarrie: I am not really frightened of it. I was just wondering if perhaps by taking the official move that you are perhaps sewing the political label on rather than just sticking it on, as it is on now. It is pretty adhesive, I know. You did not think, when you were considering the ballots, of putting the party name on and not the candidate, as they did in the Weimer Republic?

Miss MacDonald: No, I had not really thought of that. I do not think I would go that far. With a name like MacDonald, I would want it to be known.

Mr. Macquarrie: I have one more question which is not quite so facetious as that one. Have you reflected upon the possibility, in terms of the media, radio and TV, of extending down where practicable from the national free time procedure to the constituency as a partial and helpful alleviation of this problem which you rightly say is becoming just too much.

Miss MacDonald: Yes, I did seriously consider this but I think that when we are looking at the number of radio, television, newspaper—the actual working of this during an election campaign—the amount of paper work back and forth, the division, and so on, which would all have to be co-ordinated by some central body, might in fact not be to the best advantage by the time the whole thing got straightened out. It is very easy to do this at the national level when you are talking about six hours of free time divided among “X” number of parties in certain packages, but when you have to do it with a multitude of

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radio and television stations and newspapers at the local level in that period of time, that in fact might not be as efficient. I considered it and discarded it in favour of saying that you can spend up to 15 cents per electorate on the media in any way you want to use the media.

Mr. Macquarrie: Yes.

Miss MacDonald: And be reimbursed for it after. I thought that in the period of time I was talking about—and hopefully this is going to be a shorter period of time—it would be more efficient to allow the candidate to make his choice of what he considers the best use of media for him in his own local constituency.

Mr. Macquarrie: Good.

[Interprétation]

M. Macquarrie: Oh, cela ne me fait pas peur du tout. Je me demandais seulement si, en prenant cette nouvelle attitude officielle—vous ne cousiez pas l'étiquette politique plutôt que de la coller comme elle l'est actuellement. Elle colle assez en ce moment, je le sais! Vous ne pensiez pas lorsque vous étudiez le scrutin à mettre le nom du parti au lieu de celui du candidat comme ils l'ont fait dans la République de Weimar.

Mlle MacDonald: Non. Je ne crois pas que j'aurais été aussi loin. Avec un nom comme MacDonald j'aimerais qu'il soit connu.

M. Macquarrie: J'aurais une autre question moins fastidieuse que celle-là. Avez-vous étudié la possibilité en ce qui concerne la radio et la télévision d'accroître, lorsque cela est possible de transférer le temps mis gratuitement à la disposition des candidats au niveau de la circonscription électorale pour éliminer partiellement ce problème qui comme vous le dites devient trop important?

Mlle MacDonald: Oui. J'ai étudié ceci sérieusement mais je crois que lorsque nous regardons le nombre de stations de radio et de télévision et le nombre de journaux, la façon dont ils sont utilisés en fait au cours d'une campagne électorale, le montant de documents qui sont échangés, la division, etc., et tout ceci devrait être coordonné par un organisme central, tout ceci, en fin de compte, pourrait se révéler pas avantageux. Il est très facile d'établir ceci au niveau national lorsque vous parlez de six heures de temps alloué et disons entre «x» nombre de partis, en gros, mais lorsqu'il vous faudra tenir compte d'une

multitude de stations de radio et de télévision et de journaux au niveau local pendant cette période de temps le processus risque de ne pas être aussi efficace. C'est pourquoi, j'ai étudié la question et j'ai rejeté cette proposition. Je propose plutôt que l'on dépense jusqu'à 15c. par électeur pour un moyen de diffusion au choix.

M. Macquarrie: Oui.

Mlle MacDonald: Vous serez remboursé par la suite. Il serait peut-être préférable de laisser le choix aux candidats quant à ce qu'ils considèrent comme le meilleur organe de diffusion auquel ils pourraient avoir recours dans leur propre circonscription.

M. Macquarrie: Bon.

[Text]

The Chairman: Thank you, Mr. Macquarrie.

May I ask you a question regarding a post that you occupied at the headquarters of a national party with a view to having your ideas of what would be the reaction of any national party to help solve one of the complaints made by the armed forces against the late reporting of their ballots? In order to eliminate this late reporting it would be necessary to advance the nomination day by one week. With the experience you have, do you think there would be any great objection by any national party, let us say, to having the nomination day three weeks before the polling day instead of two weeks?

Miss MacDonald: No, I certainly do not think there would be any objection to it. I do not think there should be any objection. I may say in all of these proposals that I have put forward, I do want to make it clear that I put them forward as an individual...

The Chairman: I agree with that.

Miss MacDonald: ...and not with any party sanction which they do not have of course. I thought I would mention that just in case anyone got the idea that the Conservative Party had suddenly adopted full disclosure.

The fact is, if a party is going to get its candidate nominated in that period which we are talking about, say three weeks, as opposed to two weeks, as it now stands, it is doing it knowing that it is not going to win that seat anyhow. In at least 99 cases out of 100 when it is left that late, it is left for all sorts of reasons and one of them is that it has not been able to find anyone. The party would have to be in pretty tight straits to let a nomination go that long. I just cannot recall any cases offhand, although I am sure there may have been a few where the candidate was nominated just a few days to the nomination day.

The Chairman: Thank you. Are there any more questions Mr. Jerome?

Mr. Jerome: What time are we going to adjourn and are we coming back at 3.30 this afternoon?

The Chairman: No.

Mr. Jerome: We are not?

The Chairman: I do not think so.

Mr. Jerome: I wonder if I might ask Miss MacDonald one or two questions then?

Miss MacDonald: Yes.

[Interpretation]

Le président: Puis-je vous poser une question au sujet d'un poste que vous avez occupé au quartier général d'un parti national au sujet des plaintes formulées par les forces armées concernant le système de scrutin et des conditions de vote, disant qu'il fallait avancer d'une semaine le jour de la présentation des candidats. D'après votre expérience, pensez-vous qu'il pourrait y avoir d'importantes objections de la part d'un parti national si l'on fixait cette date trois semaines avant les élections au lieu de deux?

Mlle MacDonald: Je ne pense pas qu'il y ait d'objections. Il ne devrait pas y en avoir. Au sujet des propositions que j'ai avancées, je voudrais qu'il soit très clair que je les ai avancées à titre personnel et...

Le président: Je suis d'accord avec vous.

Mlle MacDonald: Je n'ai l'approbation d'aucun parti.

Je ne voudrais pas que l'on pense que le parti conservateur a adopté cette politique. Si un parti veut que ses candidats soient mis en candidature dans cette période, de trois semaines plutôt que de deux semaines, il sait que, de toute façon, le candidat ne sera pas élu. Dans la plupart des cas, quand on attend aussi longtemps, c'est qu'il nous faut une personne. Donc, un parti doit être dans une situation très difficile pour attendre si tard pour faire sa mise en candidature. Je ne me souviens pas de cas, il y en a peut-être eu bien sûr, où un candidat a été élu simplement quelques jours après la date de mise en candidature.

Le président: Merci. D'autres questions? M. Jerome?

M. Jerome: Est-ce que nous allons revenir à 3h30?

Le président: Non.

M. Jerome: Nous ne reviendrons pas?

Le président: Je ne crois pas.

M. Jerome: Je voudrais poser une ou deux questions.

Mlle MacDonald: Oui.

[Texte]

Mr. Jerome: Do you feel that in addition to the considerations you have set forth this morning about the party affiliation on the ballot, in addition to liking the leader, or liking the party, the opportunity of the voter who attempts to cast his ballot on the basis of his desire perhaps to be represented by a government or an opposition member is something that leans rather heavily on the party affiliation, as opposed to the individual member. That might be another very valid consideration for having the party identified on the ballot.

Miss MacDonald: Yes, you mean that he in fact is able to gauge, or at least to have some idea of the way the campaign has gone. I think this is very definitely what not only individuals, but whole groups of communities and larger groups feel is a valid reason for supporting certain individuals. Another is that there are certain benefits which people believe can be derived if they are represented by the government party, rather than the opposition party.

Mr. Jerome: Yes.

Miss MacDonald: I do feel that this is another consideration.

Mr. Jerome: I wonder if we do not rather narrowly confine ourselves in this question to attempting to accommodate people who like the Liberal Party, or who like the Conservative Party, or who like the New Democratic Party or whatever. I wonder if there is not perhaps something a little more objective than that involved, because there are a great number of voters. I think basically a voter likes to see his ballot used well. No one likes to waste their ballot basically. Now I suppose there are a great number of people who are avid or rabid party affiliates who will say: "I would not care if I thought that my party's candidate was only going to get one vote, it is going to be mine, and that is it."

Miss MacDonald: Yes.

Mr. Jerome: There are certain of those, but in the floating electorate, which is after all the determining factor in the change of elections...

Miss MacDonald: And which is getting larger all the time.

Mr. Jerome: Of course, as it should. Of those there should be, I think, a great many people who say: "I think that we should try to be represented by a government member, or I think that the party which has the greatest chance of forming the government in the

[Interprétation]

M. Jerome: Pensez-vous qu'en ce qui concerne l'identification du parti sur le bulletin, pour un électeur qui essaie de voter en songeant qu'il voudrait être représenté par un membre du gouvernement ou de l'opposition, cela pèse lourdement sur l'identification du parti par rapport au membre individuel. C'est là une raison très importante d'identifier le parti sur le bulletin de vote.

Mlle MacDonald: Oui. Au fait, vous voulez dire, il peut juger ou tout au moins, avoir une idée de la façon dont la campagne s'est développée. Sans aucun doute, non seulement dans le cas des individus mais de toutes les collectivités même les plus importantes, je pense que c'est un argument valable, pour appuyer un particulier. Il y a des avantages que peut retirer un candidat qui représente un parti gouvernemental plutôt qu'un parti d'opposition.

M. Jerome: Oui.

Mlle MacDonald: Je pense que c'est une autre question.

M. Jerome: Est-ce que nous n'essayons pas de nous limiter, dans ces questions, à accommoder ceux qui aiment le parti libéral, conservateur ou néo-démocrate? Est-ce qu'il n'y aurait pas quelque chose de plus objectif, parce qu'il y a un grand nombre d'électeurs. L'électeur ne veut pas que son vote soit perdu ou gaspillé. Il y a aussi le votant enragé qui se dit que même si son candidat ne devait avoir qu'un seul vote il voudrait que ce soit le sien.

Mlle MacDonald: Oui.

M. Jerome: Il y a aussi l'électorat mobile qui après tout constitue l'élément déterminant dans le résultat de l'élection...

Mlle MacDonald: Et qui s'accroît constamment.

M. Jerome: Il y a beaucoup de gens qui disent: je pense que nous devrions être représentés par un membre du gouvernement, ou le parti qui a le plus de chance de former le gouvernement au cours de la prochaine élection est ce parti-ci par conséquent, je vais

[Text]

next election is this party, therefore I am going to vote for their candidate in my riding regardless", that kind of thinking.

Miss MacDonald: Yes, I completely agree with that, plus the fact I think a great many people, and there are some who might dispute them, but in looking at it from that point of view they look at it also from the point of view that this party may have run a stronger campaign, or may be in a better position and therefore has the best chance of providing us, not only with the government, but with a majority government.

Mr. Jerome: Right, this is another factor that might enter into their consideration.

Miss MacDonald: Yes.

Mr. Jerome: All of which, relatively speaking, is somewhat removed from a romance with the party itself.

Miss MacDonald: Yes.

Mr. Jerome: I wonder if as well we could not minimize the difficulty that Mr. Macquarrie was raising about someone who was really not that anxious to do a handholding routine with his party when he went to the polls, as is the case in some constituencies in the country where the member feels that he gets elected rather personally to a very great extent. I wonder if the answer is that if he really wants to put that theory to the test he could always run without a party affiliation? For some reason or other the candidates envisaged by Mr. Macquarrie always seem to go through the exercise of seeking a party nomination and should at least be able to live up to it at election time.

Mr. Alkenbrack: Put the party name on...

Mr. Jerome: Well, sure, I think it does. I feel very strongly that anyone who seeks a party nomination should stick with it on the ballot.

Miss MacDonald: Right.

Mr. Jerome: Can we shorten up the time of elections?

Miss MacDonald: This is the whole thing. I feel that the only thing that can really do it is to change our whole system of enumeration.

Mr. Jerome: You will find complete agreement from Mr. Hamel. I have already been through that with him many times.

Miss MacDonald: Yes.

[Interpretation]

voter pour leur candidat dans ma circonscription.

Mlle MacDonald: Oui, je suis pleinement d'accord avec cela et en plus, beaucoup de gens disent, en tenant compte de ce point de vue, que ce parti a peut-être fait une campagne électorale plus solide ou est peut-être en meilleure posture, et par conséquent, a plus de chance de nous donner, non seulement un gouvernement, mais un gouvernement majoritaire.

M. Jerome: Oui, c'est un autre facteur dont ils tiennent compte.

Mlle MacDonald: Oui.

M. Jerome: Tout cela se rapporte assez peu au parti même.

Mlle MacDonald: Oui.

M. Jerome: Est-ce que l'on ne pourrait pas minimiser la difficulté soulevée par M. Macquarrie à l'effet qu'il ne voulait pas particulièrement soutenir le député de son parti, comme c'est souvent le cas dans les régions rurales ou bien souvent le votant à l'impression que c'est lui personnellement qui est élu. Si un candidat veut se présenter sans être affilié à un parti il devrait pouvoir le faire. Mais en général, un candidat cherche toujours à avoir l'appui d'un parti. Je pense que toute personne qui cherche à avoir une nomination d'un parti doit faire tout en son possible pour lui faire honneur en temps d'élection.

M. Alkenbrack: Y mettre un nom de parti...

M. Jerome: Je crois que oui. Je crois que celui qui tient à se faire présenter par un parti devrait faire inscrire le nom de son parti sur le bulletin de vote.

Mlle MacDonald: Parfaitement.

M. Jerome: Pouvons-nous raccourcir la période électorale?

Mlle MacDonald: Voilà toute la question. Je crois que la seule façon d'y arriver serait de changer tout notre système.

M. Jerome: Ceci me revient. Vous aviez tout à l'heure l'accord total de M. Hamel là-dessus,

Mlle MacDonald: Oui.

[Texte]

Mr. Jerome: All right; given that fact, do you think we can really control election expenses?

Miss MacDonald: There are going to be a great many people who will dispute this, but I think we can control them in those areas where the expenses are the fastest growing. There is no question, if Parliament wanted to say we are going to adopt such and such laws—and they are doing it in other parts of the country—if we adopted in the field of the media and enforced the co-operation of the media, then there is no way that a national party can go out and spend \$2 million on the media instead of \$500,000 or whatever it might be.

Mr. Jerome: Yes.

Miss MacDonald: They just will not be allowed to have the time available to them. I think this is the area more and more. We are only seeing the tip of the iceberg, so to speak. If we let this go on uncontrolled, there is no one who is going to be able to run an election, a political party, a candidate or anyone else.

In 1956 we were just entering the television era and yet here we are spending, just on the paid time private network last time \$1.5 million. If we do not stop this tremendous escalation, which can only be done through controlling the media...

Mr. Jerome: I do not necessarily disagree with you. It is a very fascinating subject and I suppose it is correct to say that it is not directly a part of our terms of reference this time around but the funny part about this is that this money is raised without now resorting to government. Even if we can assume that without completely controlling it, if we can tend to equalize the opportunities of people to become political candidates which is really one of the points I think that you were stressing which is a very valid one; even assuming that we can go a long way to limit the amount of money spent and to equalize, therefore, the opportunities of people to run, knowing that they do not have to go out and knock on doors and raise the money or do not have to have heavy financial backers; even if we could accomplish that, is there justification for switching over from the system which at the present time perhaps is not nearly as equitable, but at least does not use government resources and tax dollars to run elections?

Miss MacDonald: Again I have dealt with this in the paper I am going to leave with you all, but I think some of the most successful

[Interprétation]

M. Jerome: Alors, de ce fait, pensez-vous qu'on peut vraiment contrôler les dépenses d'élection?

Mlle MacDonald: Il y a un grand nombre de personnes qui se seront pas d'accord avec cela mais on peut les contrôler dans les régions où les coûts s'accroissent plus rapidement. Si le Parlement voulait par exemple, adopter telle loi,—et on le fait dans d'autres parties du pays—dans le domaine des organes de communication et essaie d'avoir la coopération de ces derniers, alors, un parti national ne pourrait pas dépenser deux millions de dollars dans ces organes d'information plutôt que 500 mille.

M. Jerome: Oui.

Mlle MacDonald: On ne leur permettrait pas. Nous ne voyons que le sommet de l'iceberg pour l'instant. Si nous ne contrôlons pas cela, personne ne pourra plus faire d'élections.

En 1956, nous commençons à peine à avoir de la télévision, et voilà que nous dépensons un million et demi de dollars sur les réseaux privés. Si nous n'arrêtons pas cette escalade, et c'est seulement par le contrôle...

M. Jerome: Je ne suis pas forcément en désaccord avec vous. C'est un sujet très intéressant. Ça ne fait pas partie de notre mandat, et ce qui est étrange, c'est que cet argent est obtenu sans faire appel au gouvernement. Même si l'on peut supposer que sans le contrôler complètement, on peut au moins donner des chances égales à tous les citoyens de devenir des candidats, comme vous l'avez si bien souligné, et si on peut limiter l'argent dépensé pour donner des chances égales à tous, en sachant que les gens ne sont pas obligés d'avoir des appuis financiers importants; même si nous pouvons y arriver, cela justifie-t-il le fait de modifier le système actuel qui n'est peut-être pas aussi équitable, mais qui tout au moins ne fait pas appel à l'argent du contribuable.

Mlle MacDonald: Je traite de cette question dans le document que je vous ai remis. A mon avis, nos meilleures réalisations au

[Text]

things we have done in this country have been in the field where we have co-operated or have brought in co-operation between the public purse and private enterprise, and really what I am suggesting is that there are certain things which would be subsidized from the public purse but by no means the whole of the campaign. It still, you know, is going to be a question of private donations.

Mr. Jerome: Then you would envisage a system whereby candidates who enjoy a certain measure of success would be reimbursed for certain of the things that they have done in order to eliminate the risk they run of being without funds or else using their personal money.

Miss MacDonald: Yes.

Mr. Jerome: But you do not envisage a system under which candidates would require to be controlled in the amount that they spend so that the election is not going to be decided on the man with all the bankroll.

Miss MacDonald: No, no; only in the field of the media cost do I put any limitation either nationally or at the local level.

Mr. Jerome: It is a subject that I would like to explore further, but I am keeping the Committee and you on a subject that is not strictly within our terms of reference this time around so I do not want to keep you.

Miss MacDonald: Would it be all right if I left some of these with you, because it goes into all of this in much greater detail?

Mr. Jerome: That is great.

The Chairman: Miss MacDonald has brought a recommendation to us which I think should be circulated among the members. Mr. Virr, will you do this?

I ask whether it is the consensus that the documentation of Miss MacDonald be part of today's records? May I have a motion in this regard?

Mr. Jerome: I so move.

Motion agreed to.

The Chairman: We had planned to have another meeting this afternoon and if Members will indicate to me that they have more questions to ask of Miss MacDonald we will have this afternoon meeting. If it is the desire of Members to continue on some other points with our present witness we will adjourn the meeting until Thursday.

[Interpretation]

Canada sont celles où il y a eu collaboration entre les deniers publics et l'entreprise privée. Il y a certaines choses qui devraient être subventionnées par les deniers publics mais certainement pas toute la campagne. Il y aura toujours des dons venant du secteur privé.

M. Jerome: Vous envisagez donc un système où les candidats qui ont un certain succès seraient remboursés d'une partie de leurs dépenses, afin d'éliminer le risque pour eux de manquer de fonds ou d'avoir à utiliser leur argent personnel.

Mlle MacDonald: Oui.

M. Jerome: Mais vous n'envisagez pas un système qui contrôlerait le montant des dépenses des candidats afin que l'élection ne soit pas emportée par le candidat le plus riche.

Mlle MacDonald: J'imposerais une limite soit au niveau national, soit au niveau local, seulement en ce qui a trait aux frais de publicité.

M. Jerome: Il y a une question que j'aimerais discuter plus longuement, mais cela ne fait pas partie exactement de notre mandat.

Mlle MacDonald: Est-ce que je peux vous laisser quelques-uns de ces documents qui vous donneront plus de détails à ce sujet.

M. Jerome: Cela me plairait beaucoup.

Le président: M^{lle} MacDonald nous a apporté de la documentation et je crois que ce serait utile de la distribuer aux membres du Comité. Pourriez-vous vous en occuper monsieur Virr?

J'aimerais savoir si les membres sont d'accord pour que la documentation de M^{lle} MacDonald puisse faire partie du compte-rendu d'aujourd'hui? L'un d'entre vous pourrait-il proposer une motion dans ce sens?

M. Jerome: Je propose la motion.

La motion est adoptée.

Le président: Nous avons l'intention de revenir cet après-midi, et si les membres du comité ont d'autres questions à poser à M^{lle} MacDonald, nous nous réunirons cette après-midi. S'il n'y a pas d'autres questions, eh bien, nous pourrions lever la séance jusqu'à jeudi.

[Texte]

Mr. Duquet: With the documentation, Mr. Chairman, I do not think we need to come back.

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The Chairman: Yes, it is pretty well all in there. On behalf of the members, Miss MacDonald, I want to thank you very much for the contribution you have given us today and we thank you for the great interest you are taking in this great democratic process. Before we adjourn, is it agreed that Miss MacDonald be reimbursed for her expenses incurred in appearing here today?

Some hon. Members: Agreed.

The Chairman: This meeting is adjourned until Thursday at eleven o'clock.

[Interprétation]

M. Duquet: Je crois qu'avec toute la documentation que nous avons, il n'est pas nécessaire de revenir.

Le président: Au nom du Comité, mademoiselle MacDonald, j'aimerais vous remercier pour la contribution que vous avez faite aujourd'hui. Nous vous remercions pour l'intérêt que vous avez pris à ce processus particulièrement démocratique. Avant de terminer, est-ce que vous êtes d'accord pour que l'on rembourse les frais de déplacement de Mlle MacDonald?

Des voix: D'accord.

Le président: La séance est levée jusqu'à jeudi 11 heures.

APPENDIX 3

ELECTORAL AND
PARTY REFORM

A paper prepared by
MISS FLORA MACDONALD

RÉFORME ÉLECTORALE
ET
RÉFORME DES PARTIS

par M^{lle} Flora MacDonald

The subject I have been asked to consider by the Conference Committee is Electoral Reform. In addition, it was suggested that I offer some reflections and comments in regard to the role of political parties, and to possible changes and reforms in this area.

Making democracy work in any society is the responsibility of the entire social body. In order to make it work, however, there must be structures and procedures which facilitate, rather than hinder, the democratic process. Free elections are essential to this process. Implicit in the idea of free elections is the notion that the electorate will have access to information that will help them to choose between candidates, that candidates will be able to present their views to the electors, and that rules of fair play will prevail. In Canada, as in most other western nations, the political party is seen as an integral—indeed an essential—institution within the democratic framework. In dealing with the question of electoral reform in Canada, I will direct my attention to three critical areas where changes in structure and procedures are long overdue:

First, as it applies to the dollar costs of maintaining political institutions, particularly the financing of elections campaigns;

Second, as it applies to legislation governing election procedures;

Third, as it applies to the role of parties within the framework of the democratic system.

I. ELECTORAL REFORM—EXPENSES

Election campaigns are expensive. The purpose of this paper is not to suggest otherwise. Candidates and parties have legitimate electoral expenses and must have the means to meet those expenses. A sufficient reservoir of funds, properly used, is essential to the democratic process. It is a fact of life, however, that Canadians are reluctant to accept the cost of maintaining our political institutions as a legitimate societal expense. Whereas we acknowledge that religious and educational institutions have a rightful claim on our dollar earnings, a parsimonious reaction can be expected to any discussion of election expenditures, Members' salaries or political party expenses.

Le comité de la Conférence m'a demandé de traiter de la réforme électorale et d'aborder la question du rôle des partis politiques et des changements et réformes possibles dans ce domaine.

Dans toute société, c'est au corps social tout entier qu'il incombe de faire fonctionner la démocratie. Et pour y parvenir, il faut des structures et des procédures qui facilitent, au lieu de paralyser, le processus démocratique. Des élections libres sont essentielles à ce processus. Le concept d'élections libres présuppose que l'électorat a accès à l'information qui l'aide à choisir entre plusieurs candidats, que les candidats pourront exposer leurs vues aux électeurs, et que les règles du fair play seront respectées. Au Canada, comme dans la plupart des pays occidentaux, le parti politique est considéré comme une institution intégrante, voire même essentielle, de la structure démocratique. En parlant de réforme électorale, j'insisterai sur trois points névralgiques qui appellent depuis longtemps des changements de structures et de méthodes:

Premièrement, le coût des institutions politiques, et surtout le financement des campagnes électorales;

Deuxièmement, la législation qui régit les élections;

Troisièmement, le rôle des partis dans le cadre du régime démocratique.

I. LA RÉFORME
ÉLECTORALE—DÉPENSES

Les campagnes électorales coûtent cher et je n'ai pas l'intention de laisser croire le contraire. Les candidats et les partis ont des dépenses électorales légitimes et doivent avoir les moyens de les payer. Un réservoir suffisant de fonds, utilisés à bon escient, est un élément essentiel du processus démocratique. Il est bien clair, cependant, que les Canadiens n'acceptent pas de bon gré de considérer le coût des institutions politiques comme une dépense sociale légitime. Nous ouvrons volontiers nos goussets aux institutions religieuses et aux maisons d'enseignement, mais nous les refermons bien vite dès qu'il est question de dépenses électorales, de salaires des députés ou de dépenses des partis politiques.

The question here should be not the cost of elections, but the manner in which these costs are met and by whom.

The aim should be not to reinforce an already niggardly approach to the financing of political institutions, but to legitimize the expenditure of reasonable sums of money.

No official debate of election expenses has taken place in the Canadian House of Commons for years. Governments in office have been reluctant to raise the matter with the result that it has been consigned to limbo, to be exhumed only occasionally by some enterprising private member or curious journalist.

In 1874, and again in 1907-08, Parliament instituted a series of reform measures with regard to election expenses. In 1920 a number of minor amendments were effected. Since then no Canadian Government has found it necessary or expedient to introduce new legislation or to revise the existing laws. This is not to say that pleas for reform and innovative proposals have not been voiced by private members, or discussed in committee, or debated in public forums. Nor has the reluctance of the federal government to act been a barrier to progressive and even radical measures adopted by some of our provincial legislatures.

Fifty years of inaction on the part of federal governments precipitated the need for a thorough review of the financing of election campaigns. On October 27, 1964, a Committee on Election Expenses was appointed to conduct just such a review. The Committee's Report, tabled by the Prime Minister on October 11, 1966, has languished through three subsequent sessions of the House and there is no indication as to when, if ever, the necessary study and debate will occur.

The report of the Federal Committee on Election Expenses, the measures adopted in January, 1964, by the Quebec National Assembly, the report of the Royal Commission on Election Expenses in Nova Scotia in February of this year, and the current sessions of the Select Commission on Election Laws of the Ontario Legislative Assembly, reflect the increased sensitivity of governments to and the mounting interest of the general public in the subject of election expenses. As a stimulus to further discussion in this area, the following recommendations are put forward:

a) POLITICAL PARTIES:

1. *Recognition of Political Parties:* In framing the legislation of 1874 by which can-

Il ne faudrait donc pas parler du coût des élections, mais plutôt de la façon dont ces dépenses sont payées, et par qui.

Il ne faudrait pas chercher à renforcer la mesquinerie déjà existante à l'égard du financement des institutions politiques, mais plutôt à légitimer la dépense de sommes raisonnables.

Aucun débat officiel n'a eu lieu à la Chambre des communes du Canada depuis plusieurs années sur les dépenses d'élections. Les gouvernements ayant toujours hésité à soulever la question, elle a été reléguée aux oubliettes pour n'en être exhumée que de temps en temps par quelque député audacieux ou journaliste curieux.

En 1874, et de nouveau en 1907-1908, le Parlement avait institué une série de réformes des dépenses électorales. En 1920, il y eut quelques modifications mineures. Mais depuis, aucun gouvernement canadien n'a jugé nécessaire ou opportun de présenter une nouvelle mesure ni de reviser les lois existantes. Il ne faudrait pas croire, cependant, que des demandes de réformes ou d'innovations n'ont pas été formulées par des députés, ou dans des comités, ou dans le grand public. Il ne faudrait pas croire non plus que l'immobilisme du gouvernement fédéral, a empêché l'adoption de mesures progressives et mêmes radicales par certaines assemblées législatives provinciales.

Cinquante années d'inaction par le gouvernement fédéral ont mis en lumière la nécessité d'une révision complète du financement des campagnes électorales. Le 27 octobre 1967, cette révision fut confiée à un comité des dépenses électorales. Le rapport de ce comité, déposé par le premier ministre le 11 octobre 1966, dort sous la poussière depuis trois sessions de la Chambre et rien ne permet de prévoir pour bientôt le débat et l'étude qui s'imposent.

Le rapport du comité fédéral des dépenses électorales, les mesures adoptées en janvier 1964, par l'Assemblée nationale de Québec, le rapport de la Commission royale d'enquête sur les dépenses électorales en Nouvelle-Écosse, publié en février de cette année, et les séances présentement en cours de la Commission spéciale des lois électorales de l'Assemblée législative de l'Ontario, démontrent que les gouvernements sont de plus en plus sensibilisés à cette question des dépenses électorales et que le public s'y intéresse davantage. Pour amorcer une nouvelle discussion sur la question, nous formulons les recommandations suivantes:

a) PARTIS POLITIQUES:

1. *Reconnaissance des partis politiques:* Lors de la rédaction de la loi de 1874 qui

didates are required to report election expenditures, no mention was made of political parties. At that time, of course, political parties were in an embryonic state in Canada and their role in election campaigns was minimal. Although the ensuing years have seen that role grow to one of considerable proportions, Parliament has continued to sanction the oversight of the 1874 legislation by neglecting to accord official legal recognition to political parties under the Canada Elections Act. The result has been a Parliament with schizophrenic tendencies where, on the one hand, parties are recognized for certain legislative purposes (i.e., privileges accorded leaders of opposition "Parties" in the House of Commons), while at the same time parties are denied status for purposes of electing those same leaders to Parliament. Until such legal recognition is granted, all other proposals as they apply to political parties—disclosure, subsidization limitation—are legally unenforceable.

I would propose that political parties be explicitly recognized under the Canada Elections Act. Such recognition might be based on a requirement that the party must field a specified number of candidates in any current election or have obtained a specified percentage of votes in the preceding election.

Each political party would be required to register, and presumably such registration would necessitate that each party stipulate the names of its representatives legally responsible for its activities.

Failure of a party to register officially would disqualify it from receiving any benefits under the provisions of the Canada Elections Act. Candidates sponsored by registered parties would be designated as party candidates on the ballot; all others would be described as Independents.

2. Disclosure: The mystery and mythology which for so long have shrouded the collection and disbursement of political funds have succeeded in generating suspicion among the electorate. As a consequence, the image of Canadian political parties has suffered, their motives called into question, their activities suspect. Insistence on the privacy of the political party purse is equated with "something to hide." By its lack of candor, the whole exercise has invited harassment, distortion and abuse.

It is my firm opinion that political parties pay a high price in terms of prestige and credibility as a result of this mythology and speculation, unwarranted though such suspicion may be. It has yet to be proven, at least in recent years, that contributors can or do

oblige les candidats à faire rapport de leurs dépenses électorales, il n'a pas été fait mention des partis politiques. A l'époque, les partis politiques n'étaient encore que des embryons et leur rôle, dans les campagnes électorales, était secondaire. Par la suite, ce rôle a pris des proportions considérables, mais le Parlement a quand même continué de sanctionner l'oubli de la loi de 1874 en négligeant d'accorder une reconnaissance officielle et juridique aux partis politiques en vertu de la Loi électorale du Canada. Conséquemment, le Parlement est en proie à des tendances schizo-phréniques: d'un côté, les partis sont reconnus pour certaines mesures législatives (par exemple, les privilèges accordés aux chefs des partis d'opposition à la Chambre des Communes), et par ailleurs, ils n'ont aucun statut reconnu quand il s'agit d'élire ces leaders au Parlement. Tant qu'il n'y aura pas une reconnaissance juridique, il sera impossible de faire respecter par la force de la loi les autres propositions énoncées à l'égard des partis politiques: divulgation, limite des subventions.

Je pense que les partis politiques devraient être explicitement reconnus en vertu de la Loi électorale du Canada. Pour être reconnu, on pourrait peut-être exiger que le parti présente un certain nombre de candidats à une élection et recueille un certain pourcentage des votes à l'élection précédente. Chaque parti politique serait tenu de s'inscrire, et cette inscription exigerait sans doute que chaque parti donne les noms de ses représentants responsables de ses activités devant la loi.

Un parti qui négligerait de s'inscrire officiellement n'aurait plus droit à aucun des avantages prévus par la Loi électorale du Canada. Les candidats appuyés par un parti enregistré seraient désignés comme candidats de ce parti sur le bulletin de vote. Tous les autres seraient inscrits comme indépendants.

2. Divulgation: Le mystère et les mythes qui entourent depuis si longtemps la perception et la répartition des fonds politiques ont fini par faire naître une sorte de méfiance dans l'esprit des électeurs. Le prestige des partis politiques en souffre, leurs motifs sont mis en doute, et leur action est suspecte. A force de conserver le caractère confidentiel de la caisse du parti, on finit par faire croire qu'il y avait «quelque chose à cacher». Le manque de franchise fait naître les soupçons, les faussetés et les abus.

J'ai la ferme conviction que les partis politiques payent très cher en prestige et en crédibilité cette mythologie et ces conjectures, même si les soupçons sont sans fondement. Il reste encore à démontrer, du moins ces dernières années, que les souscripteurs peuvent

exert "undue influence." Given the absence of hard facts, however, and lacking knowledge of who contributes to what party and how much, speculation about political patronage is bound to develop. In a recent attitudinal survey, 73% of those questioned felt that large contributions could corrupt a political party.

If the electorate is to retain confidence in the democratic system, it must have the opportunity to make its own assessment of the situation. In removing the mystery surrounding political contributions, in presenting the financial facts of life as they really exist, a more realistic attitude on the part of the electorate may be fostered.

It is curious to note that while contributions to community chest and similar campaigns are equated with civic awareness and responsibility, political contributions elicit no such accolade. Financial support of the democratic system through the operative vehicle—the political party—is reflected in distrust and distortion. Surely candor and openness are the prerequisites to attitudinal change.

Two arguments will of course be raised against the disclosure of the sources of party funds. One objection will be that such disclosure will merely expose the parties to attempt by their enemies to link their policy positions to the interests of their financial contributors thereby reducing public trust in the parties even further.

My reply to this argument is that I have the feeling that these expected innuendoes will carry not more but less weight when the parties disclose their sources. It will then have to be argued that the parties "sold out the country" for a specific sum of money received from one contributor or group of contributors (say \$10,000), a far less credible proposition than the charge as it is made today where the amount is unspecified and often intimated to be in the vicinity of hundreds of thousands of dollars.

It may also be argued that disclosure will result in the curtailment of campaign donations. That this is inevitable is refuted by the example of the state of Florida where in the ten years following the adoption of disclosure, total donations increased faster than total expenses. But even if disclosure did result in the reduction of contributions, this is still something I could live with, since the total impact of the proposals I am proposing will

ou veulent exercer une influence indue. Mais, faute de renseignements clairs et personne ne connaît de précisions quant aux noms et aux montants, les soupçons de favoritisme politique se multiplient inévitablement. Une récente enquête a démontré que 73 p. 100 des répondants à l'enquête estimaient que des contributions importantes pouvaient corrompre un parti politique. Si nous voulons que l'électeur garde sa confiance au régime démocratique, il faut lui donner l'occasion d'évaluer lui-même la situation. En dissipant le mystère qui entoure les contributions politiques, en présentant les chiffres tels qu'ils existent, on cultiverait peut-être une attitude plus réaliste de la part de l'électeur.

Il est curieux de constater que les contributions à la fédération des œuvres et aux collectes semblables sont considérées comme des actes de civisme et de responsabilité, tandis que les contributions politiques ne sont pas vues du même œil. L'appui financier apporté au régime démocratique par l'entremise de son organe moteur, c'est-à-dire le parti politique, est jugé avec méfiance et suspicion. La franchise et la divulgation complètes me semblent être les prémisses essentielles à tout changement d'attitude.

Deux arguments seront évidemment évoqués contre la divulgation des sources de financement du parti. Premièrement, on dira que les partis adversaires, connaissant ce renseignement, essaieront naturellement d'établir un rapport entre les positions politiques du parti et les intérêts de ses principaux souscripteurs, ce qui ne ferait que réduire encore davantage la confiance du public envers le parti.

En réponse à cet argument, je dirai qu'à mon avis, ces insinuations, loin d'avoir plus de poids, en auront moins lorsque les partis divulgueront leurs sources de financement. Il faudra alors démontrer que les partis ont «vendu le pays» pour tel montant reçu d'un souscripteur ou d'un groupe de souscripteurs (mettons \$10,000). Ce serait bien plus difficile à croire que les accusations faites aujourd'hui où les montants ne sont pas connus et où certains laissent entendre qu'ils sont parfois de l'ordre de centaines de milliers de dollars. Certains diront peut-être que la divulgation fera diminuer les dons aux partis pour les campagnes électorales. Pour réfuter l'argument qui dit que c'est inévitable, il suffit de voir ce qui s'est passé dans l'État de la Floride où, dans les dix années qui ont suivi l'adoption de la divulgation, le total des dons a augmenté plus vite que le total des dépenses. Mais même si la divulgation devait amener une diminution des contributions, je

be such as to substantially reduce the sums required from private contributors.

The other likely objection to disclosure is that the privacy of a donor is a principle that must be respected. My reply to this is that I don't really see why we, as party activists, should encourage perpetuation of a situation that treats political participation as something to be hidden and denied. I doubt that the parties will succeed in improving their standing in the Canadian community until they start asserting that political support, whatever its nature, is to be sanctioned rather than obscured.

In summary, then, I would propose that a complete report of party income and expenditure be made public following each general election campaign by the party's financial agent. In addition, audited statements of receipts and disbursements of national policy funds would be presented annually.

Contrary to widely-held opinion that parties have unlimited resources of wealth and spend it recklessly, disclosure would show that Canadian political parties seldom, if ever, have sufficient funds to meet the obligations the democratic system imposes on them—the responsibility to inform the electorate of the issues, and to propose solutions to domestic and international problems.

3. *Limitations on Income and Expenditure:* The imposition of statutory controls and/or voluntary agreements to limit party contributions has met with only limited success in West Germany, the United States, Sweden and Argentina. Unrealistic controls coupled with weak enforcement measures, have encouraged the development of evasive practices. As a result public cynicism has increased with a corresponding decrease in trust in political parties.

The United States is a case in point. Federal legislation completely bans donations from corporations and labour unions, and restricts individual contributions to \$5,000. Such restrictions are open invitations to circumvent the regulations by channelling individual contributions through the multiplicity of national, state and local committees the situation has spawned.

Controls over election expenditures have been adopted by a number of countries—the United Kingdom, Australia, Japan and the United States, among others—mainly in an effort to keep costs down. Again, they have met with varying degrees of success. In the United States where committees are limited to expenditures of \$3,000,000 a year under

serais prête à l'accepter, car la conséquence globale de mes propositions serait telle qu'elle réduirait sensiblement les sommes requises des souscripteurs privés.

L'autre objection à prévoir contre la divulgation, c'est que l'anonymat du donateur est un principe à respecter. A cela, je réponds que je ne vois pas pourquoi des activistes de parti, comme nous, devraient essayer de perpétuer une situation qui considère la participation politique comme une chose à cacher et à nier. A mon sens, les partis ne retrouveront leur prestige aux yeux des Canadiens qu'en affirmant que le soutien politique, peu importe sa nature, doit être sanctionné et non caché.

En résumé, je propose qu'un rapport complet des revenus et des dépenses du parti soit publié après chaque élection générale par l'agent financier du parti. En outre, un état vérifié des recettes et des déboursés de fonds politiques serait présenté chaque année.

Contrairement à l'opinion très répandue voulant que les partis aient des ressources illimitées, et dépensent sans compter, la divulgation montrera que les partis politiques canadiens n'ont jamais, ou presque jamais, assez de fonds pour faire face aux obligations que leur impose la démocratie, c'est-à-dire la responsabilité d'informer les électeurs sur les questions en litige et de proposer des solutions aux problèmes nationaux et internationaux.

3. *Restriction des revenus et des dépenses:* L'Allemagne de l'Ouest, les États-Unis, la Suède et l'Argentine ont imposé, par des contrôles statutaires ou des ententes facultatives, une restriction des contributions aux partis qui n'a obtenu qu'un succès restreint. Des contrôles peu réalistes et des mesures d'application peu coercitives ont favorisé la recherche d'échappatoires, ce qui a accentué le cynisme public et diminué davantage la confiance portée aux partis politiques.

Prenons l'exemple des États-Unis. La loi fédérale interdit complètement les dons de sociétés et de syndicats ouvriers et restreint les dons individuels à \$5,000. De telles restrictions sont des invitations ouvertes à esquiver le règlement en canalisant les contributions personnelles par la multiplicité de comités à l'échelle du pays, de l'État et de la localité. Des mesures de surveillance des dépenses électorales ont été adoptées par certains pays, dont le Royaume-Uni, l'Australie, le Japon et les États-Unis, surtout dans le but de réduire les frais. Et le succès obtenu par ces mesures a été varié. Aux États-Unis, où les comités ne doivent pas dépasser des dépenses de trois millions par année en vertu d'une loi fédérale, l'esprit de cette disposition est souvent violé

federal legislation, the intent of the provision is often violated by the formation of new committees whenever the \$3,000,000-limit is reached.

The Quebec legislation of 1964 and the recommendations of the Royal Commission on election expenses in Nova Scotia both advocate limits on the amounts political parties may spend during election campaigns. In each case the amount proposed is not more than 25c. multiplied by the number of electors in the constituencies in which the party has official candidates. Assessment of the success or otherwise of this method must await further trial.

Apart from the one limitation noted below, I do not think that we in Canada should impose statutory limits on the sums of money parties may receive or spend. My reasoning here does not rely primarily on the fact that attempt to enforce such limits have met with little success in other countries. To do so would be to assume that the problem is inherently unsolvable (something I cannot bring myself to admit) and to assume, as well that Canadian parties will inevitably seek to circumvent such limits (again an unnecessarily odious premise).

My main reason for opposing such limits is that they will inevitably fail to attain their objective, which is to place the parties on a more or less equitable basis in their electoral competition. Statutory limits will fail to achieve this end because of the multitude of non-monetary services which may be rendered to political parties, a circumstance that will always permit the claim that the principle of equity underlying the financial limits has been broken. In the end, political animosity and mistrust may be more serious than they are now.

Secondly, the imposition of limits seems to me to rest on unacceptable assumptions. These are, first, that contributions (henceforth to be reported) above a certain amount will cause parties to neglect the public interest in favor of the contributor's interest and, secondly, that individuals should be denied the right to determine for themselves how much of their resources they wish to devote to political objectives.

The one limitation I would suggest is that political parties be prohibited from purchasing or using any paid time on radio or television since this is the area in which they will be substantially subsidized.

4. *Subsidies*: The combination of private enterprise and state subvention which characterizes the Canadian economy has proven

par la création de nouveaux comités chaque fois que la limite de trois millions est atteinte.

La Loi du Québec de 1964 et les recommandations de la Commission royale d'enquête sur les dépenses électorales en Nouvelle-Écosse préconisent d'imposer une limite aux montants que les partis politiques peuvent dépenser pendant une campagne électorale. Dans les deux cas, le montant proposé est un maximum de 25c. multiplié par le nombre d'électeurs dans les circonscriptions où le parti a un candidat officiel. Pour savoir si cette méthode donne de bons ou de mauvais résultats, il faudra attendre de la voir à l'œuvre plus longtemps. A l'exception de la restriction dont je parlerai plus loin, il me semble que le Canada ne devrait imposer aucune limite aux montants que les partis peuvent recevoir ou dépenser. Si je fais cette affirmation, ce n'est pas surtout en pensant au peu de succès remporté par les mesures adoptées par d'autres pays pour tenter d'imposer des limites. Si je raisonnais ainsi je présumerais que le problème est insoluble en soi (ce que je ne saurais admettre) et que les partis politiques canadiens chercheront inévitablement à se soustraire à ces limites (autre prémisse inutilement odieuse).

Si je m'oppose à ces limites, c'est surtout parce qu'elles rateront inévitablement leur objectif qui est de mettre les partis à peu près sur un pied d'égalité dans la lutte électorale. Des limites statutaires n'atteindront pas cet objectif à cause de la multitude de services non monétaires qui peuvent être rendus à des partis politiques et c'est un argument qui permettra toujours de prétendre que le principe d'égalité, qui est à la base des limites financières, a été violé. A la fin, l'animosité politique et la méfiance pourraient être plus graves qu'aujourd'hui.

Deuxièmement, l'imposition des limites me semble reposer sur des postulats inacceptables dont le premier établit que des contributions (jusqu'ici non divulguées) dépassant un certain montant pousseront les partis à négliger l'intérêt public pour favoriser plutôt le donateur, et dont le deuxième dit que des personnes ne devraient pas avoir le droit de déterminer elles-mêmes quelle partie de leurs ressources elles veulent consacrer à des objectifs politiques. Ma seule restriction, ce serait d'interdire aux partis politiques d'acheter ou d'utiliser des périodes payées à la radio ou à la télévision, car c'est à cette fin qu'ils obtiennent des fonds considérables.

4. *Subsidies*: Le combinaison de la subvention venant de l'entreprise privée et de l'État, qui caractérise l'économie canadienne, s'est

both operative and practical. While some elements of society advocate complete state control, and others support complete freedom of the marketplace, the Canadian solution has produced successful compromises in the fields of broadcasting, transportation, and health, to name but a few.

It is proposed that the principle of joint private-state action be extended to the financing of election costs. Complete state subsidization could, in my opinion, exert a debilitating effect on party organization. On the other hand, recent elections have shown that the burden of financing campaign costs all too often falls on the few.

In his 1965 study of Canadian attitudes to election expenses Professor J. Meisel found out that 67.3 per cent of the general public support either total (29.8 per cent) or partial (37.5 per cent) subsidization of campaign costs from the public purse.

In advocating partial subsidization by the state, the area selected is that of the broadcast media.

Utilization of the facilities of the five television and radio networks and the numerous private stations in Canada, accounts for the most rapidly accelerating cost factor in political campaigns. In the 1965 election campaign, total costs to political parties for paid time on private radio and television stations amounted to \$1,211,963.91. By 1968 this figure had climbed to \$1,425,528.65. Significantly this does not take into account the free time provided by the networks and private stations which in 1968 totalled 985.85 hours of television and radio time.

Clearly this is an area which merits controls and subsidization.

The Federal Committee on Election Expenses recommends that a total of six hours of prime broadcast time be made available to duly registered national parties on each public and private network, free of cost to the political parties. Parties would be prohibited from purchasing or using any paid time on radio or television in addition to its share of the six hours of subsidized time.

In the elections of 1957, 1958, 1962, 1963, 1965, and 1968, C.B.C. English and French networks provided six, six, six, five, five and a half, and four hours of free time respectively to the national parties. It would appear the present recommendation of six hours on each public and private network is a reasonable one. The allocation of time among the parties would, as in the past, be arrived at by

révélée pratique et efficace. Alors que certains éléments de la société préconisent une maîtrise entière de l'État et que d'autres sont en faveur d'une liberté complète de l'entreprise privée, la solution canadienne a permis de trouver des compromis heureux dans le domaine de la radiodiffusion, du transport, de l'hygiène, et j'en passe.

Nous proposons que ce principe de l'action conjointe de l'État et de l'entreprise privée soit élargi et appliqué au financement des élections. A mon avis, un financement exclusif par l'État pourrait être néfaste pour l'organisation du parti. Par ailleurs, les récentes élections ont démontré que le fardeau du financement des campagnes électorales retombe trop souvent sur quelques épaules.

Dans son étude de 1965 sur les attitudes des Canadiens à l'égard des dépenses d'élection, le professeur J. Meisel a constaté que 67.3 p. 100 du grand public favorise soit un financement total (29.8 p. 100) ou partie (37.5 p. 100) des frais électoraux par les derniers publics.

Pour préconiser un financement partiel par l'État, nous choisissons celui de la radiodiffusion.

L'utilisation des cinq réseaux de télévision et de radio et de nombreuses stations privées au Canada est l'élément qui fait augmenter le plus vite le coût des campagnes politiques. Pour la campagne de 1965, le coût total supporté par les partis politiques pour les périodes de temps payées aux stations privées de radio et de télévision avait atteint \$1,211,963.91. En 1968, ce chiffre est monté à \$1,425,528.65. Il faut remarquer que ces montants ne tiennent pas compte des périodes de temps mises gratuitement à la disposition des partis par les stations et les réseaux privés et en 1968, il y a eu en tout 985.85 heures de télévision et de radio.

De toute évidence, c'est un domaine où des contrôles et des subventions s'imposent.

Le comité fédéral des dépenses électorales recommande un total de six heures, à des périodes de cote d'écoute élevée, soit mis gratuitement à la disposition des partis nationaux enregistrés, par chaque réseau public et privé. A part ces six heures de temps subventionné, il serait interdit aux partis d'acheter et d'utiliser du temps payé à la radio ou à la télévision. Pour les élections de 1957, 1958, 1962, 1965 et 1968, les réseaux anglais et français de Radio-Canada ont accordé respectivement six heures, six heures, six heures, cinq heures, cinq heures et demie et quatre heures, gratuitement aux partis nationaux. La présente recommandation de six heures sur chaque réseau public et privé semble raisonnable. La répartition du temps entre les partis serait, comme par le passé, établie au moyen

negotiation among the representatives of the political parties, the networks and the C.R.T.C. Inherent in the proposal of network free-time would be the inclusion of production time and costs.

5. *Tax Deduction*: Federal recognition for purposes of deduction under income tax law is accorded a multitude of worthwhile causes. Deduction privileges have never applied to contributions to political parties, even though these organizations form an integral part of the democratic system. The failure of parties to press for such recognition, and the neglect of governments to propose such legislation, have placed party contributions in a less favored category thereby serving to reinforce the generally unfavorable impression the public has of political party funds.

Individuals should be encouraged to contribute to the political party of their choice and, by way of incentive, I would propose that donations of up to \$100.00, either to political parties or candidates, be available as deductions for income tax purposes.

b) CANDIDATES:

Many of the foregoing recommendations relating to political parties should be applied to individual candidates:

1. *Disclosure*: Form 61 of the Canada Elections Act (Return of Election Expenses) requires the candidate's official agent to disclose the names and addresses of all donors, and the amounts donated, to campaign funds. As well, the form requires a detailed accounting of all monies spent in connection with the campaign. The failure of many candidates to report either the one, or both, of these requirements indicates the laxity with which this regulation is applied. In 1968, 267 candidates did not report income and expenditure; in 1965—255; in 1963—248; in 1962—198; in 1958—163, and so on.

Enforcement of the legislation has been far from effective. And a completely blind eye has been turned to the imposition of penalties for non-filing.

In an effort to make the political system more credible, the present hypocritical approach must be abolished in favor of realistic controls, effectively implemented. Concomitant with their reporting of election receipts and disbursements, I would recommend that elected members be required to make a full disclosure of their private interests and associations where these could conceivably give rise to conflict of interest cases. In the United States where such cases have been the subject of much public debate, legislation has been introduced which subjects the

de négociations entre les représentants des partis politiques, les réseaux et le C.R.T.C. Cette proposition du temps gratuit accordé par les réseaux comporterait évidemment le temps de production et les frais.

5. *Déduction pour fins d'impôts*: Le gouvernement fédéral accorde des déductions pour fins d'impôts aux dons versés pour toutes sortes d'œuvres valables. Ce privilège de la déduction n'a jamais été appliqué aux contributions aux partis politiques, même si les organisations sont une partie intégrante du régime démocratique. Les partis n'ayant pas insisté pour obtenir ce privilège, et les gouvernements ayant négligé de proposer des mesures législatives en ce sens, les contributions politiques sont dans une catégorie moins favorisée, ce qui renforce l'impression défavorable que le public se fait des caisses électorales.

Les particuliers devraient être incités à contribuer au parti politique de leur choix, et comme mesure d'incitation, je proposerais que les dons ne dépassant \$100, faits à des partis politiques ou à des candidats soient déductibles pour fins d'impôts sur le revenu.

b) LES CANDIDATS:

Beaucoup des recommandations ci-dessus ayant trait aux partis politiques devraient s'appliquer à chaque candidat:

1. *Divulgarion*: La formule 61 de la loi électorale du Canada (Déclaration de dépenses électorales) oblige l'agent officiel du candidat à divulguer les noms et les adresses de tous les donateurs, ainsi que le montant donné aux fonds électoraux. Ce formulaire exige aussi un détail de toutes les sommes dépensées pour une campagne. Beaucoup de candidats ne se sont pas pliés à l'une de ces exigences, ou même aux deux, ce qui démontre que le règlement n'est pas appliqué rigoureusement. En 1968, 267 candidats n'ont pas fait rapport de leurs revenus et dépenses; en 1965: 255; en 1963: 248; en 1962: 198; en 1958 163, et ainsi de suite. L'exécution de cette loi a été loin d'être efficace. Et on a complètement oublié de pénaliser ceux qui avaient négligé de présenter leurs déclarations.

Si l'on veut que le régime politique inspire davantage confiance, il faudra abolir la présente méthode de l'hypocrisie et la remplacer par des contrôles qui soient réalistes et appliqués efficacement. Je recommanderais qu'on oblige les députés, lorsqu'ils font rapport et soumettent leurs reçus et frais d'élection, à dévoiler complètement leurs intérêts privés et leurs relations d'affaires, au cas où ces choses pourraient donner lieu à des incompatibilités. Aux États-Unis, où des cas semblables ont fait l'objet de maints débats publics, on a introduit une loi qui soumet les affaires commer-

business affairs of the administration and of representatives to close scrutiny. In Canada, not even the first steps have been taken to avoid possible abuses.

2. *Limitations on Income and Expenditure:* Few candidates come through campaigns without having accumulated sizable election debts. I do not propose, therefore, that any restriction be placed on the amounts donors can contribute to election funds; rather, electors should be encouraged to contribute so that the burden of financing political campaigns will not fall on the few.

The limitation of expenses, and direct subsidies to candidates, are major features of the legislation already introduced in Quebec and currently proposed by the Royal Commission in Nova Scotia, whereas such proposals were not put forward by the Federal Commission of Election Expenses. To some extent this reflects the differing nature of provincial and federal campaigns. Federal jurisdiction over the broadcast media makes it possible to impose controls on radio and television programming. Lacking these regulatory powers, the provinces place greater reliance on other devices, limitation of expenses and direct subsidies being two examples.

It is difficult to see, however, how candidates can be placed in a position of financial equality merely by limiting the expenditures they may incur, for there will always be differences in the amount of voluntary contribution of work and time that each candidate can generate.

It is proposed, therefore, that, as with political parties, limitations on candidate expenditures be imposed only in the media where public awareness provides its own regulatory powers.

Reinforcing this intent to introduce only those regulations which have reasonable expectation of enforcement, is the knowledge that mass media costs are fast becoming the most expensive part of any election campaign.

I would propose that candidates be allowed to incur expenses of not more than fifteen cents per elector in the print and broadcast media, including television, radio, film production, newspapers, periodicals, posters, billboards, pamphlets and election "gimmicks." This limitation would apply to total expenditures in the media, whether incurred by the

ciales des membres de l'administration et des représentants à un examen rigoureux. Au Canada, on n'a même pas posé les premiers jalons d'une mesure qui permettrait d'éviter la possibilité d'abus.

2. *Restrictions sur le revenu et les dépenses:* Rares sont les candidats qui ont mené une campagne électorale sans accumuler des dettes appréciables. Je ne propose donc pas de limiter le moins du monde les montants que les électeurs peuvent verser à la caisse électorale; il serait plus indiqué d'encourager les électeurs à fournir une contribution, de manière que le fardeau du financement des campagnes politiques ne retombe pas sur la minorité.

La limitation des frais et l'attribution aux candidats d'une aide directe constituent les principaux traits caractéristiques de la loi déjà adoptée au Québec et dont la Commission royale a proposé l'adoption en Nouvelle-Écosse, alors que la Commission fédérale d'enquête sur les frais d'élection n'a formulé aucune proposition en ce sens. Dans une certaine mesure, on peut voir là une indication de la différence qui existe entre les campagnes provinciales et les campagnes fédérales. Fort de sa compétence en matière de radiodiffusion, le gouvernement fédéral peut imposer des contrôles sur l'établissement des programmes, tant pour la radio que pour la télévision. Faute de pouvoirs de réglementation, les provinces comptent davantage sur d'autres moyens, notamment la limitation des frais et l'attribution d'une aide directe.

On voit mal, toutefois, comment les candidats peuvent se trouver sur un pied d'égalité, financièrement parlant, du simple fait qu'on limite leurs frais admissibles, car il y aura toujours des différences en ce qui concerne la somme d'heures et d'efforts bénévoles que chaque candidat saura susciter en sa faveur.

Nous proposons donc qu'on impose, comme cela se fait pour les partis politiques, des restrictions quant aux frais engagés par les candidats, uniquement dans les organes d'information où la conscience populaire assure ses propres pouvoirs de réglementation.

Le fait certain que les frais liés aux organes d'information deviennent rapidement la partie la plus coûteuse des campagnes électorales renforce le désir de n'établir que les règles dont on peut raisonnablement attendre l'observation.

Je proposerais qu'on permette aux candidats de dépenser au plus quinze cents par électeur pour des fins de publicité écrite et parlée, y compris la télévision, la radio, la réalisation de films, les journaux, les périodiques, les affiches, les tableaux d'affichage, les brochures et les «trucs» d'élections. Cette restriction s'appliquerait à l'ensemble des dépen-

candidate himself or his campaign committee, or by individuals or groups of supporters who may wish to advertise on his behalf.

In the 1968 campaign, 887 hours of free time were made available to candidates by private radio and television stations. This contribution by the private stations is to be commended and encouraged, with the stipulation that where free time is made available, it should be provided on an equitable basis to all candidates.

3. *Subsidies*: The high cost of running elections has been a deterrent to many persons who might otherwise have offered themselves as party candidates. The limitations of expenditures a candidate may make in the print and broadcast media, and the provision of the undernoted subsidies for other necessary election expenditures, seeks to redress this inequity.

a) On presentation of official receipts, any candidate who receives at least 15% of the votes cast would be entitled to reimbursement of a sum equal to five cents per elector towards media and advertising costs referred to in Part 2 above.

b) On presentation of official receipts, each candidate would be reimbursed for postage costs of mailing two pieces of campaign literature to every elector in his constituency.

c) "Vote At" cards, now distributed by numerous candidates with resulting duplication of effort and costs, would become the responsibility of the Chief Electoral Officer and his officials.

4. *Tax Deduction*: As outlined above, donations of up to \$100.00 to either political parties or to an individual candidate would be regarded as deductible for purposes of income tax law.

c) DISCLOSURE BY THE MEDIA:

To ensure that controls on the use of the media are not violated and that candidates receive accurate reimbursement for their expenditure, radio and television stations and networks, and newspapers and periodicals, would be required to file reports detailing election programs, insertions and rates. The imposition of higher "political" rates or the extending of preferential rates to any one candidate or party during the period of an election campaign would be considered an offence.

ses faites dans ces directions, qu'elles soient le fait du candidat lui-même ou de son comité de propagande, ou bien d'individus ou de groupes de partisans voulant lui faire de la publicité.

Lors de la campagne de 1968, 887 heures de temps gratuit ont été accordées aux candidats par les stations privées de radio et de télévision. Cette contribution doit être soulignée et recommandée, la seule réserve résidant dans le partage égal, entre tous les candidats, du temps gratuit ainsi mis à disposition.

3. *Aide financière*: Le coût élevé des activités d'élections a découragé maintes personnes, qui se seraient autrement présentées comme candidats d'un parti. On pourrait redresser cette injustice en limitant les dépenses qu'un candidat peut faire pour obtenir une publicité écrite ou parlée et en prévoyant les secours mentionnés ci-dessous, en vue du paiement des autres dépenses inséparables d'une élection.

a) Sur présentation de reçus officiels, tout candidat qui obtient au moins 15 p. 100 des voix aurait droit au remboursement d'une somme égale à cinq cents par électeur, pour ce qui est des frais de publicité dont il est question dans la Partie 2c ci-dessus.

b) Sur présentation de reçus officiels, chaque candidat serait remboursé des frais d'expédition, à chaque électeur de son comté, de deux articles de publicité électorale.

c) Les cartes indiquant l'adresse des polls, que distribuent actuellement maints candidats, constituent double emploi et double dépense; on devrait confier ce travail au directeur général des élections et à ses délégués.

4. *Dégrèvement fiscal*: Comme nous l'avons dit plus haut, les dons faits aux partis politiques ou aux divers candidats jusqu'à concurrence de \$100 seraient admissibles pour fins de dégrèvement fiscal.

c) DIVULGATION PAR LES ORGANES D'INFORMATION:

Pour s'assurer que le règlement sur l'utilisation des organes d'information n'est pas enfreint et que les candidats touchent le remboursement exact de leurs frais, on devrait exiger des stations et des réseaux de radio et de télévision, ainsi que des journaux et des périodiques, la présentation de rapports exposant en détail les émissions portant sur les élections, le nombre des réclames et les taux demandés. Seraient considérées comme délictueuses l'imposition de taux majorés dits «politiques» ou l'autorisation de taux privilé-

d) ENFORCEMENT AND CONTROL:

Compliance with the foregoing proposals will, of course, be impossible without—

a) Realistic and enforceable controls which, if breached, result in severe penalties;

b) A spirit of reform and co-operation among the parties and their officials.

It is not my intention in this paper to detail procedures as to how the proposals suggested in this section should be enforced. Suffice it to say the present regulations have been violated for as long as they have been in existence. No serious attempt has ever been made to enforce them and, in fact, under present legislation, action seeking to redress infractions of the rules has to be initiated by concerned members of the general public at their own expense.

The present lax approach cannot help but encourage evasion. Procedures must be devised for official regulation of election financing and reporting and the penalties which evasive or corrupt practices will merit must be suitably severe so as to discourage violation of the rules.

II. ELECTORAL REFORM—PROCEDURES

1. REGISTRATION OF VOTERS:

Much cooperative research has been done on the system of voter registration in democratic states.

In a recent appearance before the Ontario Select Committee on Election Laws, Professor R. C. Scammon, Director of the Election Research Centre of Government Affairs, Institute of Washington, gave as his opinion that an enumeration system such as we have in Canada, a continuous electoral roll system such as applies in Australia, or the permanent voters' list maintained in Britain—in fact any system which places upon the state apparatus the responsibility for ensuring that people get on the voters' lists—is more practical than one which depends on voluntary registration as is the case in the United States.

The present Canadian system—that of enumeration prior to each election—while providing a comparatively uncomplicated and

giés pour un candidat ou un parti quelconque au cours de la campagne électorale.

d) APPLICATION ET SURVEILLANCE

Le respect des propositions qui précèdent ne pourra évidemment être assuré que par:

a) l'établissement de mesures réalistes, dont on puisse contrôler l'application et qui, en cas d'inobservation, entraînent de graves sanctions;

b) le maintien, au sein des partis et chez les représentants, d'un esprit de réforme et de collaboration.

Je n'ai pas l'intention d'exposer en détail, dans le présent mémoire, les modes d'application des propositions formulées dans le présent chapitre. Qu'il suffise de dire qu'il y a eu violation continue du règlement actuel depuis sa mise en vigueur. On n'a jamais tenté sérieusement d'en assurer l'observation; de fait, aux termes de la loi actuelle, il faut que les citoyens intéressés entreprennent, à leurs propres frais, les démarches nécessaires pour obtenir le redressement des infractions au règlement.

Trop laxiste, le régime actuel ne peut qu'inciter à la fraude. Il importe d'élaborer des méthodes en vue d'édicter un règlement officiel concernant le financement et la diffusion des élections; de plus, il faut enrayer les pratiques frauduleuses ou corruptrices, en prévoyant des peines assez sévères pour empêcher les infractions aux règlements.

II. LA RÉFORME ÉLECTORALE—PROCÉDURES

1. INSCRIPTION DES VOTEURS

On a fait beaucoup de recherches en collaboration au sujet de la méthode utilisée dans les États démocratiques pour l'inscription des voteurs.

Alors qu'il déposait récemment devant l'*Ontario Select Committee on Election Laws* (Comité ontarien des lois électorales), le professeur R. C. Scammon, directeur du Centre de recherche sur les élections de l'Institut des affaires gouvernementales, à Washington, a déclaré que le système d'énumération, méthode employée au Canada, le système de rôle électoral permanent, qui est appliqué en Australie, ou la liste permanente des électeurs, qu'on a établie en Grande-Bretagne, bref tout système qui confère à l'appareil de l'État la responsabilité de l'inscription des voteurs sur les listes électorales, est plus pratique que la méthode de l'inscription volontaire, comme on la trouve aux États-Unis.

Le système qui a cours actuellement au Canada—celui de l'énumération faite avant chaque élection—même s'il permet un relevé

reasonably efficient method of registering the electorate, has certain shortcomings.

A prescribed period of time is necessary between the issuance of the writ and polling day to fulfil the statutory requirements of the Canada Elections Act pertaining to enumeration, preparation of lists and revision. The minimum 57 days required by the Chief Electoral Officer to perform his duties determines that any federal election campaign will be of at least two months duration, a period which many consider too long.

The requirement that an elector must vote in the poll where he has been enumerated has the effect of disfranchising those who move to new locations between enumeration and polling day. This situation was particularly apparent during the 1965 election when thousands of students who were enumerated at their home addresses in early September found themselves denied the privilege of voting in their university locales.

Perhaps the most glaring drawback and the one which produces the most comment concerns the Armed Forces vote. Lacking any system of absentee voting which would make provision for all those away from their homes on polling day to cast their ballot, the special treatment presently accorded the Armed Forces has the effect of singling out their voting patterns for special scrutiny.

Armed Forces personnel, no matter where they are located, cast their votes at any time during the week immediately preceding election day. When a man joins the forces he makes a declaration indicating the constituency to which he wishes his vote to be assigned. He may change that designation in January or February of any year, but at no other time. At the conclusion of the week of voting, all ballots, whether in Canada or abroad, are taken to four central headquarters at Halifax, Ottawa, Edmonton and London, England for counting. The tabulation of these votes is more complicated and necessitates a longer period than ordinary counting procedures, since each ballot must be assigned to the constituency designated by the serviceman in his declaration. As a result the tabulation of the Armed Forces vote is not made public until several days after the regular vote has been announced.

These procedures permit two inequities: First, the voting patterns of the Armed Forces are publicized in a way which applies to no other sector of the voting public;

assez simple et raisonnablement efficace de l'ensemble des électeurs, comporte certaines lacunes.

Il importe de fixer un délai obligatoire entre la délivrance d'un bref et la date du scrutin, afin de satisfaire aux exigences statutaires de la Loi sur les élections au Canada en ce qui a trait à l'énumération, à l'établissement des listes et à la révision. D'après le délai minimum de 57 jours exigé par le directeur général des élections pour accomplir ses tâches, une campagne d'élections fédérales doit durer au moins deux mois, délai que beaucoup estiment trop long.

La condition selon laquelle un électeur doit voter au poll où il a été inscrit a pour effet de désavantager ceux qui déménagent entre la date de l'énumération et celle du scrutin. La chose fut particulièrement évidente au cours des élections de 1965, alors que des milliers d'étudiants ont été inscrits selon leur domicile au début de septembre, puis n'ont pas été admis à voter aux bureaux de leur université.

L'inconvénient le plus frappant et qui suscite le plus de commentaires est peut-être celui qui est lié au vote militaire. En l'absence de tout système de votation pour les absents, qui prévoirait la possibilité, pour ceux qui sont absents de leur foyer, le jour des élections, de donner leur vote, le traitement spécial accordé actuellement aux Forces armées ne témoigne que plus de la nécessité d'étudier leurs pratiques en ce qui concerne le vote.

Le personnel des Forces armées, en quelque endroit qu'il se trouve, dépose son vote n'importe quand au cours de la semaine qui précède immédiatement le jour des élections. En s'enrôlant, le militaire fait une déclaration indiquant le comté pour lequel il désire être inscrit. Il peut changer cette désignation en janvier ou en février, chaque année, mais uniquement à ces époques-là. A la fin de la semaine de votation, tous les votes, tant au Canada qu'à l'étranger, sont rassemblés dans quatre bureaux principaux; à Halifax, à Ottawa, à Edmonton et à Londres (Angleterre), à des fins de comptage. La compilation de ces votes est plus complexe; elle nécessite plus de temps que les procédures ordinaires de comptage, car chaque vote doit être rattaché au comté désigné par le militaire dans sa déclaration. Il en résulte que la compilation du vote militaire n'est rendue publique que plusieurs jours après l'annonce du vote régulier.

Ces procédures donnent lieu à deux injustices. D'abord, les modes de votation des Forces armées sont annoncées d'une manière qu'on ne retrouve dans nul autre secteur électoral;

second, many service voters, often through ignorance, improperly register at the time of regular enumeration in the constituencies in which they happen to be stationed—even though their official registration is a matter of record on their signed declaration. On occasion this has resulted in a serviceman voting illegally in the wrong constituency. Mistakes in this latter category have occasioned a number of controverted elections in Canada, the most recent example being the contestation and subsequent by-election in the constituency of Comox-Alberni in April of this year.

In failing to provide a system of absentee voting, the Canadian system succeeds in disfranchising all Canadians out of the country on government business, i.e. diplomatic staff, trade commissioners, etc.

The British system of maintaining a permanent voters list allows for annual up-dating of the lists and a further period of revision. The new list comes into force on February 16th of each year and serves for all elections for a period of one year. Its greatest drawback is that no names can be added or removed during that period. Under the British system of registration, an election campaign can be limited to as little as three weeks.

The Continuous Electoral Roll system which applies in Australia received detailed study and analysis by Canada's Representation Commissioner during this review in 1967-68 of methods of registration of electors.

The Australian system makes registration compulsory, and the responsibility for enrolment rests directly on the elector. A complete review of the electoral rolls is carried out annually, between January and March, under the direction of permanent returning officers. Persons who move, marry, or come of age in the succeeding months are required to notify their returning officer within 21 days. Changes in the rolls are permitted up to and including the dates of issuance of the writ.

There are certain decided advantages in adopting a system of continuous electoral rolls:

a) It would eliminate the necessity of enumeration, thereby reducing the length of time our election machinery requires from approximately 60 to as little as 30 days.

deuxièmement, bon nombre de voteurs militaires, souvent par ignorance, s'inscrivent mal au moment de l'énumération régulière dans les comtés où ils sont cantonnés, même si leur inscription officielle constitue un élément intégrant de la déclaration qu'ils ont signée. Il en résulte parfois qu'un militaire a voté illégalement dans le mauvais comté. Les erreurs de cette dernière catégorie ont entraîné, au Canada, de nombreux cas d'élections controversées, l'exemple le plus récent étant celui de la contestation qui s'est produite, en avril dernier, dans le comté de Comox-Alberni et de l'élection complémentaire qui s'en est suivie.

En ne fournissant pas de système de vote pour les absents, le régime canadien finit par défavoriser les Canadiens qui se trouvent à l'étranger en service public commandé, c.-à-d. le personnel diplomatique, les délégués commerciaux, et le reste.

Le système anglais, qui prévoit le maintien d'une liste permanente des voteurs, permet la mise à jour annuelle des listes et une période de révision supplémentaire. La nouvelle liste entre en vigueur le 16 février de chaque année et sert à toutes les élections pendant une période d'un an. Son inconvénient le plus sérieux, c'est qu'on ne peut y ajouter de noms ni en enlever au cours de cette période. Sous le système anglais d'inscription, une campagne électorale peut être limitée à une durée aussi courte que trois semaines.

Le système de liste électorale permanente, qui a cours en Australie, a fait l'objet d'une analyse approfondie de la part du commissaire canadien à la représentation au cours de la présente étude des méthodes d'inscription électoral, qui a été faite en 1967-1968.

Le système australien rend l'inscription obligatoire, et ce sont les électeurs qui ont la responsabilité directe de leur consignment sur les rôles électoraux. Ceux-ci sont révisés complètement chaque année, entre janvier et mars, sous la direction des présidents d'élection permanents. Les personnes qui déménagent, se marient ou atteignent l'âge de voter au cours des mois qui suivent sont tenues de notifier leur président d'élection dans les 21 jours. Les modifications aux rôles sont permises jusqu'à la date de délivrance du bref d'élection inclusivement.

Il y a des avantages à adopter un système de rôles électoraux permanents:

a) On élimine ainsi la nécessité de faire l'énumération, et l'on réduit, partant, de 60 à 30 jours la période des formalités électorales. Sauf dans le cas de Terre-Neuve, où les campagnes de trois semai-

It has been my experience (except in Newfoundland where three-week campaigns are the rule rather than the exception) that the general public grows weary of political campaigning long before it reaches its conclusion. But whatever the reaction of the general public, it cannot be compared with the mental and physical strain to which party leaders, their aides, candidates and workers are subjected for the lengthy period of our present campaigns. I have often thought that some of the humane rules developed by the Society for the Prevention of Cruelty to Animals should be applied to persons caught up in political campaigns.

b) Registration, with its built-in safeguards, would permit the introduction of absentee and postal voting procedures. Members of the Armed Forces, government personnel overseas, students, and invalids would be able to avail themselves of one or other of these processes, thereby correcting past injustices.

During the 1966 election in Australia, 10 per cent of the Electorate took advantage of these measures.

A number of arguments will be raised in opposition to the introduction of the Australian system to Canada:

a) *Cost*: It is estimated that the costs of maintaining continuous electoral rolls in Canada could run as high as \$44,000,000 in a four year period, as compared with \$14,428,000 spent in 1968 (or once every four years). However the cost of the present enumeration would be eliminated as would the salaries of hundreds of casual employees the present system necessitates. Furthermore, by a series of relatively minor amendments, federal and provincial regulations regarding voting age, rules of residence and poll boundaries could be brought into conformity, thus permitting the utilisation of the electoral rolls at both levels of government. If this were to be done, the cost of enumeration each time a provincial election is called would be eliminated.

However, cost cannot be equated in dollar terms alone. The saving in wear and tear on the persons on whom campaign responsibilities rest heaviest, also merits consideration.

b) *Difficulty of keeping the rolls up to date*: In his appearance before the House Committee on Election and Privileges, the Representation Commissioner esti-

mes sont la règle, et non l'exception, mon expérience prouve que le public en général se lasse des campagnes politiques bien avant qu'elles ne soient terminées. Néanmoins, quelle que soit la réaction du grand public, elle ne se compare pas avec la tension physique et mentale à laquelle sont soumis les chefs de partis, leurs aides, les candidats et les collaborateurs pendant les interminables campagnes qu'on mène aujourd'hui. J'ai souvent pensé que certaines règles humanitaires élaborées par la Société protectrice des animaux devraient être appliquées aux personnes engagées dans les campagnes électorales.

b) L'inscription, grâce à ses garanties inhérentes de protection, permettrait l'introduction de procédures pour la votation en cas d'absence et par voie postale. Les membres des Forces armées, les fonctionnaires postés à l'étranger, les étudiants et les invalides utiliseraient l'un ou l'autre de ces moyens, et l'on redresserait ainsi les injustices passées. Au cours de l'élection de 1966 en Australie, 10 p. 100 des électeurs ont pu profiter de ces mesures.

Bon nombre d'objections seront soulevées pour empêcher l'introduction au Canada du système utilisé en Australie:

a) *Le coût*: On estime que les frais du maintien, au Canada, de rôles électoraux permanents pourraient atteindre 44 millions de dollars en une période de quatre ans, alors qu'il en a coûté \$14,428,000 en 1968 (montant dépensé une fois tous les quatre ans). Toutefois, le coût de l'énumération qu'on fait actuellement serait éliminé, tout comme les salaires de centaines d'employés occasionnels qu'il faut embaucher en vertu du système actuel. De plus, par une série de modifications assez simples, les règlements fédéraux et provinciaux sur l'âge de voter, les conditions de résidence et les limites des polls pourraient être uniformisés, ce qui permettrait d'utiliser les rôles électoraux aux deux paliers de gouvernement. Advenant l'adoption de ces modifications, le coût de l'énumération, à chaque élection provinciale, serait éliminé. Néanmoins, le coût ne peut s'évaluer uniquement en argent. L'économie d'énergies, pour les personnes qui portent les plus lourdes responsabilités des campagnes électorales, est un aspect digne de considération.

b) *La difficulté de tenir les rôles à jour*: Déposant devant le Comité des élections et des privilèges, le commissaire à la représentation a indiqué, que chaque

mated that approximately 25 per cent of Canada's population moves annually. This would necessitate approximately 2,500,000 changes on the rolls, if the Australian system were to apply here. There was some question on the part of the Committee as to whether methods could be devised to keep track accurately of all these changes. I would suggest that in this era of such astonishing electronic advancement, systems can be developed to cope with such a highly mobile population.

c) *Time Factor*: Some of the discussion during the Commissioner's appearance before the committee centered on the fact that sufficient time would not be allowed for candidates to be nominated and still "cover" their constituencies. While this might provide some hardship in a number of our large rural ridings, improved methods of transportation and communication will render this objection increasingly less relevant.

We are told by the Representation Commissioner that the adaptation of the Australian system to Canada would be administratively feasible, and I for one would welcome its acceptance.

2. PARTY NAME ON BALLOT:

Recognition of the legal status of political parties, as proposed in Section 1, paves the way for inclusion of the candidates party affiliation on the ballot. Numerous instances can be cited where substantial sums of money have been spent in an effort to identify the candidate with his party; the fact that such expenditures have not always achieved their goal is attested to by the fact that many voters seek assistance at the poll in relating candidates to parties. Party affiliation on the ballot would obviate such queries. The frequent mistakes made by voters who, in the privacy of the poll, are unable to remember the name of their party's candidate and gamble wildly when placing their "X" would be eliminated, as would the confusion caused by candidates with similar names.

3. VOTING AGE:

Provincial and federal jurisdictions in Canada exhibit an ambivalent approach to the age at which persons are eligible to vote. To qualify as a voter in a federal campaign, a person must be 21 years of age.

année, environ 25 p. 100 de la population du Canada se déplace. Il faudrait ainsi apporter quelque 2,500,000 modifications aux rôles, si l'on adoptait ici le système australien. Le Comité a exprimé des doutes quant à la possibilité de consigner correctement toutes ces modifications. Je crois que, dans notre ère de progrès électroniques étonnants, il y a moyen de mettre au point des méthodes permettant de relever convenablement ces déplacements de population.

c) *Le facteur temps*: Les délibérations qui ont accompagné la déposition du Commissaire devant le Comité ont porté notamment sur le temps dont disposent les candidats entre la période précédant leur nomination et la visite de leurs comtés. Certes, la chose comporte de grandes difficultés dans un certain nombre de nos grands comtés ruraux; néanmoins, l'amélioration des moyens de transport et de communication rendra cette objection de moins en moins pertinente.

Selon les dires du commissaire à la représentation, l'adoption par le Canada du système australien est concevable sur le plan administratif; pour ma part, je ne peux que la souhaiter.

2. INSCRIPTION DU NOM DU PARTI SUR LE BULLETIN DE VOTE

Du fait de la reconnaissance, proposée dans le chapitre 1^{er}, du statut légal des partis politiques, il deviendra possible d'indiquer, sur les bulletins de vote, l'allégeance politique des candidats. Comme on pourrait le démontrer par de nombreux exemples, d'importantes sommes d'argent ont été dépensées pour tâcher de consigner solidairement le candidat et son parti. Que ces dépenses n'aient pas toujours atteint leur but, c'est ce dont témoigne le fait que nombre d'électeurs demandent l'aide des employés des polls pour déterminer l'allégeance des candidats. En indiquant celle-ci sur le bulletin de vote, on supprimerait des demandes de ce genre. On éliminerait les fréquentes erreurs commises par les électeurs qui, dans le secret du poll, sont incapables de se souvenir du nom du candidat de leur parti et inscrivent leur croix à tout hasard; de plus, ce serait la fin de la confusion qu'engendre une ressemblance de noms chez les candidats.

3. L'ÂGE DE VOTER

Les administrations provinciales et fédérales se font, au Canada, une conception double de l'âge auquel les gens ont droit de vote. S'il s'agit d'une campagne fédérale, le voteur doit avoir 21 ans. Quant aux provinces, l'âge

The provinces vary as follows: B.C., 19; Alta., 19; Sask., 18; Man., 21 (Legislation is now before the House to reduce the age to 18); Ont., 21 (An unofficial statement by Premier Robarts indicates the voting age will be lowered to 18); Que., 18; N.B., 21 (A recent referendum rejected the proposal that the voting age be lowered); N.S., 21; P.E.I., 18; Nfld., 19.

In Britain a Committee on the Age of Majority under the chairmanship of Mr. Justice Latey recently recommended that the age of majority to be reduced to 18. While this proposal has not yet been enacted into law, it no doubt was a determining factor in the decision of Prime Minister Wilson to introduce a bill which will, if passed, lower the voting age in Britain to 18.

I am firmly convinced that the growing and significant participation of young people in the decision-making processes at school, at university and in community activities is recommendation enough that the voting age be reduced to 18 in federal elections.

4. AMENDMENTS TO BROADCASTING REGULATIONS:

From time to time legislation is enacted to meet specific situations, only to remain in effect long after the need for such legislation has any relevance. Certain broadcasting regulations fall into this category and should be amended or repealed:

a) "Black-out" regulations should be made consistent with other branches of the media.

At the present time, the Canadian Elections Act provides for a black-out on all election programming on the ordinary polling day and on the two days immediately preceding it. The Broadcast Act, on the other hand reduces the ban to the day of and the day preceding the vote. In addition, the Broadcast Act prohibits the dissemination of any material of a politically partisan nature on the day of and the day preceding any municipal, provincial or federal campaign with the result that elections in one jurisdiction prevent the airing of political material specifically prepared for other jurisdictions, if campaigns are being waged concurrently.

These conflicting regulations, which increasingly are being violated, suggest to me that broadcasters should be given the same latitude as the print media, namely,

de voter varie comme suit: C.-B., 19; Alb., 19; Sask., 18; Man., 21 (Le Parlement étudie actuellement un projet de loi visant à réduire cet âge à 18 ans); Ont., 21 (Selon une déclaration officielle du premier ministre Robarts, l'âge de voter sera abaissé à 18 ans); Qué., 18; N.-B., 21 (À l'occasion d'un récent référendum, on a rejeté la proposition visant à baisser l'âge de voter); N.-É., 21; Î.P.-É., 18; T.-N., 19.

En Grande-Bretagne, le comité chargé d'étudier l'âge de majorité, présidé par le juge Latey, a recommandé récemment que l'on abaisse la majorité à 18 ans. Même si cette proposition n'a pas encore été adoptée par une mesure législative, elle n'en a pas moins constitué un facteur déterminant de la décision du premier ministre Wilson, qui entend présenter un projet de loi dont l'adoption abaisserait l'âge de voter, en Grande-Bretagne, à 18 ans.

J'ai la ferme conviction que la participation de plus en plus générale et active des jeunes à la prise de décisions au niveau scolaire et universitaire ainsi qu'au sein de la collectivité constitue en elle-même une recommandation pour que l'âge de participation aux élections fédérales soit ramené à 18 ans.

4. MODIFICATIONS AUX RÈGLEMENTS SUR LA RADIODIFFUSION

De temps en temps, certaines lois sont adoptées pour répondre à des besoins précis mais, en définitive, demeurent en vigueur longtemps après qu'elles n'ont plus de raison d'être. Un certain nombre de règlements sur la radiodiffusion se classent dans cette catégorie, et doivent être modifiés ou abrogés:

a) Les règlements concernant les périodes de black-out devraient être conformes à ceux qui sont en vigueur dans les autres secteurs de cette industrie.

À l'heure actuelle, la Loi électorale du Canada exige une période de black-out pour tous les programmes à caractère électoral le jour même des élections ainsi que les deux jours qui le précèdent. La Loi sur la radiodiffusion, par contre, réduit cette interdiction au jour du vote et à celui qui le précède. En outre, cette Loi interdit la diffusion de tout programme politique faisant preuve d'esprit de parti le jour et la veille de toute campagne municipale, provinciale ou fédérale; il en résulte que les élections tenues dans un secteur empêchent l'écoute d'émissions politiques spécialement destinées à d'autres secteurs lorsque les campagnes sont menées concurremment.

Ces règlements contradictoires, de moins en moins respectés, me portent à croire que les radiodiffuseurs devraient bénéficier de la même latitude accordée à

that all blackout restrictions be withdrawn except for purposes of transmitting election results.

b) The Broadcast Act prohibits appeals for funds by political parties. Political parties should and must have the right and the means to educate the public to the realities of political party finance. The sooner we overcome our inhibitions in this regard and launch a public dialogue which will include the solicitation of funds through the media, the better it will be for the party and probably for the electorate.

c) More stringent enforcement of the regulations prohibiting the use of foreign stations by political parties or candidates or their supporters is recommended, to prevent any repetition of the use made by the Liberal Party of the Buffalo station in the 1962 and 1963 campaigns.

III. REFORM OF POLITICAL PARTIES

As a person who believes that healthy political parties are essential to our democratic system I am becoming increasingly alarmed at the growing numbers of people who feel that political parties are no longer relevant. I have no scientific data to support this statement—only the opinions expressed by many persons, young and old, with whom I have discussed the subject.

Much of the critical comment directed to parties is unfair—but it exists. Some of it stems from ignorance of the political party system, some from lack of interest in the Canadian political scene, but much of it results directly from the fact that political parties have been unnecessarily secretive about their operations. At a time when candor and openness are becoming prevalent characteristics of society, political evasion is equated with shame and pretense.

The credibility gap which exists between the party activists' view and the general public's view of political parties must not only be acknowledged, it must be bridged.

The motivation behind the proposals presented in the foregoing section has been a) to ameliorate existing inequities in our electoral practices, and b) to do it in a manner that will make political parties more viable and relevant agents in today's society.

la presse, c'est-à-dire que toutes les restrictions concernant le black-out soient levées, à l'exception de la diffusion des résultats d'élections.

b) La Loi sur la radiodiffusion interdit la sollicitation de fonds par les partis politiques. Ces derniers devraient avoir le droit et les moyens de mettre le public au courant du financement des partis politiques. Plus tôt lèverons l'interdit à cet égard en amorçant un dialogue avec le public incluant la sollicitation de fonds par l'entremise de la radiodiffusion, le mieux ce sera pour les partis politiques et probablement pour l'électorat.

c) On recommande une application plus rigide des règlements qui interdisent aux partis politiques et à leurs candidats ou partisans l'usage de stations étrangères, afin d'éviter toute répétition de la situation provoquée par le Parti libéral qui utilisa le poste de télévision de Buffalo au cours des campagnes de 1962 et de 1963.

III. RÉFORME DES PARTIS POLITIQUES

En tant qu'individu qui croit que des partis politiques actifs sont un élément essentiel de notre système démocratique, je suis de plus en plus inquiet du nombre toujours croissant de personnes qui jugent que ces partis n'ont plus leur raison d'être. Je ne possède aucune donnée scientifique pour supporter cette affirmation, si ce n'est l'opinion exprimée par de nombreuses personnes de tous les âges avec qui j'ai eu l'occasion d'en discuter.

La majeure partie des critiques formulées à l'égard des partis politiques sont injustes, mais sont néanmoins exprimées. Certaines découlent d'une mauvaise connaissance des structures d'un parti, d'autres dénotent un manque d'intérêt dans la scène politique canadienne, mais la plupart sont imputables au fait que les partis politiques ont fait preuve d'une discrétion superflue quant à leur gestion. A une époque où la bonne foi et la franchise deviennent des caractéristiques de bon ton dans la société, les faux-fuyants politiques équivalent au scandale et à la simulation.

Le fossé de méfiance qui existe entre l'opinion du militant de parti et celle du grand public au sujet des partis politiques doit être non seulement reconnu, mais aussi comblé.

Deux motifs ont présidé à l'élaboration des propositions formulées ci-dessous: a) réduire les injustices qui existent actuellement dans nos pratiques électorales, et b) y parvenir de manière que les partis politiques deviennent des auxiliaires plus viables et plus utiles dans notre société.

I have proposed a more candid and open approach in the belief that knowledge and familiarity dispel suspicion. The opening of the political purse to public inspection will educate the electorate to the realities of political finance. It will show beyond any shadow of doubt that whatever the financial situation in election periods, political parties exist on a hand to mouth basis most of the time. The Liberal Party, even while in power, seriously considered closing its national offices because of the lack of funds; the Conservative Party has laboured under the burden of heavy debts for months at a time. Such knowledge would provide an antidote to the belief that large sums of money are readily available to political parties in exchange for political patronage. The time is long past when that hoary myth should be laid to rest, but it can only be done by making the facts available.

I have proposed a realistic approach to limitations on political income and expenditure to avoid past practices of open toleration of abuses. Hypocrisy on the part of political parties and cynicism on the part of the public would diminish if not disappear.

A more equitable approach to campaign expenditures would allow persons, for whom the high cost of elections has previously proven a deterrent, to offer themselves as candidates. The subsidization of certain campaign expenses and the shortening of the length of the campaign would ease the burden on the individual candidate who too often in the past has found himself saddled with substantial election debts.

Incentives offered contributors by way of income tax deductions would hopefully result in larger sums being made available for the development of comprehensive party programs, the establishment of adequately staffed research bureaus and other major necessities in between election periods. In the past such measures have been hopelessly inadequate—not through any absence of good intentions, but because human and financial resources were lacking.

But the foregoing proposals in themselves will not produce an improvement in public attitudes toward political parties. More is required than just a willingness to be candid and fair.

Have the parties recognized the fact—are they willing to recognize the fact—that they must adapt to meet the changing needs of society? When a person says to me, as one did recently, "What's a party for and who cares?" I, for one, am concerned that parties are fail-

Étant convaincu que la connaissance dissipe le doute, j'ai proposé une méthode plus ouverte et plus franche. La mise à jour de la caisse d'un parti politique aux fins de vérification publique permettra de renseigner l'électorat sur les réalités du financement d'un parti. Cette façon de procéder démontrera sans l'ombre d'un doute que quelle que soit la situation financière en période électorale, les partis politiques vivent presque toujours au jour le jour. Même au pouvoir, le parti Libéral a sérieusement considéré la fermeture de ses bureaux nationaux en raison du manque de fonds; le parti Conservateur a dû faire face à de lourdes dettes durant des périodes de plusieurs mois. De telles réalités offriraient un démenti à la croyance qui veut que d'importantes sommes d'argent sont mises à la disposition des partis politiques en échange de faveurs politiques. Il y a longtemps que ce mythe séculaire devrait être enterré, mais on ne peut le faire disparaître qu'en mettant les choses au clair.

J'ai proposé un moyen réaliste de limiter les revenus et les dépenses des partis politiques afin d'éviter l'ancienne et flagrante tolérance des abus. L'hypocrisie des partis politiques et le cynisme du public s'atténueraient, ou peut-être même disparaîtraient.

Une perspective plus juste des dépenses électorales permettrait à certaines personnes, jusque là retenues par le coût prohibitif d'une campagne électorale, de se porter candidates. Des subventions accordées pour certaines dépenses électorales et un raccourcissement de la durée de la campagne soulagerait le candidat qui a trop souvent, par le passé, subi le fardeau de dettes d'élection considérables.

Des primes offertes aux contribuables sous forme de déductions d'impôts pourraient permettre de recueillir des fonds plus considérables pour l'élaboration de programmes d'ensemble, l'établissement de bureaux de recherche mieux dotés en personnel et autres nécessités qui pourraient se présenter entre les périodes d'élection. Ce genre de mesure a été jusqu'à présent irrémédiablement insuffisant, non pas par manque de bonne volonté, mais par manque de ressources humaines et financières.

En elles-mêmes, les mesures déjà citées n'apporteront cependant pas un changement d'attitude du public envers les partis politiques. Le désir de franchise et de loyauté n'est pas suffisant.

Est-ce que les partis ont reconnu, ou vont-ils reconnaître, qu'ils doivent s'adapter aux exigences nouvelles de la société? Lorsqu'on me dit, comme je l'ai entendu récemment, «quelle est l'utilité d'un parti politique et qui s'en soucie?», je suis personnellement inquiet

ing to meet the needs of the society they claim to serve.

Should we not be reminding ourselves that because of their special position in the democratic system, a more significant contribution is required of political parties than of other groups?

What is the role of the political party generally seen to be, and what might it become?

The political party is generally assumed to be one among the many voluntary associations in society, that is, one of a number of private groups as distinguished from public bodies.

But in effect, the political party differs in degree as well as in scope from groups which exist to foster special interests or unite common concerns such as the Canadian Manufacturers' Association, the Canadian Chamber of Commerce or the Boy Scouts' Association.

The political party is a voluntary association insofar as its members are recruited voluntarily from all segments of society, but its interests extend to all aspects of social and economic concern. Its status is quasi-public as compared with the private interest groups one usually associates with the term "voluntary association".

The recommendations I have suggested in preceding section, e.e., disclosure, limitation and subsidization, would have the effect of making the political party an even more public body, and the recommendations for new and extended activities outlined below, emphasizing the social function of the political party, will further serve to distinguish it from other special interest groups.

The political party is generally acknowledged to have two principal functions—political and legislative. I would suggest that the time has come to add a new dimension—the social function.

The political function involves the recruitment of party candidates, and participation in the electoral process. All too often the public impression of the political party association is that its activities begin and end with the nomination of candidates, the provision of election machinery, and the dissemination of party literature. Valuable as these exercises are, party associations deserve to be regarded as something more than robots turned on for action every four years to get their candidates elected, or as mere echo chambers of the party line.

It must be acknowledged; however, that this assumption on the part of the public is based on more than idle speculation. It is true

de voir que ces organismes n'ont pas réussi à répondre aux besoins de la société qu'ils prétendent servir.

Ne devrions-nous pas nous rappeler qu'en raison de leur position particulière au sein d'un système démocratique, les partis politiques se doivent d'apporter une contribution plus marquée que les autres groupes?

Quel semble être le rôle général d'un parti politique, et que pourrait-il devenir?

En général, on suppose que le parti politique est un des nombreux organismes bénévoles d'une collectivité, c'est-à-dire un des éléments du groupe des organismes privés par opposition au groupe des organismes publics.

Cependant, le parti politique est en réalité différent, tant en importance qu'en envergure, des organismes chargés d'encourager ou de coordonner les divers intérêts spéciaux ou communs, soit par exemple l'Association des manufacturiers canadiens, la Chambre de commerce du Canada, ou l'Association des boys-scouts.

Le parti politique est une association bénévole dans la mesure où ses membres sont des volontaires recrutés dans toutes les couches de la société, mais ses intérêts touchent tous les secteurs de la vie sociale et économique. Ses statuts sont pratiquement publics, par comparaison aux organismes privés généralement associés à la notion d'«association bénévole».

Les recommandations formulées précédemment, soit mise à jour, restriction et subventions, rendraient le parti politique encore plus démocratique, et les nouvelles propositions à plus grande portée indiquées ci-dessous, mettant l'accent sur le rôle social du parti, contribueront à mieux distinguer ce dernier des autres organismes à intérêts particuliers.

Il est généralement reconnu que le parti politique possède un double rôle: politique et législatif. Je suggère que le moment est venu d'en ajouter un troisième, soit un rôle social.

Le rôle politique comprend le recrutement des candidats et la participation au mécanisme électoral. Le public a trop souvent l'impression que le rôle du parti politique est restreint à la nomination de candidats, à la mise au point de la machine électorale et à la diffusion de la propagande du parti. Sans vouloir dénigrer l'utilité de ces initiatives, les associations politiques ne doivent pas être considérées comme de simples robots mis en marche tous les quatre ans pour assurer l'élection de leurs candidats, ou comme de simples porte-parole de la politique du parti.

Il faut cependant reconnaître que cette impression du public est fondée sur autre chose que de vaines spéculations. Il est vrai

that many constituency associations come alive only during election periods. Between elections they lie dormant, with such activity as does exist centering around small executives which lack the resources to rouse their membership from lethargy.

What I am proposing is that the party association ought not to be regarded simply as a vote-getting machine; it has a special responsibility in its legislative function to ensure the continued well-being of our democratic system.

Other speakers in this stream will be dealing at length with the relationship between parties and the parliamentary process. My concern is with the legislative function of the extra-parliamentary party, and the degree of participation in the decision-making processes accorded the host of Canadians who identify themselves as party activists; for the degree to which they are involved will reflect the viability of the party as an ongoing institution.

The term "participatory democracy", coined long before Mr. Trudeau made his debut on the political stage, has lost some of its impact through over-usage. But this does not diminish the importance of the concept. Conferences such as this one, and similar conferences being held later this year by the New Democratic and Liberal parties, provide unique opportunities for the general membership to become involved in the discussion and formulation of policy, but one is still prone to question the degree to which such conferences represent the varied interests of the party. Policy conferences should be organized not only at the national, but at regional and constituency levels; and they should bring together not just the elite but the so-called "rank and file".

The extra-parliamentary membership must be involved in the discussion and formulation of policy, not only because it will provide them with a raison d'être for existence other than in election periods, but also because it will better equip them to meet their responsibility as political educators. I said earlier that the democratic system imposes on political parties the obligation to inform the electorate of the issues and to propose solutions to domestic and national problems. This would be impossible of realization if the burden were to fall solely on our 264 Members of Parliament. The extra-parliamentary party must shoulder its share of this responsibility.

en effet que, dans de nombreuses circonscriptions, les associations ne sont actives qu'en périodes électorales. Entre temps, elles demeurent en veilleuse; la seule activité se concentre autour de bureaux de faible envergure qui ne possèdent pas les moyens nécessaires pour secouer leurs membres de leur léthargie.

Je propose que l'association de parti ne soit pas uniquement considérée comme une machine électorale; de par ses fonctions législatives, elle est particulièrement responsable d'assurer le salut de notre régime démocratique.

A ce sujet, d'autres personnes traiteront en détails du rapport entre les partis et le système parlementaire. Je suis intéressé par le rôle législatif du parti extra-parlementaire, et par le degré de participation à la prise de décisions accordée à la foule de Canadiens qui se qualifient de militants; en effet, leur degré de participation reflètera la viabilité du parti comme organisme agissant.

L'expression «démocratie de participation», créée bien avant l'arrivée de M. Trudeau sur la scène politique, a perdu de sa signification par un usage excessif. Son importance n'en est cependant pas diminuée pour autant. Des conférences comme celle-ci et autres réunions analogues qui seront tenues au cours de l'année par le Nouveau parti démocratique et par le parti Libéral, offrent à l'ensemble de leurs membres une occasion unique dans le domaine de la discussion et de l'élaboration de lignes de conduite; toutefois, on est enclin à se demander jusqu'à quel point ces conférences représentent les divers intérêts du parti. Ces conférences devraient être organisées non seulement à l'échelle nationale, mais également au palier de la région et de la circonscription; elles ne devraient pas réunir uniquement l'élite du parti, mais aussi le reste des militants.

Les membres extra-parlementaires doivent être inclus dans les discussions et l'élaboration des lignes de conduite, non seulement parce que ces initiatives leur donneront une raison d'exister en d'autres temps qu'en période électorale, mais aussi parce que cela leur permettra de mieux préparer leur rôle d'éducateurs politiques. J'ai déjà dit que le régime démocratique obligeait les partis à informer l'électorat sur les diverses questions et à proposer des solutions aux problèmes locaux et nationaux. Cette tâche serait irréalisable si elle incombait uniquement aux 264 députés. La section extra-parlementaire du parti doit assurer sa quote-part de cette responsabilité.

But this is not possible unless the party officials realistically encourages the development of a communications system which permits the upward as well as the downward flow of information for purposes of decision-making.

The argument can be made that this is not the case at present. Habits of conformity and subservience dominate political gatherings. Dissent, rather than being encouraged as a means of focussing awareness, is equated with disloyalty. The views of the party hierarchy are accepted without question. Authoritarian attitudes inhibit grass roots activity. When was the last time a constituency association spoke out publicly, not as individuals but as a political group, on matters of concern to its community?

And yet, should not the party association be continually aware that as the group responsible for the initial steps in the democratic process, it has a special obligation to take a stand on matters of public concern. Do we fear that public statements, however constructively critical they may be, may result in controversy? We need to remind ourselves that public comment on legislative action or inaction will come, be it from political opponents or the media. Would not governments be equally as well-served if their political associates were as alert as their political opponents in voicing their concern about situations which call for redress, and in pressing for solutions? It is not the charge of creating tensions within the party structure that disturbs me, so much as the fear that by their lack of action within the community political parties will become increasingly irrelevant.

Which leads me to urge that political parties should assume a social function that will facilitate the creation, through involvement and study, of a public consciousness. What I am suggesting is that parties develop a new role at the constituency level as action groups involved in and concerned with all kinds of social issues—poverty, drugs, law reform, housing, penal reform, status of minority groups, etc.

In a moving address to the General Synod of the Anglican Church at Sudbury in July, Bishop Dean of Cariboo warned that without a radical reform in its structures, the church may have as little as ten years of survival.

Mais cela ne peut être possible que si les dirigeants du parti encouragent véritablement la mise au point d'un réseau de communication permettant un flot pendulaire de renseignements aux fins d'une prise de décision éventuelle.

On peut prétendre que ce n'est pas le cas à l'heure actuelle. Une attitude de soumission domine les congrès politiques. Au lieu d'être encouragée comme une voix de la conscience, la dissension est qualifiée de déloyauté. Les opinions des dirigeants du parti sont acceptées sans discussion. L'attitude autoritaire entrave l'activité fondamentale. Quelle est la dernière fois qu'une association d'une circonscription s'est prononcée publiquement sur des questions intéressant l'ensemble de sa collectivité, non pas à titre personnel mais en qualité de groupe politique?

Cependant, est-ce que l'association du parti ne devrait pas être toujours consciente, en tant que groupe responsable des premiers échelons du régime démocratique, qu'elle a une obligation particulière de se prononcer sur des questions d'intérêt public? Avons-nous peur que les déclarations publiques, quel que puisse être le degré de critique constructive, puissent entraîner une controverse? Nous devons nous rappeler que la critique de notre action ou de notre inaction politique se fera connaître, qu'elle émane de nos adversaires politiques ou du public en général. Est-ce que les gouvernements ne bénéficieraient pas des mêmes avantages si leurs associés politiques faisaient preuve de la même vigilance que leurs adversaires en exprimant leurs inquiétudes au sujet de certains problèmes et en exigeant la prise de mesures qui s'imposent pour les résoudre? A cet égard, je suis plus inquiet de voir les partis politiques devenir de plus en plus inutiles par suite de leur manque d'initiative au sein de la collectivité que de les voir aux prises avec des tensions internes.

Cela m'amène à insister sur le fait que les partis politiques devraient assumer un rôle social qui, par l'entremise de mesures pratiques et théoriques, faciliterait l'éclosion d'une prise de conscience du public. Je propose donc que les partis jouent un nouveau rôle dans le cadre de la circonscription; sous forme de groupes d'action, ils pourraient être engagés dans toutes sortes de problèmes sociaux: pauvreté, drogues, réforme juridique, habitation, réforme pénale, statuts des groupes minoritaires, et ainsi de suite.

Dans une émouvante allocution prononcée devant les délégués au Synode générale de l'Église anglicane, tenu à Sudbury en juillet, l'évêque Dean, de Cariboo, a déclaré qu'à moins d'une réforme radicale de ses structu-

The church, it would appear, is more conscious of the danger inherent in Bishop Dean's warning than are political parties of a similar fate. There is more evidence of radical change in the church in the past five years than in the preceding one hundred. Do political parties think they have reason to escape the fate to which the church has been alerted?

There is a growing danger to political parties that pressure groups, protest movements, student activists, social planning councils, will so establish themselves as agent of social change that parties will have little room to manoeuvre. Many already feel there is so little genuine radicalism inside the party system that anyone wishing to change must look elsewhere.

Unless parties adapt to meet the needs of a changing society—unless party associations become more actively involved in the life of the community—unless we recognize that the need is pressing and the time ripe for the role of constituency associations to evolve into something new and uniquely different—then the day may not be far off when the community will question, with some justification, the privilege of small groups, bearing party labels, to foist their choice of candidates on the electorate.

It seems to me that in order to retain this privilege, which is the essence of their being, Canada's political parties must become much more a part of our "aware" society by assuming this whole new function and structure that I have outlined. Change is rendering many practices obsolete, making the need for new functions more obvious.

I firmly believe that political parties have a unique opportunity to deliver politics back to the people, not through any huckster attempt at a "new" politics, but by means of a "concerned" politics.

I said earlier that essential to the democratic system as we know it is the maintenance of a healthy party system. But I doubt that parties today are in a state of robust health. They are afflicted chronically by apathy, ennui, inertia, anaemia. Total immersion in the life of the community can provide an antidote.

res, l'Église pourrait être appelée à disparaître dans une décennie.

Il semble que l'Église est plus consciente du danger pressenti par les déclarations de l'évêque Dean que ne le sont les partis politiques devant un sort analogue. L'Église a fait place à plus de changements radicaux durant les cinq dernières années qu'elle n'en a connus au cours du siècle écoulé. Est-ce que les partis politiques ont des raisons de croire qu'ils peuvent échapper au danger qui menace l'Église?

Les groupes de pression, les mouvements de protestation, les activistes des mouvements d'étudiants et les conseils de planification sociale qui font figure de champions de l'évolution sociale présentent un danger croissant pour les partis politiques qui n'auront plus qu'un terrain de manoeuvre restreint. Déjà, nombreux sont ceux qui pensent qu'il existe si peu de véritable radicalisme au sein d'un parti que toute personne éprise de changements doit chercher ailleurs.

A moins que les partis ne se conforment aux exigences d'une société en pleine évolution, à moins que les associations politiques ne prennent une part plus active à la vie de la collectivité, et à moins que nous ne reconnaissons qu'il existe un pressant besoin et que le moment est opportun pour modifier les associations des circonscriptions en leur donnant un rôle à la fois nouveau et totalement différent, il est possible qu'avant peu de temps, la collectivité mette en doute, non sans raison, le privilège accordé à de petits groupes portant les couleurs d'un parti politique d'imposer leurs candidats aux électeurs.

Il me semble qu'en vue de maintenir ce privilège, qui est à l'origine même de leur existence, les partis politiques canadiens doivent s'intégrer beaucoup plus solidement à notre société «vigilante» en assumant cette fonction et cette structure entièrement nouvelles que je viens d'expliquer. Les changements entraînent la désuétude de nombreux usages et soulignent la nécessité de nouvelles fonctions.

Je suis persuadé que les partis se voient offrir l'occasion unique de rendre la politique au peuple, non pas par quelque manoeuvre visant à établir une «nouvelle» politique, mais au moyen d'une politique «agissante».

J'ai dit précédemment que le maintien d'une saine structure politique était essentiel au régime démocratique que nous connaissons. Je doute cependant que les partis jouissent à l'heure actuelle d'une bonne santé. Ils sont touchés par une apathie, un ennui, une inertie et une anémie chroniques. Une immersion totale dans la vie de la collectivité peut se révéler un bon antidote.

In summary, I suggest that the development of this new social function will exert a positive influence on the political and legislative functions of parties. Consider for a moment the interrelatedness of these functions.

A well-developed social function at the community level would contribute to a more effective exercising of the legislative function in that the increased volume of communication between the parliamentary and extra-parliamentary groups would create a greater awareness of and a greater sensitivity to social issues on the part of the elected bodies, thereby providing sounder bases for decision-making.

Concurrently, this wider involvement would lead to an ongoing interest in party activity so that it would no longer be necessary for the political function to be cranked up for election periods only—it would be operative on a year-round basis. The political function would be further affected in that the need for costly and intensive election campaigns would diminish as the role, and therefore the public awareness of party activity, increases. And, most important, this new dimension of party involvement would serve to attract and recruit potential candidates and leadership material which otherwise might go unrecognized.

Pour récapituler, je soutiens que la mise au point de ce nouveau rôle social exercera une bonne influence sur les fonctions politiques et législatives des partis. Arrêtez-vous un instant pour étudier la corrélation entre ces diverses fonctions.

Un rôle social bien développé au niveau de la collectivité permettrait d'exercer plus efficacement les fonctions législatives, étant donné que des relations plus étroites entre les parlementaires et les groupes extra-parlementaires entraîneraient chez les élus une meilleure prise de conscience et un plus grand intérêt dans le domaine des problèmes sociaux, établissant ainsi une base plus solide pour la prise de décisions.

Parallèlement, cet engagement plus marqué entraînerait un regain d'intérêt dans l'activité du parti; c'est ainsi qu'il ne serait plus nécessaire de relancer l'action politique uniquement en période électorale, et qu'elle pourrait fonctionner à l'année longue. Cette action politique serait davantage touchée étant donné que la nécessité de campagnes coûteuses et intensives perdrait de l'importance au fur et à mesure de l'augmentation du rôle, donc de la prise de conscience, de l'activité du parti. En outre, et ceci revêt une extrême importance, cet engagement d'une nouvelle envergure permettrait d'attirer et de recruter des candidats et des dirigeants éventuels qui auraient pu demeurer méconnus.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

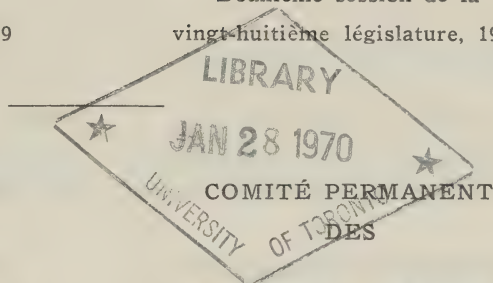
Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969

vingt-huitième législature, 1969

STANDING COMMITTEE
ON



PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 6

THURSDAY, DECEMBER 11, 1969

LE JEUDI 11 DÉCEMBRE 1969

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir *Procès-verbaux*)

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman

and Messrs.

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président

et MM.

Mr. Alkenbrack,
Mr. Benjamin,
Mr. Code,
Mr. Côté (*Richelieu*),
Mr. Duquet,
Mr. Forest,

Mr. Forrestall,
Mr. Fortin,
Mr. Francis,
Mr. Howard (*Skeena*),
Mr. Howe,
Mr. Jerome

Mr. Lefebvre,
Mr. Macquarrie,
Mr. Marceau,
Mr. Murphy,
Mr. Richard,¹
Mr. Trudel—20.

(Quorum 11)

Le greffier du Comité,
R. V. VIRR,
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),
¹ Mr. Richard replaced Mr. Cafik on Dec
11, 1969.

Suivant l'article 65(4)(b) du Règlement
¹ M. Richard remplace M. Cafik le 11 dé-
cembre 1969.

REPORT TO THE HOUSE

THURSDAY, December 11, 1969

The Standing Committee on Privileges and Elections has the honour to present its

THIRD REPORT

Your Committee recommends that it be granted permission to sit in Toronto, Ontario, and that the necessary supporting staff do accompany the Committee.

Respectfully submitted,

Le président,
OVIDE LAFLAMME,
Chairman.

RAPPORT À LA CHAMBRE

Le JEUDI 11 décembre 1969

Le Comité permanent des privilèges et élections a l'honneur de présenter son

TROISIÈME RAPPORT

Le Comité recommande qu'il lui soit permis de siéger à Toronto (Ontario), et que le personnel de soutien nécessaire accompagne le Comité.

Respectueusement soumis,

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, December 11, 1969
(7)

The Standing Committee on Privileges and Elections met this day at 11:10 a.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Code, Côté (Richelieu), Duquet ForreSTALL, Howard (Skeena), Howe, Jerome, Laflamme, Lefebvre, Macquarrie, Murphy, Trudel (12).

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed its study of the Canada Elections Act.

Mr. Hamel outlined the supervisory powers assigned to the Representation Commissioner by the Canada Elections Act. After discussion thereon

On motion of Mr. Duquet,

The Committee *agreed* to recommend the restoration of powers to the Chief Electoral Officer and the withdrawal of supervisory powers from the Representation Commissioner.

On motion of Mr. Lefebvre,

Agreed,—That the Committee seek permission to sit in Toronto and that the necessary supporting staff do accompany the Committee.

On motion of Mr. Howard,

Agreed,—That the Steering Committee study the mechanics of inviting the public to submit briefs to the Committee in Toronto or elsewhere.

After further debate

The Committee adjourned at 12:15 p.m. until 11:00 a.m. Tuesday, December 16, 1969.

[Traduction]

PROCÈS-VERBAL

Le JEUDI 11 décembre 1969
(7)

Le Comité permanent des privilèges et élections se réunit ce matin à 11 h. 10. Le président, M. Laflamme occupe le fauteuil.

Députés présents: MM. Code, Côté (Richelieu), Duquet, ForreSTALL, Howard (Skeena), Howe, Jerome, Laflamme, Lefebvre, Macquarrie, Murphy, Trudel—(12).

Témoin: Le directeur général des élections, M. J.-M. Hamel.

Le Comité poursuit l'étude de la Loi électorale du Canada.

M. Hamel souligne les pouvoirs de surveillance attribués au Commissaire à la représentation aux termes de la Loi électorale du Canada.

A la suite de discussions sur ce sujet M. Duquet propose et

Il est décidé—de recommander de rendre les pouvoirs au directeur général des élections et de les enlever au Commissaire à la représentation.

M. Lefebvre propose et

Il est décidé—que le Comité puisse siéger à Toronto et que le personnel de soutien nécessaire puisse l'accompagner.

M. Howard propose et

Il est décidé—que le Comité de direction étudie la façon dont on pourrait inviter le public à présenter des mémoires au Comité quand il siégera à Toronto et ailleurs au Canada.

Après d'autres délibérations

Le Comité ajourne la séance à 12 h. 15 jusqu'au mardi 16 décembre 1969 à 11 h.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, December 11, 1963.

• 1113

The Chairman: Order, please. I see that we have a quorum for the purpose of taking evidence.

I think we should revert this morning to some of the items under discussion at previous meetings. Some have to do with the powers of the Chief Electoral Officer and the restoration of certain powers to him. As you may know, when Mr. Castonguay resigned as Chief Electoral Officer the House of Commons arranged that he act as Representation Commissioner, with power to ensure that everything worked well in the Chief Electoral Officer's office: I believe it would be appropriate if the Chief Electoral Officer we now have, Mr. Hamel, had precisely the same powers as the Chief Electoral Officer used to have. I believe that Mr. Castonguay already has recommended that his powers relating to the Chief Electoral Officer be abolished. Perhaps we could have some explanations from Mr. Hamel about this.

Mr. J. M. Hamel (Chief Electoral Officer): Thank you, Mr. Chairman. Maybe it is not very appropriate for me to express an opinion on this—this is a major policy decision—but perhaps I could provide the Committee with some background information.

• 1115

In 1963, when the former Chief Electoral Officer, Mr. Castonguay, became, by the Representation Commissioner Act, Representation Commissioner it was quite apparent that his successor as Chief Electoral Officer would have to come from outside his office. There was no heir apparent or presumptive in his office at that time. So the prospective incumbent being unknown at that time, the lawmakers decided to give Mr. Castonguay some supervisory responsibility over the conduct of elections.

Personally if I may express one opinion, I think this was a very wise decision on the part of the legislators because if there is an agency or an administrative body that cannot afford to break down at certain times it has

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le jeudi 11 décembre 1963

Le président: A l'ordre! Je vois que nous avons quorum pour entendre les témoignages. Pour commencer, ce matin, je crois que nous devrions reprendre l'étude de certaines des questions dont il a été question lors des réunions précédentes. Quelques-unes avaient trait aux pouvoirs du directeur général des élections, et à la restauration de ses pouvoirs. Comme vous le savez, lorsque M. Castonguay a démissionné de son poste de directeur général des élections, la Chambre des communes l'a nommé commissaire à la représentation avec les pouvoirs voulus pour assurer que tout aille bien au bureau du directeur général des élections. Il serait à propos, je crois, que M. Hamel, nouveau directeur général des élections, ait précisément les mêmes pouvoirs que le directeur avait auparavant. Je crois que M. Castonguay a déjà recommandé que ses pouvoirs en rapport avec ceux du directeur général des élections soient abolis. Peut-être que M. Hamel pourrait nous donner certaines explications à ce sujet.

M. J.-M. Hamel (Directeur général des élections): Merci, monsieur le président. Peut-être n'est-il pas approprié que j'exprime une opinion à ce sujet, car s'il s'agit d'une décision de principe n'est-ce pas? Je puis toutefois vous donner quelques renseignements de base.

En 1963, lorsque l'ancien directeur général des élections, M. Castonguay est devenu commissaire à la représentation au titre de la Loi pertinente, il était évident que son successeur à la direction général des élections devait venir de l'extérieur de son bureau. Il n'y avait pas à l'époque d'héritier présomptif dans son bureau. Le successeur éventuel n'étant pas connu, à l'époque, les législateurs décidèrent de donner à M. Castonguay certains pouvoirs de surveillance à l'égard des élections.

Personnellement, si je puis exprimer une opinion, je crois que la décision de la Chambre était très judicieuse car s'il y a un organisme ou un corps administratif qui ne peut se permettre de tomber en panne à un

[Text]

to be the election machinery. By doing this the lawmakers more or less ensured that the next election would be conducted according to the same practices, the same general thinking as had been the case in the past since Mr. Castonguay had to make sure that everything would go smoothly.

As for myself, I consider that I was extremely fortunate in having this opportunity to share Mr. Castonguay's experience and knowledge in that field. Without his constant advice and assistance I am sure that I never would have been able to absorb whatever knowledge I have been able to acquire over the past three and a half years. I think he was a very good professor.

Now the question is whether the present arrangement should be continued or whether the situation as it was in the past, before Mr. Castonguay was Representation Commissioner, when he was Chief Electoral Officer, should be restored.

Basically those powers include the discretionary powers to add additional election officers, to extend the periods for doing such things as enumeration and revision. It also includes the power to investigate alleged infractions to the Act and to prosecute. Basically, these are the main powers. In a nutshell, this is mainly covered in subsection (2) of Section 5 of the Canada Elections Act. Subsection (1), first of all, outlines the duties and powers of the Chief Electoral Officer, which are the same as they were in the past except that subsection (2) qualifies this as follows, and I quote:

(2) The Chief Electoral Officer shall, in the exercise of his powers and the performance of his duties referred to in subsection (1), be responsible to and act under the direction and supervision of the Commissioner.

So this is basically the situation at the moment.

The Chairman: Mr. Howard.

Mr. Howard (Skeena): As one who was involved in an indirect way with the situation in the early sixties—I think Mr. Hamel said 1963—when the redistribution structure was established, I think what Mr. Hamel says is absolutely correct and reflective of the feeling and the desire at that time. And because we have always tried, and have been successful at it, to ensure that the operation of the Chief Electoral Officer's structure and office is one which reflects a non-partisan attitude on the part of Parliament, there always has been the activity of consultation and an attempt

[Interpretation]

moment donné, c'est l'organisme électoral. Ce faisant, les législateurs se sont assurés que la prochaine élection, se ferait comme auparavant suivant les mêmes pratiques, dans le même optique général que par le passé et M. Castonguay devait s'assurer que tout irait bien.

Pour ma part, j'étais très heureux d'avoir l'occasion de partager l'expérience et les connaissances de M. Castonguay dans ce domaine. Sans ces conseils constants, et son assistance, je suis sûr que je n'aurais jamais pu absorber toutes les connaissances que j'ai pu acquérir depuis trois ans et demi. Je crois qu'il a été un excellent professeur.

Maintenant la question est de savoir si les dispositions actuelles devraient se poursuivre ou si la situation antérieure, avant que M. Castonguay ne devienne Commissaire à la représentation et alors qu'il était directeur général des élections, s'il faudrait la restaurer.

Fondamentalement, ces pouvoirs comprennent les pouvoirs discrétionnaires d'ajouter des directeurs du scrutin, de prolonger la durée de certaines choses, comme l'énumération et la revision. Ils comprennent aussi le pouvoir d'examiner les présumées violations de la loi et de prendre des mesures judiciaires. Voilà les principaux pouvoirs, en un mot, cela se trouve dans le paragraphe 2 de l'article 5 de la Loi électorale du Canada qui se lit comme suit:

(2) Le directeur général des élections est comptable au commissaire de l'exercice de ses pouvoirs et de l'accomplissement de ses fonctions, que mentionne le paragraphe (1), et il doit agir sous la direction et la surveillance du commissaire.

Voilà essentiellement la situation à l'heure actuelle.

Le président: M. Howard.

M. Howard (Skeena): Ayant été directement mêlé à la situation au début des années 60—M. Hamel a parlé des années 1963—lors de la redistribution de la carte électorale, ce que M. Hamel a dit est absolument exact et reflète les désirs et les aspirations à l'époque, parce que nous nous sommes toujours efforcés avec le plus de succès possible de nous assurer que les structures et les rouages du bureau électoral ne reflètent pas une attitude partisane de la part du Parlement... Il y a toujours eu des consultations et des tentatives pour s'assurer que chaque groupe représenté

[Texte]

to ensure that every group represented in Parliament is in agreement with what takes place, both in relation to the appointment and selection of a Chief Electoral Officer and in relation to his activities. This is one area in the conduct of our free and democratic elections where we do not want partisanship to become involved, and I think we have always been able to remain aloof from that.

There was unanimous agreement on Mr. Hamel after he had been carved up and looked at by all the political parties in whatever manner they do it. I for one—and I am sure there would be no disagreement about this—have found the choice to have been an excellent one, in the subsequent events of elections and conversations with Mr. Hamel. It would seem to me most appropriate and correct that we now take this other step of in fact completely and fully confirming Mr. Hamel in the position of Chief Electoral Officer.

I am in complete agreement, and so are the members of the New Democratic Party, who, just coincidentally, really thought about this some weeks ago when the prospect of the Committee inquiring into the Elections Act came to the fore. We thought, just generally at that time, without communicating it to anybody else, that this would be the necessary thing to do. So there is complete agreement with the suggestion that you make.

The Chairman: Thank you, Mr. Howard. Mr. Forrestall.

Mr. Forrestall: Perhaps my colleague would like to follow that up?

The Chairman: Mr. Macquarrie?

Mr. Macquarrie: I do not want anyone to think that the New Democratic Party has been thinking any more about the issue, or thinks any more of Mr. Hamel, than we do. I always regretted the “ad hocery” that was necessary in relation to the existing legislation, but I did recognize that the “ad hocery” was necessary.

I think we should now revert to the status of the Chief Electoral Officer being in fact the chief.

I quite agree with what is clearly a point of view here. I have not checked the legislation of either act on whether or not our intent will require anything further than the section to which Mr. Hamel referred in both documents; but, if so, I think it would be wise to do it, and do it quickly.

[Interprétation]

au Parlement soit d'accord tant pour ce qui est de la nomination que pour le choix du directeur général des élections et de son travail. Voilà un domaine, où dans la conduite de nos élections libres et démocratiques, nous ne voulons pas que l'esprit de parti s'introduise et, je pense que nous avons toujours été au-dessus de cela.

Il y a eu accord unanime dans le choix de M. Hamel, après que celui-ci eût été l'objet de la plus minutieuse étude par tous les partis politiques. Pour ma part—et je pense que personne ne me contredira—je suis parfaitement d'accord à ce sujet. Je trouve que le choix a été excellent et nous en avons eu la confirmation dans les élections subséquentes et par mes conversations avec M. Hamel. Il me semble donc tout à fait souhaitable et approprié que nous prenions maintenant cette autre mesure pour confirmer pleinement M. Hamel dans ses fonctions de directeur général des élections.

Je suis parfaitement d'accord, et il en va de même pour les membres du Nouveau parti démocratique qui, par pure coïncidence, ont songé à la chose il y a quelques semaines lorsqu'on a envisagé la possibilité que le Comité enquête sur la loi électorale. On a pensé, en général à l'époque, sans en faire part à qui ce soit, que c'était la chose qui s'imposait. Nous sommes donc parfaitement d'accord avec votre proposition.

Le président: Merci, monsieur Howard. Monsieur Forrestall.

M. Forrestall: Mon collègue voudra peut-être poursuivre dans ce sens.

Le président: Monsieur Macquarrie?

M. Macquarrie: Je ne veux pas que personne pense que le Nouveau parti démocratique ait songé plus à ce problème, ait songé plus à M. Hamel que nous-même. J'ai toujours regretté l'«ad hoc» crie qui existait dans la loi actuelle, mais je me suis aperçu que cette «ad hoc» crie était nécessaire. Maintenant, je pense que nous devrions en revenir au statut du directeur général des élections qui est en effet le chef. Je suis parfaitement d'accord avec ce qui paraît bien être ici un point de vue personnel. Je n'ai pas vérifié la législation ou chacune des lois, et je ne sais pas si nous proposons de faire exiger d'autres dispositions en plus de celles que prévoit l'article auquel M. Hamel s'est référé dans les deux documents. Mais, dans l'affirmative, je pense qu'il serait sage de le faire et de le faire rapidement.

[Text]

The Chairman: Thank you, Mr. Macquarrie. Although we may have the quorum of 11 members to pass motions, if we agree on the principle of complete restoration of the earlier powers that the Chief Electoral Officer used to have, the draft legislation could be prepared and submitted back to us.

Is there any further discussion on this particular item? I have some further points that I want to bring to your attention today about the function of the Chief Electoral Officer.

Some hon. Members: Agreed.

The Chairman: Another item which I would like to bring to your attention in relation to the function of the Chief Electoral Officer, as Mr. Howard has quite accurately mentioned, is that the control of the expenses of the Chief Electoral Officer is not actually statutory. This means that as Chief Electoral Officer he has always to refer to the House of Commons when he has some expenses to be approved. He is not free to do it.

I submit the idea—and this exists in many other provinces—that budget control of the Chief Electoral Officer should be statutory. This would mean that the Chief Electoral Officer would not have to ask the Secretary of State and, later on, the House of Commons for permission to spend money when he requires to.

Perhaps we should ask Mr. Hamel to tell us the exact situation which exists relative to this right to spend.

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Mr. Hamel: Thank you, Mr. Chairman. If you will recall, this is a matter I touched upon earlier this year when I submitted a detailed account of the expenses of the last election. I feel quite free to speak about this now—although these are comments again—because not only have I the concurrence of a senior official of the Treasury Board but I am also doing it at his suggestion.

At the moment the operations of the office of the Chief Electoral Officer are paid for out of two different sources. There are what we call the administrative expenses, which cover the normal expenses of my office and which have to be budgeted and approved by the Treasury Board before being submitted to Parliament in exactly the same manner as does any other government department.

[Interpretation]

Le président: Merci, monsieur Macquarrie. Bien que nous puissions obtenir éventuellement un quorum de 11 membres pour adopter des motions si nous adoptons le principe de la restauration entière des pouvoirs conférés autrefois au directeur général des élections, alors le projet de loi pourrait être préparé et soumis à nouveau au Comité.

Y a-t-il d'autres observations à ce sujet? Il y a d'autres questions que j'aimerais porter à votre attention aujourd'hui quant aux fonctions du directeur général des élections.

Des voix: D'accord.

Le président: Il y a une autre question que je voudrais vous signaler au sujet des fonctions du directeur général des élections, comme M. Howard l'a mentionné avec justesse, c'est que le contrôle des dépenses du directeur général des élections n'est pas une question prévue par la Loi. Autrement dit, en sa qualité, le directeur doit toujours s'en référer à la Chambre des communes pour l'approbation des dépenses qu'il doit faire. Il n'est pas libre de les approuver lui-même.

Je voudrais simplement vous soumettre l'idée—et cette situation existe dans beaucoup d'autres provinces—que le contrôle budgétaire du bureau du directeur général des élections devrait être prévu par la loi. Ce qui voudrait dire que le directeur général des élections n'aurait pas à demander au secrétaire d'État ni, plus tard, à la Chambre des communes, la permission de faire les dépenses qui s'imposent. Peut-être, devrions-nous demander à M. Hamel de nous exposer la situation exacte en ce qui a trait à son droit de faire des dépenses.

M. Hamel: Merci, monsieur le président. Si vous vous souvenez bien, j'en ai discuté plus tôt cette année lorsque j'ai présenté un exposé détaillé des dépenses électorales pour la dernière élection. Je me sens très libre d'en parler, au risque de répéter certains commentaires, parce que je le fais non seulement avec l'approbation d'un fonctionnaire supérieur du conseil du Trésor, mais aussi sur ses propres conseils.

En ce moment, les activités du directeur général des élections sont financées à partir de deux sources. Il y a ce qu'on appelle les dépenses administratives qui englobent les dépenses ordinaires de mon bureau et qui doivent faire l'objet d'un budget approuvé par le conseil du Trésor avant d'être présentées au Parlement, comme c'est le cas pour tout autre ministère du gouvernement.

[Texte]

The other aspect, or the other side, of the operations deals with, all the expenses incurred in connection with a specific election, be it a general or a by-election. This is statutory. This is paid out of the unappropriated Consolidated Revenue Fund.

In terms of actual amount, the administrative budget is usually between \$175,000 and \$200,000 a year, even during a year of a general election. I will explain later why this is not increased at the time of a general election.

On the other side of it, the statutory expenses usually run in excess of \$350,000 a year, even between elections, because we have to buy stocks of forms and books for the next election.

There is considerable inter-relationship between these two activities, because my administrative budget is directly influenced by a number of factors over which I have absolutely no control. A very simple example is the number of by-elections that may be held during a year. We usually try to establish our travel budget and our expenses for stationery, telephone and telegrams on the basis of four by-elections per year. But a couple of years ago we had eleven. That means that we cannot operate with the budget that has been approved by the Treasury Board, so we have to seek supplementary estimates. It may be purely academic, because I want to emphasize that I have never had any problems in the past with the Treasury Board about getting additional money.

But the other side of the coin, the aspect mentioned to me by this senior official of the Treasury Board, is that the Treasury Board is more or less in a position only to rubber stamp my request. When the last general election was called I needed \$180,000, which is almost the same amount that I had previously budgeted for my administrative budget. I am pretty sure that everybody appreciates that the Treasury Board is in no position to question whether or not I need that money to conduct the election. Furthermore, from a purely academic point of view, you may say that the government indirectly is in a position to control my operations at a very critical time.

Another aspect of this is that this additional money was given to me from the Department of Finance's own budget. As a result, it is not shown as expenses of elections. It is hidden in the so-called contingencies vote of the Department of Finance.

I understand that the Treasury Board may have some observations about this. I really do

[Interprétation]

L'autre aspect des opérations a trait à toutes les dépenses qui comporte une élection déterminée, qu'elle soit générale ou complémentaire. Cela est prévu dans la Loi. Cela est financé à même le fonds du revenu consolidé sans destination spéciale. En termes de montants effectifs, le budget administratif s'établit entre \$175,000 et \$200,000 par an, même au cours d'une année électorale. Je vais expliquer plus loin pourquoi il n'est pas plus élevé au cours d'une année électorale.

Quant à l'autre aspect, les dépenses statutaires se chiffrent annuellement par plus de \$350,000, même entre les élections, car il faut se procurer des stocks de formules, de livres en vue de la prochaine élection.

Il y a beaucoup de rapports entre ces deux activités, car mon budget administratif est directement influencé par un certain nombre de facteurs tout à fait indépendants de ma volonté. Voici un exemple fort simple, celui du nombre d'élections complémentaires pouvant être tenues au cours d'une année donnée; nous essayons d'établir un budget de déplacements, de nos dépenses, de papeterie, de télégrammes, de téléphones sur la base de quatre élections complémentaires par année. Il y a quelques années, nous en avons eu 11 au cours de l'année. Cela veut dire que nous ne pouvons pas fonctionner d'après un budget approuvé par le conseil du Trésor. Il nous faut demander des fonds supplémentaires. C'est peut-être purement spéculatif, mais je dois souligner que jamais dans le passé, je n'ai eu de problèmes avec le conseil du Trésor pour obtenir des fonds supplémentaires.

D'un autre côté, il y a cet aspect que ce haut fonctionnaire du conseil du Trésor m'a indiqué c'est-à-dire que le conseil du Trésor ne fait plus ou moins qu'approuver automatiquement mes demandes. Au cours des dernières élections générales, j'avais besoin de \$180,000, soit presque le même montant qui avait été inscrit à mon budget administratif précédent. Je suis tout à fait sûr que tout le monde se rend compte que le conseil du Trésor n'est pas en mesure de mettre en doute mes besoins pour mener l'élection à bien. De plus, au point de vue spéculatif, on peut dire que le gouvernement, indirectement, est en mesure de contrôler mes opérations à un moment décisif.

D'autre part, ces fonds supplémentaires m'ont été accordés à même le budget du ministère des Finances lui-même. Donc, cela ne figure pas comme une dépense électorale. Ceci s'inscrit sous le crédit «éventualités» du ministère des Finances.

Je crois comprendre que le conseil du Trésor aurait quelques observations à faire à ce sujet.

[Text]

not know the actual substance of the observation. This is something one of the officers told me recently.

In some cases I would say it even presents a pretty awkward situation. If I am not taking too much of your time, gentlemen, I would like to explain what happened in 1967 when we had these general elections in the Northwest Territories.

The actual expenses for the elections are, of course, statutory, but if I have to send one of my officers up there because of some problems, this comes out of my statutory budget.

In 1967, instead of using the same returning officers as in the past, we had 14 new returning officers and we did not feel it was appropriate nor fair to these people to just throw the book at them and say, "You conduct the election." We felt that some training was

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necessary. Had I called these 14 people to Ottawa at an expense, probably, in excess of \$11,000—this is statutory—no questions would have been asked except perhaps by the Committee, but on the other hand had I felt it would be more efficient from more than one point of view and cheaper to send one or two of my officers up there to train these people in a centrally located place such as Yellowknife or Whitehorse, this would have had to come out of my administrative budget. At that time, since this had not been foreseen, I had to go to Treasury Board and seek additional funds, something like \$1,200, which in effect were to save at least \$6,000 of public funds. In a sense it is a bit ridiculous to seek permission of the government to save money because we are in kind of a straitjacket.

As I said and I want to emphasize this, I have never encountered any problem with the Treasury Board. The only problem, in fact, is twofold. One, which is mainly academic, as I mentioned earlier, is the fact that technically the government may at critical times control my operations and the second, it only adds in many cases to our own redtape.

The Chairman: Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, I think Mr. Hamel dealt with this in a very lucid and easily understandable way, but there is something additional involved, which we talked about earlier, the relationship of

[Interpretation]

Je ne sais pas au juste quelle est la teneur exacte de ses observations. Ceci m'a été rapporté récemment par l'un des fonctionnaires du Conseil.

Dans certains cas, je dirais même que cela mène à une situation particulièrement embarrassante. Messieurs, je ne voudrais pas prendre trop de votre temps, mais j'aimerais vous dire ce qui est arrivé en 1967, lors de la tenue des élections générales dans les Territoires du Nord-Ouest.

Les dépenses électorales effectives sont naturellement prévues par la Loi, mais si je dois envoyer un de mes fonctionnaires pour régler certains problèmes, les dépenses impliquées viennent alors en déduction de mon budget statutaire.

En 1967, au lieu d'employer les mêmes directeurs du scrutin qu'auparavant, nous en avons pris 14 nouveaux. Nous n'avons pas cru qu'il était ni juste ni souhaitable de donner simplement à ces gens un bouquin et de leur dire: «Allez-y!» Nous avons cru qu'il fallait

les former. J'ai donc demandé à ces 14 personnes de venir à Ottawa, ce qui a occasionné des dépenses de plus de 11,000 dollars. Il s'agit de d'une dépense statutaire. Personne n'aurait posé de questions, sauf peut-être le Comité. D'autre part, si à mon sens, il est plus efficace à plus d'un point de vue et moins coûteux d'envoyer un ou deux de mes fonctionnaires là-bas pour former ces gens dans un endroit central comme Yellowknife ou Whitehorse, les dépenses dans ce cas sont imputées sur mon budget administratif. A ce moment-là, vu que cette dépense n'avait pas été prévue, j'ai dû demander au conseil du Trésor 1,200 dollars de fonds supplémentaires, pour épargner environ 6,000 dollars des fonds publics. Il est donc un peu ridicule de demander au gouvernement la permission d'épargner de l'argent puisque nous sommes dans une camisole de force.

Je n'ai jamais eu de problèmes véritables avec le conseil du Trésor. Le problème que j'ai eu présente deux aspects. Il s'agit surtout d'un problème spéculatif. Le gouvernement peut à un moment critique contrôler mes opérations et deuxièmement, c'est un problème qui fait ressortir notre bureaucratie interne.

Le président: Monsieur Howard.

M. Howard (Skeena): Monsieur le président, je crois que M. Hamel nous a fort bien expliqué la situation. Toutefois, j'aimerais revenir à quelque chose dont nous avons discuté plus tôt, soit les rapports entre le bureau

[Texte]

the office of the Chief Electoral Officer to Parliament and the attempt to ensure that this office is for the purpose of giving effect to the full feeling of democracy that we have and not something else. I can understand everybody's feeling that Treasury Board which has as its head a political person, a person who is involved in the partisanship of parties, a person who is involved in the conduct of the elections in an attempt to convince the voters that that particular party is the right one and so on, is an awkward area.

We also, I think, should consider, inasmuch as the committee system of Parliament has undergone some changes in the last few years and is still undergoing changes by the mere process of development and we do not foresee everything that committees might be involved in although, I am sure, many members can see some of the difficulties that committees are having as a result of this growing process in finding a function and a position within the Parliamentary structure, whether we might not take precipitous action right at the moment. Not that I disagree, I do agree with the proposition as put forward that there is an area there that needs to be sorted out and needs to be dealt with, but whether we might not consider looking at it in a little more detail and give some thought to the prospects of the relationship with the office of the Chief Electoral Officer through the Privileges and Elections Committee as a part of the whole relationship to Parliament.

Committees now, as we all know, can only deal with those things which Parliament or the House of Commons refers to them. We have no authority under the rules to initiate some inquiries or to initiate subject matters for examination and because the rules in the House are such, it is almost a necessity, in order for a committee to have some subject matter to study, for the government to make the decision. In other words, because government controls the Order Paper, in effect, and has the authority to juggle its business and determine what a committee is going to study or if a committee is going to study anything,

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whether we might not think in terms of trying to carve out an area of activity on a more precise basis than exists now in so far as the Committee's relationship to Parliament is concerned—I am talking of this Committee—and the office of the Chief Electoral Officer and his relationship to Parliament in the total sense, not through the Treasury Board or in any other way.

I just raised that because I think there is an area in so far as the relationship with the

[Interprétation]

du directeur général des élections et le Parlement et la tentative de s'assurer que ce poste ou cette fonction permet de réaliser les objectifs démocratiques de notre société. Si je comprends bien, chacun croit que le conseil du Trésor a à sa tête une personne qui a été nommée par politique et qui pourrait donc affecter la tenue d'une élection. Cette personne pourrait convaincre les votants que tel ou tel parti est le meilleur parti et que l'on doit voter pour celui qu'il recommande.

C'est pourquoi, d'après moi, nous devrions tenir compte de ce qui suit: si le système des Comités du Parlement a connu des changements au cours des dernières années et continuant de subir des modifications à l'heure actuelle, et qu'on ne peut pas prévoir dans quelles situations les Comités seront engagés, je suis certain que plusieurs députés comprennent très bien les problèmes des Comités par suite de la difficulté de trouver leur fonction dans la structure parlementaire. Alors, n'allons pas prendre des mesures précipitées. Je ne suis pas en désaccord, bien au contraire, je suis plutôt d'accord avec les propositions qui ont été faites par M. Hamel, mais je pense qu'il faut les étudier soigneusement et davantage en détail, par l'entremise du Comité des privilèges et élections pour tenir compte des relations entre le poste de directeur général des élections et les exigences du Parlement.

N'oubliez pas que les Comités ne peuvent étudier que ce qui leur est confié pour étude par le Parlement et la Chambre des communes. Nous n'avons pas les pouvoirs nécessaires pour entreprendre de notre plein gré des études nouvelles. Les règles sont strictes et prévoient qu'il est indispensable qu'un Comité se voit féliciter un mandat de la part du gouvernement. C'est le gouvernement qui contrôle le feuillet et qui a l'autorité voulue pour établir les questions qui seront étudiées et c'est le Parlement qui précise le mandat de chacun des comités, leurs fonctions et leurs attributions. Il faudrait peut-être

en arriver à établir des relations plus précises entre le système des comités et le Parlement, et de la même façon, entre le poste de directeur général des élections et le Parlement sans avoir à passer par le conseil du Trésor.

Je soulève cette question qui a trait au rapport du bureau du directeur général des élec-

[Text]

office of the Chief Electoral Officer is concerned, if the Committee could be effectively established on a more permanent basis than exists now. In other words, if perhaps we could effect some alteration in the rules that would place the Committee on a more permanent basis as a sort of extension of the House of Commons in relationship of the office of the Chief Electoral Officer, we might be able to develop the financial relationship in such a way that it would be more nonpartisan and less subject, as Mr. Hamel said, although we doubt that this will ever occur, to the whims and idiosyncracies of whoever might happen to be the controlling influence in Treasury Board or over Treasury Board at any given time.

I simply raised this as a thought at the moment which I think might require some further exploration to see if we can develop something—we are undergoing growing pains, we are trying to develop a system that is more meaningful and more viable in itself—rather than take the immediate action of agreeing that the financing should be of a statutory nature, and has to go through Treasury Board and be subject to whatever might exist there.

I was sort of thinking out loud at the moment, Mr. Chairman, hoping that we might be able to explore it further rather than make determination about it right at this stage.

Perhaps before I leave I could pose a question to Mr. Hamel about the urgency involved which he can answer right away or later on. Is it necessary to take immediate action or can this wait for further exploration?

Mr. Hamel: As I believe I pointed out, I do not feel very strongly one way or the other. This was something I believe I raised with your Chairman as a result of a conversation I had with a senior official of the Treasury Board in discussing some of the purely routine problems we had in the office. There is certainly no matter of urgency and, as I said, I do not feel strongly about it one way or the other because Treasury Board so far has never done anything to hamper my operations. In fact, I have always had 100 per cent co-operation.

Mr. Howard (Skeena): Thank you.

The Chairman: Mr. Macquarrie.

Mr. Macquarrie: Mr. Chairman, as Mr. Hamel presented the matter I thought, then, it was one which would require further consideration. It was a fundamental one. Mr. Howard has moved it into an area even more profound which, I think, requires an exami-

[Interpretation]

tions et je me demande si l'on ne devrait pas établir les comités sur une base plus permanente? Alors, est-ce que le poste de directeur général des élections ne devrait pas subir le même sort? Faudrait-il modifier les règlements pour placer les comités dans une situation plus permanente, étant en quelque sorte, une extension de la Chambre des communes? A ce moment-là, il faudrait établir quelles seront les relations financières et préciser qu'elles ne doivent pas être partisans. Je me demande si jamais cela sera réalisé. Mais il faut éviter le fait que le directeur général des élections puisse être influencé par la personne qui occuperait le poste de président du conseil du Trésor au moment des élections.

C'est pourquoi il faudrait étudier davantage ces propositions. Nous connaissons une évolution pénible et nous tentons d'établir un système plus viable, plus sûr et plus efficace au lieu de prendre des mesures immédiates et dire que le financement doit être fait d'une façon statutaire, et passer par le Conseil du Trésor.

Je vous communique à voix haute les réflexions qui me viennent à l'esprit actuellement, monsieur le président, et je suis sûr qu'on pourra les étudier davantage au lieu de prendre des décisions précipitées.

Je pourrais peut-être poser la question à M. Hamel, quant à ce qu'il croit être la gravité de la situation. Croit-il qu'il est urgent d'adopter des mesures ou pourrait-on attendre d'avoir étudié davantage le sujet?

M. Hamel: Comme je l'ai fait remarquer, je n'ai pas formulé d'opinion à ce sujet. J'ai discuté de la question avec votre président. Après des entretiens avec un haut fonctionnaire du conseil du Trésor; c'est pourquoi je vous communiquais ces réflexions. Il s'agit de problèmes courants que nous avons à notre bureau. Je ne crois pas que la situation soit très grave ou très urgente de sorte qu'il faille prendre des mesures immédiates. Disons, que jusqu'ici, j'ai obtenu la collaboration la plus entière du conseil du Trésor.

M. Howard (Skeena): Merci.

Le président: Monsieur Macquarrie.

M. Macquarrie: De la façon dont M. Hamel a présenté la question, il me semble qu'il faudrait l'étudier davantage. Il s'agit d'une question fondamentale et mon collègue, M. Howard, a bien souligné qu'il faut se rendre compte que la question est très grave et a

[Texte]

ation of a good many things such as the whole fiscal pattern of responsibility and what does happen to those administrative aspects of the over-all government which are, and of right, objects and subjects of responsibility to Parliament rather than to the administrative, to the executive. I think we should look at these. I suppose you could carry it to a *reductio ad absurdum* that at some time an executive might say we cannot afford an election. This is the brittle legality at the present time. Of course it is an absurdity, but at the same time to forestall even the most remote absurdities is one structure of good government. I would agree that we had better look at it a little further and I think it should be improved. Generally, that is my feeling.

The Chairman: Mr. Howe.

• 1140

Mr. Howe: Mr. Chairman, I was rather interested in this reference made to contingency funds of the Department of Finance and if my memory serves me correctly I think the Auditor General made some remarks about contingency funds in some of his reports, did he not? Did he have any particular remark to make about this particular one that you spoke about, Mr. Hamel?

Mr. Hamel: Not that I can recollect. As you well remember, the finance contingency vote is quite enormous. It is in millions of dollars and the share I borrowed or got from that fund is relatively small. It is less than \$200,000, but still it is part of the over-all package.

Mr. Howe: Petty cash, for instance?

Mr. Hamel: I understand it is used for every unforeseen emergency, or unforeseen circumstance.

Mr. Howe: Of course, even if this change were made that you are speaking about, making it statutory, there would be occasions when you would have to come back for supplementaries anyway, would there not? If our inflationary trend goes on, why no one knows what an election will cost in 10 years from now.

Mr. Hamel: It would not change anything from what we actually do at the present time in that respect, because I do not have a clue as to how much the next general election is going to cost and this is statutory. We set up the tariff of fees under Section 60 of the Canada Elections Act which is approved by the Governor in Council and everything has to be paid on that basis. Therefore every

[Interprétation]

bien des ramifications. Elle met en cause plusieurs responsabilités financières et plusieurs aspects administratifs qui relèvent de l'ensemble du Parlement plutôt que de l'administration ou de l'exécutif. Il faudrait étudier la situation à fond. En voulant prouver par l'absurde, on pourrait dire qu'un directeur pourrait décider que nous ne pouvons nous payer une élection. Pour l'instant, c'est notre point fragile. Nous devons éliminer la possibilité d'en arriver à des situations absurdes. Cette prévoyance manifeste la santé d'une structure gouvernementale. Il faut étudier la situation à fond, de façon à l'améliorer.

Le président: Monsieur Howe.

M. Howe: Si ma mémoire est fidèle, l'auditeur général n'a-t-il pas parlé des fonds de réserve pour les éventualités du ministère des Finances.

N'a-t-il pas fait quelque observation particulière au sujet des fonds dont vous avez parlé, M. Hamel?

M. Hamel: Je ne me rappelle pas. Comme vous savez, le crédit des dépenses imprévues du ministère des Finances est très considérable. Il contient des millions de dollars et la part que j'ai reçue de ce fonds est peu élevée. Il s'agit de moins de 200,000 dollars, mais cela fait partie encore du montant global.

M. Howe: La petite caisse, pour ainsi dire.

M. Hamel: Je crois qu'on s'en sert pour des situations d'urgence ou des circonstances imprévues.

M. Howe: Bien sûr, même si l'on effectuait la modification que vous mentionnez, soit de rendre ce crédit statutaire, il y aurait des cas où vous auriez à demander des fonds supplémentaires, n'est-ce pas?

M. Hamel: Cela ne modifierait pas la façon de procéder à ce sujet, parce que nous n'avons aucun indice nous permettant de déterminer les frais des prochaines élections générales et cela est statutaire. Nous avons établi le tarif des honoraires en vertu de l'article 60 de la Loi électorale du Canada approuvée par le gouverneur en conseil et nous devons nous fonder sur ce tarif pour payer les frais des

[Text]

enumerator gets so much and if we have 70,000, well we only know the cost afterwards, because it is on a per-electors basis in most cases. Most of the election officers are paid on a per-electors basis.

The only aspect of my operations that would be affected is my regular annual budget of operation—the salaries of my staff, the normal telephone expenses, travel expenses and this kind of thing. It would not change anything else regarding my staff, who would still come under the Public Service Employment Act for recruitment, promotion and that kind of thing.

I would still be subject to the general control throughout the government with respect to travel, for instance; the mode of travel, the equipment that we can buy and so on. This has no direct influence on the operations themselves. It is strictly a matter of having this part of my expenses approved beforehand by the Treasury Board before being submitted to Parliament and it always ends up in this Committee, as you well know.

Mr. Howe: It is just since the Committee system has changed that the estimates have all been brought before the Committee. They used to be discussed in the House of Commons before this practice of bringing all the estimates before committees took place. This is an area in which we are not sure we are giving it the same scrutiny as was before given in the case of quite a number of the estimates. I go along with Mr. Macquarrie and Mr. Howard that this is a step—probably not a big step but one where we sometimes wonder whether we are giving away control of the House of Commons to committees or something like that which we have seen growing and gathering force for the last short period of time. I think we should give a lot of consideration before we make any changes in the procedure that was followed before.

The Chairman: Thank you, Mr. Howe. I see we now have a quorum and perhaps we could turn back to the earlier principle on which we agreed. May I have a motion that the powers of the Chief Electoral Officer be restored to what they were in the past and that appropriate amendments to the Act be made accordingly and submitted back to us for approval.

[Interpretation]

élections. Par conséquent, tous les énumérateurs reçoivent de tels honoraires et si nous en avons 70,000, ce n'est qu'après l'élection que nous savons combien cela a coûté car dans la plupart des cas, on calcule les frais selon les nombres d'électeurs. La plupart des officiers d'élection sont payés d'après les électeurs.

Le seul aspect de mes opérations qui serait affecté est mon budget annuel d'exploitation—notamment, les traitements de mon personnel, les dépenses ordinaires pour le service téléphonique, les frais de voyage et ainsi de suite. Cela ne modifierait rien en ce qui concerne mon personnel, qui relèverait encore de la Loi sur l'emploi dans la Fonction publique quant au recrutement et aux promotions.

Nous serions encore sous contrôle général du gouvernement, en ce qui concerne les voyages, par exemple, les moyens de transport et le matériel que nous pouvons acheter. Cela n'a aucune influence directe sur notre fonctionnement. Il s'agit plutôt de faire approuver d'avance ces dépenses par le conseil du Trésor avant de les présenter au Parlement, et comme vous le savez, cela revient toujours au présent Comité pour étude.

M. Howe: Depuis que le système des Comités a été modifié, toutes les prévisions budgétaires sont étudiées en Comité. Elles étaient discutées en Chambre, avant que ne soit adoptée la procédure d'étudier toutes les prévisions budgétaires en Comité. Nous ne sommes pas sûrs si nous étudions un bon nombre d'entre elles avec autant d'attention qu'on le faisait auparavant. Comme l'ont dit MM. Macquarrie et Howard, il s'agit d'une mesure—peut-être pas très importante—mais au sujet de laquelle nous nous demandons parfois si nous ne passons pas aux Comités le contrôle exercé par la Chambre des communes et cela va s'amplifiant depuis quelque temps avant de prendre des mesures quant à la modification de la procédure suivie jusqu'ici.

Le président: Merci, monsieur Howe. Je vois que nous avons maintenant le quorum. Peut-être que nous pourrions revenir au principe sur lequel nous nous étions déjà mis d'accord. Pourrais-je avoir une motion portant qu'on rétablisse les pouvoirs que le directeur général des élections détenait dans le passé et qu'on apporte les modifications appropriées à la Loi, qui nous seraient ensuite soumises pour approbation.

[Texte]

Mr. Duquet: I so move.

Motion agreed to.

The Chairman: As you know, we decided earlier that we would look into the possibility of having a joint meeting with the Ontario Select Committee on Election Laws. They requested that we go to Toronto instead of their coming here. Our Clerk has been in touch with the Chairman, Mr. Dunlop, and his staff and they suggested that an appropriate date might be January 15. We could go on Wednesday evening and sit the whole day on January 15. We could take more time if we needed it, but I believe a full day of discussion with them would clear up many of the issues that we want to discuss. For this we have already tabled a report in the House but we need to have a motion by this Committee seeking permission to sit in Toronto and for the Clerk and necessary supporting staff to accompany the Committee.

As the Committee has already agreed that we go to Toronto if they were not able to come to Ottawa and sit with us, does this meet with the approval of the members of the Committee now? If so and if the motion is passed, I will table a report requesting authority to go to Toronto on January 15 to sit with the Select Committee on Election Laws. Yes, Mr. Howard?

Mr. Howard (Skeena): Mr. Chairman, I am not averse to this procedure, but as you recall we raised the general question earlier of the worth-whileness or the propriety, probably, of the Committee's going to a particular place without taking some steps to afford others, and those we go to meet with, the opportunity to appear before the Committee and make a presentation if they so desire.

As you recall, in Halifax and Quebec and Fredericton we got into that area of discussion and at that time it seemed to me that it was not really a valuable thing in the sense of the money expended for the information received. I would not want to go through the same sort of situation in Toronto, or elsewhere for that matter, keeping in mind as I understand it, that there has been a fair amount of prior publicity given to people in the City of Regina. To what extent they have taken it up and indicated their desire to appear before the Committee and make known their views I do not really know. But I

[Interprétation]

M. Duquet: Je le propose.

Motion adoptée.

Le président: Comme vous le savez, nous avons décidé d'étudier la possibilité de tenir une réunion conjointe avec le Comité spécial de l'Ontario sur les lois électorales. On nous a demandé de nous rendre à Toronto car ils ne pouvaient pas venir à Ottawa. Notre greffier a communiqué avec le président de ce Comité, M. Dunlop, et son personnel et on nous a proposé que la date qui conviendrait le mieux serait peut-être le 15 janvier. Nous pourrions nous rendre à Toronto le mercredi soir et siéger le 15 janvier, toute la journée. En ce cas de besoin, on pourrait prendre plus de temps, mais je crois qu'une journée complète de discussion avec les membres de ce comité nous permettrait d'étudier un bon nombre des questions qui nous intéressent. Nous avons déjà présenté à la Chambre un rapport à ce sujet, mais nous avons besoin d'une motion de la part du Comité pour obtenir la permission de nous réunir à Toronto, et nous voudrions que le greffier et le personnel de soutien nécessaire puissent accompagner le Comité.

Comme ce dernier s'est déjà mis d'accord sur le fait que nous pourrions nous rendre à Toronto au cas où les gens de Toronto ne pourraient pas venir à Ottawa pour siéger, êtes-vous d'accord avec cette motion? Si la motion est adoptée, je déposerai un rapport demandant l'autorisation d'aller à Toronto le 15 janvier et de siéger avec le Comité spécial sur les lois électorales. Monsieur Howard?

M. Howard (Skeena): Monsieur le président, je ne m'oppose pas à cette façon de procéder, mais si vous vous rappelez, nous avons déjà soulevé cette question d'ordre général, à savoir si cela valait la peine que le Comité se rende à un endroit déterminé sans prendre les mesures voulues pour que d'autres gens—et ceux que nous allons rencontrer—aient les moyens de se présenter devant le Comité et d'exposer leurs idées s'ils le désirent.

Si vous vous en souvenez bien, à Halifax, comme à Québec et à Fredericton, nous avons discuté de ce sujet et à ce moment-là—il me semblait que cela ne valait pas la peine—si l'on considère ce que nous avons dépensé par rapport aux renseignements que nous avons obtenus. Je ne voudrais pas que la même situation se produise à Toronto ou ailleurs, se rappelant qu'on a fait assez de publicité concernant les gens de la ville de Regina. Je ne sais pas jusqu'à quel point ils ont exprimé leur désir de comparaître devant le Comité pour exposer leurs idées. A mon avis, nous devons nous assurer non seulement que nous

[Text]

think we not only have to make sure, because we are dealing with the right of people to vote, that we provide every opportunity for people to appear, but that we make it look that way as well and publicize the fact. If people do not want to come or do not take advantage of it and consider that their rights of democracy are properly protected or dealt with, that is their business. But I think we could develop a reaction against going somewhere simply for the purpose of meeting one particular group and excluding anyone else who might want to appear. I wondered if this part of it had been looked at.

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The Chairman: Yes. I do not want to push the members for a decision one way or another, but I would just mention that this idea of meeting with the members of the Select Committee of the Legislature of Ontario has already been decided unanimously by the members of this Committee. The only problem left was whether they were coming here or we were going there. Therefore, as they requested that we go there, it is up to you to decide whether or not we will go. The appropriate time for this would be January 15. We need authority from the House now because we will not have time to obtain this authority when we resume after the Christmas recess. Yes, Mr. Macquarrie?

Mr. Macquarrie: I quite agree with what you are saying, Mr. Chairman, but I do not think that it is actually counter to the question which Mr. Howard believes is pertinent also. I certainly support the motion, as I support the idea, but I do not know whether we should be considering that our visit to Toronto be in such a form that as well as meeting with this important Select Committee we also make ourselves available to hearing other people. That will then open the question, which we must not lose sight of, that if we move elsewhere we will have to recall and recover from the mistake we made when we went to Eastern Canada and did not give the people there an opportunity.

In other words, while I am not at all a devotee of too much pilgrimaging about I would want the whole thing kept in broad perspective—that we do not go to City A and meet with a small group, move on to City B and meet the general public and forget that we have already been in City L and did not give anyone a chance. So I think Mr. Howard is right, that we should consider this. But on this point of our going, these people have

[Interpretation]

fournissons à tous l'occasion de se faire entendre, mais également que nous faisons comprendre à tous qu'ils peuvent en profiter, parce qu'on s'occupe du droit des gens au vote. Si les gens ne veulent pas venir ni en tirer parti et s'ils pensent que les droits qu'ils possèdent en démocratie sont respectés, cela est leur affaire.

A mon avis, il se peut qu'on s'oppose au fait que nous nous rendions à un endroit pour rencontrer un groupe particulier et qu'on ne permette pas à une autre personne de se faire entendre. Je me demande si l'on a considéré cette question.

Le président: Oui. Je ne voudrais pas influencer les membres du Comité en ce qui concerne leur décision à ce sujet. Mais je veux simplement mentionner que cette proposition visant à rencontrer les membres du Comité spécial de l'Ontario a déjà été acceptée à l'unanimité par le Comité. Il s'agissait uniquement de déterminer si le Comité venait à Ottawa ou si l'on se rendait à Toronto. Puisque le Comité de l'Ontario nous a demandé de nous rendre à Toronto, vous devez décider si l'on y va ou non. La date appropriée pour cette rencontre serait le 15 janvier. Nous avons besoin maintenant de l'autorisation de la Chambre parce que nous n'aurons pas le temps d'obtenir cette permission à notre retour des vacances de Noël. Oui, monsieur Macquarrie?

M. Macquarrie: Je suis d'accord avec ce que vous dites, monsieur le président, mais je ne pense pas que cela s'oppose réellement à la question qui, selon M. Howard, est aussi importante. Bien sûr, j'appuie aussi bien la motion que l'idée même, mais je me demande si nous devrions considérer que notre visite à Toronto a pour but de rencontrer non seulement le Comité spécial, mais aussi d'autres groupes et d'autres personnes. Il ne faudrait quand même pas répéter l'erreur que nous avons commise lorsque nous sommes allés dans l'est du pays, où les gens n'ont pas eu l'occasion de nous exprimer leur opinion.

Autrement dit, bien que je ne sois pas tellement en faveur de trop longs voyages, j'aimerais bien que toute l'affaire soit considérée sous une large perspective. Il ne s'agit pas d'aller par exemple visiter la ville A pour rencontrer un groupe de témoins, puis de nous rendre dans la ville B pour rencontrer le public et oublier que nous avons déjà visité la ville L sans leur donner l'occasion d'exprimer leur opinion. Par conséquent, je donne raison

[Texte]

been very helpful, it is more convenient for us to go, we are actually initiating it, and I think the trip to Toronto is quite in order. However, I think it would be wise—we have until January 15—to arrange an extra day to see if anyone wants to come and give us his view.

Mr. Howard (Skeena): That is the point I was getting at.

Mr. Macquarrie: I do not hate Toronto at all.

Mr. Howard (Skeena): Did you say you do not like Toronto?

Mr. Macquarrie: I do not hate Toronto at all.

The Chairman: Could I say, from information that I received from our clerk, Mr. Virr, that the meeting on January 15 is going to be a jointly chaired one with the members of the Select Committee of the Ontario Legislature. So for January 15 we cannot appropriately have people from outside. But if it is the view of the members that from now on up to January 15 we should inform the public that if they would like to appear before us and present briefs, we would meet them there on January 16. Is this agreeable?

Some hon. Members: Agreed.

The Chairman: In what way will it be done, by way of advertisement in the papers?

Mr. Macquarrie: I do not think it would be at all difficult to have the Ontario people agree to giving us the use of provincial buildings. Then I think we would have to start advertising and say that on January 16 we will be in the East Block, or wherever it is, and will be hearing petitioners, and tell them how to get in touch with us.

The Chairman: Perfect. Yes, Mr. Lefebvre.

Mr. Lefebvre: Mr. Chairman, I think Mr. Howard and other members have a very good point. I think by meeting this Select Committee in the Ontario House we will have already made quite a step forward, because this Committee is made up of all parties represented in the Ontario House and we will get quite a cross-section of opinions of the

[Interprétation]

à M. Howard lorsqu'il dit que nous devrions tenir compte de cet aspect. Mais en ce qui concerne ce voyage, ces gens nous ont été très utiles; il est plus commode d'y aller. En réalité, c'est une nouvelle façon de procéder et je pense que le voyage à Toronto est de mise. Cependant, il serait sage, d'ici le 15 janvier, de prévoir un jour supplémentaire pour permettre à ceux qui le voudraient, d'exprimer leur opinion.

M. Howard (Skeena): C'est justement ce que je voulais dire.

M. Macquarrie: Je n'en veux pas du tout à la ville de Toronto.

M. Howard (Skeena): Avez-vous dit que vous n'aimiez pas Toronto?

M. Macquarrie: Je ne déteste pas du tout cette ville, loin de là.

Le président: D'après les renseignements que me donne notre greffier, M. Virr, se pourrait-il que la séance du 15 janvier soit présidée conjointement avec les membres du Comité spécial de la Législature de l'Ontario? Ainsi, pour le 15 janvier, il ne serait pas approprié d'entendre l'opinion de personnes de l'extérieur, mais si les membres du Comité le désirent, d'ici le 15 janvier, nous pourrions aviser le public que s'il veut exprimer son opinion, on pourra nous présenter des mémoires à Toronto le 16 janvier. Cela vous convient-il?

Des voix: Oui, d'accord.

Le président: Alors, comment allons-nous procéder. Allons-nous publier des annonces dans les journaux?

M. Macquarrie: Je pense que nos collègues de l'Ontario voudront bien nous permettre d'utiliser les salles des édifices provinciaux. Nous devrions donc commencer par publier des annonces disant que nous serons disponibles à l'édifice de l'Est, et que nous sommes disposés à entendre les intéressés, et comment ils peuvent se mettre en rapport avec nous.

Le président: C'est parfait. Oui, monsieur Lefebvre.

M. Lefebvre: M. Howard et les autres ont raison. Je crois que si nous rencontrons ce Comité spécial, dans les édifices de la Législature de l'Ontario, nous aurons déjà fait un grand pas en avant, étant donné que ce Comité est formé de membres qui représentent tous les partis de l'Assemblée législative de l'Ontario et, de ce fait, nous disposerons

[Text]

various political parties and will have the benefit of the great study these gentlemen have made.

In respect of briefs from other bodies, what other bodies, people, or societies are we going to accept briefs from? Are we going to have a chance to ask these people to forward their briefs to this Committee two weeks prior to our visit so that we can choose which ones we will have time to discuss, or are we just going to leave the door wide open and let anybody walk in with a brief? If it is one man representing one opinion, I do not know whether or not that opinion will be worthwhile studying, but if he represents a group of persons who have made a study of Canada's electoral laws then I think everybody would be agreeable to studying it. What regulations are we going to set up? We might end up with 55 people, each with a brief, coming in. I believe we have to have some regulations.

The Chairman: I think regulations should be established in respect of the form of presentation. Perhaps we should request that submissions be made to us in writing so that we can table them. Then, judging from the number that we, receive, we could decide whether to listen to just a verbal summary of their brief.

Yes, Mr. Forrestall.

Mr. Forrestall: I have just one observation to make. It seems to me that the point made in respect of both Fredericton and Halifax, the costly venture we went on earlier, must be thought out a little more clearly in light of what we are talking about now. It was my understanding—and I do not believe that it was necessarily implicit in any action the Committee has taken today—that we were perhaps going to shy away from any kind of a national tour. Speaking for myself, I would be very much adverse to getting into the area of inviting public submissions in Toronto until such time as we were very clear about our attitude with regard to the West. I think that if we go to Toronto to speak to a Select Committee that has done an extensive piece of work, that is one thing, but if we decide to go to Toronto and invite opinions from perhaps the organized political parties in that province and other interested groups, then we must be very careful to have stated beforehand that it is our intention to do the same in other provinces.

[Interpretation]

d'un profil d'opinion des divers partis politiques et pourrions bénéficier des grandes connaissances de ces messieurs.

Quant aux mémoires présentés par d'autres organismes, je me demande quels sont les organismes, groupes ou sociétés dont nous accepterons les mémoires? Peut-être devrions-nous demander aux groupes intéressés de nous faire parvenir leurs mémoires, deux semaines avant que nous nous rendions à Toronto, ce qui nous permettra de choisir ceux que nous sommes intéressés à rencontrer, pour ne pas arriver à la dernière seconde à Toronto, et laisser la porte grande ouverte à toute personne qui vient présenter un mémoire? S'il s'agit d'un particulier qui veut exprimer son opinion personnelle. Je me demande si la chose en vaut la peine, mais si ce particulier représente un groupe de personnes qui ont déjà fait une étude sur les lois électorales du Canada, je pense bien que tout le monde serait d'accord de l'entendre. Quelles règles allons-nous établir? On pourrait finir par avoir 55 particuliers qui se présenteraient chacun avec son mémoire; c'est pourquoi je pense qu'il doit y avoir des règles bien établies.

Le président: Je pense qu'il faudrait préciser la forme que devraient prendre les mémoires présentés. Nous devrions peut-être exiger que les mémoires nous soient soumis par écrit, pour qu'ils puissent être déposés. Ensuite, d'après le nombre de mémoires que nous recevrons, nous pourrions décider d'entendre simplement un résumé de leur document. Oui, monsieur Forrestall.

M. Forrestall: J'avais une seule observation à faire. Il me semble que ce qui a été dit à propos de Fredericton et de Halifax—l'aventure coûteuse dont il était question plus tôt—doit être bien pesé à la lumière de ce dont il s'agit actuellement. J'ai cru comprendre—et je ne crois pas que cela soit nécessaire implicite dans les mesures prises par le Comité aujourd'hui,—que nous allions éviter toute sorte de tournées nationales. Personnellement, je m'opposerais à cette question d'inviter le public à nous présenter des mémoires à Toronto jusqu'à ce que notre attitude à l'égard de l'Ouest soit bien définie. Si nous allons à Toronto pour parler au Comité spécial, qui a fait un très bon travail, c'est d'accord, et d'inviter les opinions des partis politiques, organisés dans cette province, et d'autres groupes intéressés, il nous faudra d'abord déterminer d'avance, et bien clairement que nous avons l'intention de faire la même chose dans d'autres provinces.

[Texte]

I raise this because I would not want to see the Committee put in the position of having Mr. Bennet or somebody stand up and say, "Here is a further question of alienation of the West, we are a forgotten people out here; they do not care about us."

The Chairman: Thank you, Mr. Forrestall.

Mr. Forest: Mr. Chairman, has the Ontario Committee submitted a report, with recommendations, so that we could study them ahead of time?

The Chairman: There is a preliminary report that has been tabled at the Legislature there. I think Mr. Hamel has a copy of it.

Mr. Forest: If that could be circulated amongst the members during the recess we could have a look at it and we would then know on what specific items we could question them, when meeting there?

The Chairman: The Clerk tells me that he will make copies available for circulation before the recess.

Mr. Forest: That is a good idea.

Mr. Howard (Skeena): We have talked about a lot of things and what you require now are some motions or some action. I think you require endorsement of the idea that we would be prepared to meet on January 15 with the Select Committee of Ontario.

The Chairman: Yes.

Mr. Howard (Skeena): We cannot always deal with these things when twenty people are trying to do it, but the mechanics and the procedures about the Committee's hearing additional people, the advertising, the regulations as to briefs beforehand...

The Chairman: This could be left to the steering committee.

Mr. Howard (Skeena): ...could be dealt with by the steering committee. I think if I could just move the two motions, not at the same time but in sequence, we might be able to effectively work out something.

The Chairman: I think this is a very good suggestion—it will leave time for the members of the Committee to speak on other points we have under discussion today. I

[Interprétation]

Je soulève cette question, parce que je n'aimerais pas voir le Comité devenir la cible de critiques de la part de M. Bennet ou d'autres personnes et de les entendre dire: «Voici une autre question qui risque d'éloigner encore plus l'Ouest. On nous oublie; on ne s'intéresse pas à nous!»

Le président: Merci beaucoup, monsieur Forrestall.

M. Forest: Est-ce que le Comité de l'Ontario a déjà présenté un rapport et des recommandations pour que nous puissions les étudier avant de nous y rendre?

Le président: Oui, il existe un rapport préliminaire qui a été déposé à l'Assemblée législative de l'Ontario. M. Hamel en a un exemplaire.

M. Forest: Pourriez-vous nous distribuer ce document ou le faire circuler pour que nous puissions voir quelles sont les questions précises qui y sont traitées et être en mesure de poser nos questions en conséquence?

Le président: Le greffier dit qu'il va obtenir un nombre suffisant d'exemplaires pour vous les distribuer avant la fin de la séance.

M. Forest: C'est une bonne idée.

M. Howard (Skeena): Nous avons discuté de plusieurs points, et ce que vous demandez à présent ce sont des motions ou l'adoption de certaines mesures. Vous demandez d'appuyer l'idée selon laquelle nous serions disposés à rencontrer le Comité spécial de l'Ontario le 15 janvier.

Le président: Oui.

M. Howard (Skeena): Nous ne pouvons pas toujours nous occuper de ces choses lorsqu'une vingtaine de personnes essaient de le faire, mais c'est le rouage et la procédure établis pour entendre des témoins supplémentaires, la publicité, les règlements relatifs aux mémoires...

Le président: Le Comité de direction pourrait s'en charger.

M. Howard (Skeena): Cela pourrait être réglé par le Comité de direction. Je crois que si je présente les deux motions peut-être pas à la fois, mais l'une à la suite de l'autre, nous pourrions en venir à quelque chose.

Le président: Cette proposition me paraît excellente d'autant plus que les membres du Comité disposeront de plus de temps pour discuter d'autres questions inscrites à l'ordre

[Text]

think your suggestion could be approved—that the matter of adjusting the mechanics be referred to the Standing Committee.

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Mr. Forrestall: Could it be included in one of those general motions that some of our thought and intention is in regard to the rest of Canada?

Mr. Howard (Skeena): You mean the most important part of Canada.

Mr. Forrestall: The youngest part of Canada.

The Chairman: I will put the first motion that the Committee seek permission to sit in Toronto, and that the Clerk and the necessary supporting staff accompany the Committee.

Motion agreed to.

Mr. Howard (Skeena): I move that the Steering Committee be empowered to study the mechanics of the invitation of the public in Toronto, and report to the Committee on January 16.

Motion agreed to.

Mr. Hamel: For the information of the Committee, regarding the report of the Select Committee on Election Laws of Ontario, this was a preliminary report published in February, 1969, and then on November 4 of this year a bill was introduced which received third reading last week. They have now finished with their work, and this is their new act.

The Chairman: May we have copies of both?

Mr. Hamel: Yes.

Mr. Lefebvre: Does anyone know, Mr. Chairman, if this preliminary report was a unanimous report of the Committee?

Mr. Hamel: The report itself is relatively short. It covers only seven or eight pages. The rest is a draft legislation which, in fact, was introduced almost as is, with a few minor editorial amendments. Mainly, the gist of their recommendations is on pages 6 and 7 of this report.

Mr. Lefebvre: I was wondering if this had been a unanimous report of the Committee, or was a vote taken and was it strictly along party lines?

[Interpretation]

du jour. Votre proposition portant sur la question de mettre au point la façon de procéder soit déferée au Comité de direction pourrait être approuvée.

M. Forrestall: Pourrait-on l'inclure dans une de ces motions d'ordre général portant nos intentions en ce qui concerne le reste du Canada.

M. Howard (Skeena): Vous parlez de la plus importante partie du Canada.

M. Forrestall: La plus jeune partie du Canada.

Le président: Donc, je proposerai la première motion portant que le comité demande la permission de siéger à Toronto, et que le greffier et son personnel de soutien accompagne le Comité.

La motion est adoptée.

M. Howard (Skeena): Je propose que le comité directeur ait l'autorisation d'étudier les dispositions qui permettraient d'inviter le public à témoigner à Toronto, et d'en faire rapport au Comité le 16 janvier.

La motion est adoptée.

M. Hamel: Pour la gouverne du Comité, au sujet du rapport du Comité spécial sur les lois électorales de l'Ontario, je dois souligner qu'il s'agit d'un rapport préliminaire publié en février 1969, et le 4 novembre de cette année, on a présenté un projet de loi à l'Assemblée et dont la troisième lecture a eu lieu la semaine dernière. Le travail est maintenant terminé et voilà la nouvelle loi ontarienne.

Le président: Pouvons-nous avoir des exemplaires de ce bill et du rapport?

M. Hamel: Oui.

M. Lefebvre: Au sujet de ce rapport préliminaire, s'agit-il d'un rapport unanime du Comité?

M. Hamel: Le rapport lui-même est assez bref. Il ne couvre que sept ou huit pages de texte. Le reste comprend le projet de loi qui a été présenté presque tel quel à part quelques changements mineurs. L'essentiel de la recommandation se trouve aux pages six et sept du présent rapport.

M. Lefebvre: Je me demandais tout simplement s'il s'agissait d'un rapport unanime du Comité. Un vote a-t-il été pris ou a-t-on procédé selon les politiques des partis tout simplement?

[Texte]

Mr. Hamel: To my knowledge it was unanimous. I attended one meeting of the Committee, and they seemed to be quite unanimous on these recommendations.

Mr. Duquet: Most of the recommendations have been implemented in the new law.

Mr. Hamel: That is correct.

The Chairman: There is another point about which I would like the members of the Committee to be aware. It is—I do not know whether we can discuss this in the presence of the Chief Electoral Officer, but I believe we can discuss this matter even if he is here—in regard to the idea raised by Mr. Howard, of getting this function of the Chief Electoral Officer away from politics completely.

The function of the Chief Electoral Officer is fixed by law. If the law is not amended for 10 or 15 years, he always receives the same treatment. He is, in such way, a civil servant. While the civil servants do receive increases in salary, in a different way the Chief Electoral Officer has to ask either the Secretary of State or the House of Commons to have his salary readjusted.

I am just making suggestions. I do not know if the members will want a further study of this. I want to raise this matter because I believe it is important. In some functions similar to the ones of the Chief Electoral Officer, the salary is established in a

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different way. For these persons the function is determined and the indemnity or salary is fixed, compared with some other function, let us say like a judge of the Exchequer Court with the supplementary treatments authorized in the law fixing the salaries of the judges.

Actually, the treatment of the Chief Electoral Officer is determined in the law, period. It means that if the law is not amended for the next 10 or 15 years, he will never get an increase in salary like the other civil servants get. So, if you want to keep it this way, it is up to the members to decide. I would like to hear the views of the members of the Committee in this particular regard.

Mr. Macquarrie: Mr. Chairman, I recall previous occupants of the office and previous meetings. I think the way it is at the present time is not satisfactory. I am not thinking only of certain other groups with the same problems, like members of Parliament, and

[Interprétation]

M. Hamel: A ma connaissance, ce fut un rapport unanime. J'ai assisté à une réunion du comité. Il me semble qu'il s'agissait d'un rapport unanime au sujet des recommandations.

M. Duquet: Il me semble que la plupart des recommandations ont été mises en vigueur n'est-ce pas?

M. Hamel: Oui, c'est exact.

Le président: Il y a une autre question que j'aimerais signaler aux membres du Comité. Je ne sais pas si nous pouvons en discuter en présence du directeur général des élections, mais je crois que nous pouvons en parler même en sa présence.

Cela concerne l'une des questions soulevées par M. Howard, c'est-à-dire que les fonctions du directeur général des élections n'aient aucun lien politique. Quant aux honoraires du directeur général des élections, ce sont des honoraires qui sont fixés par la loi actuellement. Si la loi n'est pas modifiée pour dix ou quinze ans, le directeur continue de toucher le même traitement tout comme un fonctionnaire, sauf que celui-ci touche des relèvements annuels, tandis que le directeur général des élections doit demander au Secrétaire d'État ou à la Chambre des communes une modification de son traitement.

Je ne fais que formuler des suggestions. Je suppose que les membres voudront les étudier plus profondément, mais je veux soulever cette question, car elle me semble importante. Dans certaines fonctions semblables à celles du directeur général des élections, le salaire

est établi d'une façon différente. Pour les personnes dont la fonction est déterminée et le traitement fixé, en regard d'autres fonctions, comme c'est le cas pour un juge de la cour de l'Échiquier, les honoraires supplémentaires sont autorisés par la Loi qui fixe les salaires des juges.

Le traitement actuel du directeur général des élections est fixé par la Loi, ce qui veut dire que si la Loi n'est pas modifiée au cours de dix ou quinze ans, il n'aura aucun relèvement de traitement, ce qui n'est pas le cas pour les autres fonctionnaires.

Donc, si vous voulez garder les choses telles qu'elles sont, libre à vous, mais j'aimerais avoir les opinions des membres du Comité à cet égard.

M. Macquarrie: Monsieur le président, je me souviens, d'avoir discuté cette question à des réunions antérieures. Je crois que les choses étant ce qu'elles sont, ce régime n'est pas satisfaisant. Je saisais qu'il y a d'autres groupes, comme les députés, qui ont les

[Text]

so on. I think it should not be so frozen in the legislation, and I believe we would be wise and thoughtful to look at it at the appropriate time.

The Chairman: Are there any comments? Mr. Forest.

Mr. Forest: Mr. Chairman, your proposition would be concerning the salary of Mr. Hamel?

The Chairman: Yes.

Mr. Forest: It would be incorporated in the electoral law. Is that the proposition?

The Chairman: No, it is in the law right now, but it is in such a way that the Chief Electoral Officer, for the period of time during which there is no amendment to the law, does not get an increase in salary.

Mr. Lefebvre: In other words, it could be 10 years.

The Chairman: It could be 15 or 20 years.

Mr. Howard (Skeena): Any further bids?

The Chairman: As to the importance of the post, I believe we should think of having the treatment of the Chief Electoral Officer related to some other function in the Public Service, and then getting either the advantages or disadvantages of similar functions. If you look at the Official Languages Act, the Commissioner is going to receive a salary comparable to the ones received by the justices of the Exchequer Court, with the supplementary treatments authorized by Section 20 of the Judges Act. So it means that they are no longer related to the Secretary of State.

Today, with the actual law, if the Chief Electoral Officer wants to have an increase in salary, he has to go and beg it of the Secretary of State, who is a political person. I believe that we should look into this.

M. Trudel: Monsieur le président, avez-vous considéré la question suffisamment pour trouver un poste qui serait comparable auquel on pourrait associer la position de...

The Chairman: No, I cannot deride it myself. I am only raising the matter.

M. Trudel: Ce n'est pas la question. Avez-vous étudié la question suffisamment pour trouver un poste? Est-ce que vous avez cherché ou trouvé une échelle, une équivalence qui pourrait servir de base à notre discussion?

[Interpretation]

mêmes problèmes. Je ne crois pas que ces salaires devraient être gelés par la Loi. Il serait utile, je crois d'envisager la chose au moment voulu.

Le président: Y a-t-il des observations? M. Forest.

M. Forest: Monsieur le président, votre proposition touche le traitement de M. Hamel?

Le président: Oui.

M. Forest: Selon vous, ce traitement devrait être indiqué dans la loi électorale, non?

Le président: Non, il est déjà dans la Loi de telle façon que le directeur général des élections, durant la période où la loi n'est pas modifiée, ne reçoit aucun relèvement de traitement.

M. Lefebvre: En d'autres mots cela pourrait durer dix ans.

Le président: Oui, dix ans, quinze ans ou vingt ans.

M. Howard (Skeena): D'autres pronostics?

Le président: Quant à l'importance du poste, il nous faut songer à l'idée que le traitement du directeur général des élections est lié à certaines autres fonctions dans la Fonction publique. Il faut envisager le pour et le contre à l'égard de fonctions similaires. Si l'on étudie la Loi sur les langues officielles, le commissaire aux langues officielles recevra, je le cite à titre d'exemple, le même traitement que les juges de la cour de l'Échiquier, y compris des traitements supplémentaires autorisés par l'article 20 de la Loi sur les juges. Par conséquent, les traitements ne sont plus reliés à l'échelle des salaires du Secrétariat d'État.

Aujourd'hui, si le directeur général des élections veut obtenir un relèvement de traitement, il doit s'adresser un secrétaire d'État, qui est une personne politique. Je crois qu'il nous faudrait étudier la chose.

Mr. Trudel: Mr. Chairman, have you considered the question sufficiently to find a position which would be comparable or which could be related to the...

Le président: Non, je ne peux décider moi-même. Je ne fais que soulever le problème.

Mr. Trudel: That is not the point. Have you studied sufficiently the matter to find a position? Have you looked for or found a scale, an equivalent that could serve as a basis for our discussion?

[Texte]

Le président: Personnellement, je ne l'ai pas fait. Je demande plutôt aux membres du Comité de se renseigner. Nous pourrions peut-être inviter un commissaire de la Fonction publique à venir nous faire une analyse du poste ou de la fonction et peut-être à nous donner une idée du salaire qui serait approprié ou de la liste des salaires qui sont payés aux différents postes supérieurs, dans la Fonction publique de façon à nous faire une idée plus précise.

C'est à vous de décider comment nous allons procéder. Mais, personnellement, je pense que nous devons d'abord nous prononcer sur ce principe: est-ce qu'il est logique et normal que le directeur général des élections ait un salaire fixé par une loi qui peut être modifiée par le Parlement seulement, ce qui, d'après notre expérience, n'est fait que tous les dix ou quinze ans? De sorte que c'est un fonctionnaire public d'une importance considérable et qui est obligé, s'il veut recevoir une augmentation de salaire, de la demander au secrétaire d'État, pendant que les fonctionnaires dont les fonctions sont reliées à la Fonction publique ont des augmentations de salaire régulières. Or le secrétaire d'État est une personne politique.

Je pense que le lien est trop direct, et que si l'on veut en faire une fonction complètement détachée de la Fonction publique, il s'agit là d'un point extrêmement important.

Mr. Howe: Mr. Chairman, does this only include the Chief Electoral Officer himself or does it include his staff as well? Do they come under the Public Service Commission or are they a separate entity as the Chief Electoral Officer is?

Mr. Hamel: Only the salary of the Chief Electoral Officer is fixed in the statute. The Assistant Chief Electoral Officer's salary is set by Order in Council and the other officers and employees of my office are paid according to the general rules applicable to all public servants because they come under the Public Service Staff Relations Act and the Public Service Employment Act.

Mr. Howe: In other words, your chief assistant is in almost the same category as you are?

Mr. Hamel: No, sir, because the Assistant's salary is set by Order in Council which is much more flexible than an Act of Parliament.

There is one point, perhaps,—it is rather embarrassing to discuss this matter, but since

[Interprétation]

The Chairman: I have not done it personally. I would rather ask the members of the Committee to get information on the subject. We could perhaps invite a Public Service Commissioner to come here and give us an analysis of the position or the functions and give us an idea of the salary that would be appropriate, or a list of salaries that are paid for various higher positions in the Public Service so that we may have a more precise idea.

It is up to you to decide on the way we are going to proceed. But personally I think that we should first settle the question about whether it is normal and logical that the Chief Electoral officer have a salary fixed by a law amendable by Parliament only and that, as far as we know, is done only every 10 or 15 years. So that he is a public servant of considerable importance who if he wants an increase of salary has to ask the Secretary of State while the other civil servants have regular increases. We know that the Secretary of State is a political person.

I think the link is too direct and if we want this position to be completely independent from the Public Service this is a very important point.

M. Howe: Monsieur le président, est-ce que cela comprend seulement le directeur général des élections ou bien tout son personnel? Sont-ils considérés comme des fonctionnaires ou appartiennent-ils à une catégorie à part, comme le directeur général des élections lui-même?

M. Hamel: Seul le traitement du directeur général des élections est fixé par la loi. Celui du directeur adjoint est établi par un décret du gouverneur en conseil et le personnel de mon bureau est rémunéré conformément aux règlements généraux d'application dans la Fonction publique. Ils tombent sous le coup de la Loi sur les relations de travail dans la Fonction publique et de la Loi sur l'emploi dans la Fonction publique.

M. Howe: Autrement dit, votre adjoint est à peu près dans la même catégorie que vous-même.

M. Hamel: Non, car le traitement de mon adjoint est établi par un décret du conseil ce qui est beaucoup plus souple que la Loi.

Il est assez embarrassant pour moi d'en discuter, mais vu que vous me donnez des res-

[Text]

you gave me additional responsibilities perhaps I should feel a bit more at ease to talk about this—which I believe is the crux of the problem and that is that the salary of the Chief Electoral Officer should be statutory. In my own opinion I think it should be statutory, not only to effectively remove the Chief Electoral Officer from actual control by the government of the day, but also to convince the public—and to me this is very important, probably even more important than the first one—that the loyalty of the Chief Electoral Officer, shall I say, is not for sale more or less. I believe it is extremely important that the public has confidence in this official.

This purpose is partly defeated by the fact that the salary of that official can be amended only by a bill which has to be presented by the government because it would be a money bill. Therefore, as the Chairman pointed out earlier, that pitfall was avoided in the recent Official Languages Act by relating the salary of the Commissioner of Official Languages to another statutory function in which there is a group of people and in which the salary is not determined in relation to one individual, but to a group of individuals. If the salary were related to that of other public servants, it may defeat the basic principle that it be statutory because the salaries of all other public servants with the exception of the Representation Commissioner and the Auditor General are set by Order in Council—in other words, by a decision of the executive—and there is quite a lot of variation between a certain minimum and a certain maximum.

•1215

Mr. Lefebvre: Mr. Chairman, it might be a good idea if members of the Committee were to open the book entitled *General Election Instructions for Returning Officers* which includes the Canada Elections Act on page 156, Section 4 of which states:

4. (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department...

So that might be a way in which we can compare his present remuneration which is stated here as being \$22,680. I do not know the salaries of all the deputy heads of departments, but I am sure none of them gets \$22,000. I believe they are all in the range of \$30,000 or more. I mention this just because it is already in the Act that his salary should be comparable to a deputy head of a department...

The Chairman: Yes.

[Interpretation]

pensabilités supplémentaires, je me sens un peu plus libre d'en parler. Je crois que l'essentiel est que le traitement du Directeur général des élections soit fixé par la loi. Il devrait l'être, non seulement pour que le directeur général des élections ne soit pas sous la dépendance du gouvernement, mais ce qui est encore plus important à mes yeux, pour convaincre le public de son incorruptibilité. Il est très important que le public ait confiance en un tel fonctionnaire.

Mais on va à l'encontre de ce but, en partie, car le traitement de ce fonctionnaire ne peut être modifié qu'en vertu d'un projet de loi qui doit être présenté par le gouvernement parce qu'il s'agit d'un projet de loi financière. Un tel écueil a été évité, comme le président l'a signalé plus tôt, dans la Loi sur les langues officielles où le traitement du commissaire des langues officielles a été établi en le comparant à un autre poste statutaire où le traitement n'est pas déterminé en fonction d'un seul fonctionnaire, mais de plusieurs. Si le traitement est en rapport avec celui d'autres fonctionnaires, cela peut aller à l'encontre du principe fondamental qui veut qu'il soit fixé par la loi. En effet les traitements de tous les fonctionnaires, à part celui du commissaire à la représentation et de l'auditeur général sont établis par un décret en conseil, autrement dit, par décision du cabinet et la marge entre le minimum et le maximum est bien large.

M. Lefebvre: Monsieur le président, ce serait une bonne idée que les membres du Comité prennent connaissance dans les *Instructions aux officiers rapporteurs sur les élections générales* du texte de l'article 4 (1) à la page 164:

Le directeur général des élections a le rang et tous les pouvoirs d'un sous-chef de ministère...

Par conséquent, ce serait peut-être une façon de comparer son traitement actuel qui est de \$22,680. Je ne connais pas quels sont les traitements des sous-ministres, mais je n'en connais aucun qui ne gagne que \$22,000. Le traitement est de \$30,000 ou plus. Je mentionne ceci tout simplement parce que cela figure déjà dans la Loi et que son traitement devrait être comparable à celui des sous-ministres.

Le président: Oui.

[Texte]

Mr. Lefebvre: ...and it might give an idea to the members.

An hon. Member: Where is this?

Mr. Lefebvre: It is Section 4 on page 156.

An hon. Member: In the English or the French version?

Mr. Lefebvre: This is the English version.

The Chairman: If the members agree on the principle, the steering committee will attempt to get people here to inform the members of the Committee if the Public Service Commission, for instance, has already made an evaluation of the treatment of the position. It is already defined in the Act, but we could secure information on this and give it to the members. However, before we make any move on this, members of the Committee should decide if we should change—as Mr. Macquarrie has said—the actual status which is not accurate and which does not make, in a sense, the Chief Electoral Officer separate from politicians.

Mr. Macquarrie: I think there has been a pretty good consensus of our views on it, but I think, as you suggest Mr. Chairman, we will need to get a little more information and think about it a bit more. Ideally, I would like to think of a group which comprised people who were officers of Parliament rather than of the executive level, but at the moment I do not know if that group would be a practical group. Our aim always is to have this particular and very important officer of the country be, in fact, an officer of the country and of Parliament and not an emanation of the executive. Not that I have ever suggested that in our time there has been any problem there, but we must try. I think we should think it over a bit more. I almost sound as if I were at the conference yesterday.

Mr. Forest: Mr. Chairman, I am certainly in favour, as you have enunciated, that the salary should not be fixed in the law. Would it be sufficient to say in the Act that the salary of the Chief Electoral Officer would be that of say, a judge of the Exchequer Court? They get an increase naturally and it goes by automatically after...

The Chairman: It is a way of defining the kind of salary that we could allocate to him. If we make it comparable to some other function in the civil service, then it will follow the line of the rules that will apply to the function.

Mr. Forest: I certainly would be in favour of that.

[Interprétation]

M. Lefebvre: Ça peut donner des idées aux députés.

Une voix: Où cela se trouve-t-il?

M. Lefebvre: L'article 4 de la page 156.

Une voix: Version anglaise ou française?

M. Lefebvre: Version anglaise.

Le président: Si tous les députés sont d'accord sur le principe, le comité de direction nous dira si la Commission de la Fonction publique a déjà évalué le traitement du poste. Cela a été déjà défini dans la Loi mais nous pourrions obtenir des renseignements à ce sujet, et vous les communiquer—cependant, avant de faire des propositions à ce sujet, les députés devraient décider, comme l'a dit M. Macquarrie, s'il faudrait modifier la loi actuellement en vigueur qui n'est pas précise et qui ne laisse pas le directeur général des élections indépendant des politiciens.

M. Macquarrie: Je crois que nous sommes tous d'accord sur ce point, mais je crois que nous pourrions aller aux renseignements et réfléchir encore à la question. Personnellement, je crois que l'idéal serait un groupe qui comprendrait des fonctionnaires parlementaires plutôt que des membres du gouvernement, bien que je ne sache pas encore si ce serait pratique. Notre but, est que cet agent, dont le poste est si important, soit un agent du Parlement et non du gouvernement. Ce n'est pas qu'il y ait des problèmes, mais nous devons réfléchir davantage à la question.

M. Forest: Monsieur le président, je suis d'avis que le traitement ne devrait pas être fixé par la Loi. Serait-il suffisant de stipuler dans la loi que le traitement du directeur général des élections soit le même que celui d'un juge de la Cour de l'Échiquier. Les augmentations sont automatiques...

Le président: C'est une façon de définir le traitement qu'il pourrait recevoir. Si nous comparons ce traitement à d'autres dans la Fonction publique, les mêmes règles devront s'appliquer en l'occurrence.

M. Forest: Je serais en faveur de ce système.

[Text]

An hon. Member: So would I.

The Chairman: If there are no other questions by members, I think this Committee will stand adjourned until next Tuesday at 11 a.m. when we will have the pleasure of hearing evidence from Professor Cairns of the University of British Columbia.

Thank you, gentlemen.

[Interpretation]

Une voix: Moi aussi.

Le président: S'il n'y a pas d'autres questions de la part des membres, je crois que nous pouvons ajourner jusqu'à mardi matin à 11 heures, alors que nous entendrons le témoignage de M. Cairns de l'Université de la Colombie-Britannique.

Merci messieurs.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969

vingt-huitième législature, 1969

STANDING COMMITTEE

ON

COMITÉ PERMANENT

DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
ET
ÉLECTIONS**

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 7

TUESDAY, DECEMBER 16, 1969

LE MARDI 16 DÉCEMBRE 1969

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir le *procès-verbal*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

Chairman
Vice-Chairman

and Messrs.

Alkenbrack,
Benjamin,
Code,
Côté (*Richelieu*),
Duquet,
Forest,

Forrestall,
Fortin,
Francis,
Howard (*Skeena*),
Howe,
Jerome,

(Quorum 11)

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Président
Vice-président

et MM.

Lefebvre,
Macquarrie,
Marceau,
Murphy,
Richard,
Trudel—(20)

ORDERS OF REFERENCE

MONDAY, December 15, 1969.

Ordered,—That the Orders for second reading of Bills C-14, C-72, C-78, C-87, C-97, C-101 and C-120 be discharged and the subject-matters thereof be referred to the Standing Committee on Privileges and Elections.

TUESDAY, December 16, 1969.

Ordered,—That the Standing Committee on Privileges and Elections be granted permission to sit in Toronto, Ontario, and that the necessary supporting staff do accompany the Committee.

ATTEST.

Le greffier de la Chambre des communes,
ALISTAIR FRASER,
The Clerk of the House of Commons.

ORDRES DE RENVOI

Le LUNDI 15 décembre 1969.

Il est ordonné—Que les ordres portant deuxième lecture des Bills C-14, C-72, C-78, C-87, C-97, C-101 et C-120 soient révoqués et que la teneur desdits bills soit renvoyée au comité permanent des privilèges et élections.

Le MARDI 16 décembre 1969.

Il est ordonné—Qu'il soit permis au comité permanent des privilèges et élections de siéger à Toronto (Ontario) et que le personnel de soutien nécessaire accompagne le comité.

ATTESTÉ.

[Text]

MINUTES OF PROCEEDINGS

TUESDAY, December 16, 1969.

(8)

The Standing Committee on Privileges and Elections met this day at 11:05 a.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Code, Duquet, Forest, Howe, Jerome, Laflamme, Lefebvre, Macquarrie, Paproski, Richard—(10).

Also present: Mr. McKinley, M.P.

Witness: Professor A. C. Cairns, University of British Columbia.

In attendance: Mr. J. M. Hamel, Chief Electoral Officer.

The Chairman introduced Professor Cairns, and invited him to summarize his paper entitled "The Electoral System and the Party System in Canada, 1921-1965."

The members questioned Professor Cairns on his statement.

The Committee agreed that Professor Cairns be reimbursed for travelling and living expenses incurred by reason or his appearance before the Committee.

The Chairman thanked Professor Cairns on behalf of the Committee, and the witness was permitted to withdraw.

The Committee *agreed* that the Clerk of the Committee be empowered to place appropriate newspaper advertising in Canadian Newspapers regarding the public hearings of the Privileges and Elections Committee on the Canada Elections Act.

At 12:30 p.m. the Committee adjourned to the call of the Chair.

[Traduction]

PROCÈS-VERBAL

Le MARDI 16 décembre 1969.

(8)

Le Comité permanent des privilèges et élections se réunit ce matin à 11 h. 05. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Code, Duquet, Forest, Howe, Jerome, Laflamme, Lefebvre, Macquarrie, Paproski, Richard—(10).

Autre député présent: M. McKinley.

Témoin: M. A. C. Cairns, professeur à l'Université de la Colombie-Britannique.

Comparaît: M. J.-M. Hamel, directeur général des élections.

Le président présente M. Cairns et l'invite à résumer le document qu'il a rédigé, intitulé *Le système électoral et le régime des partis politiques au Canada, de 1921 à 1965*.

Les membres du Comité interrogent M. Cairns au sujet de son exposé.

Les membres du Comité acceptent de rembourser M. Cairns des frais de séjour et de voyage qu'entraîne son témoignage devant le Comité.

Le président remercie M. Cairns au nom des membres du Comité et l'autorise à se retirer.

Il est décidé que le greffier du Comité soit autorisé à faire paraître dans les journaux canadiens les annonces appropriées relatives aux audiences publiques que le Comité permanent des privilèges et élections au sujet de la Loi électorale du Canada.

A 12 h. 30, le Comité s'ajourne jusqu'à nouvelle convocation du président.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, December 16, 1969

The Chairman: Gentlemen, I see a quorum. Before we deal with today's business on behalf of Colonel Dewis I wish to make a correction to the Minutes of Proceedings and Evidence Official Bilingual Issue, Issue No. 3, page 11 at the bottom of the left column:

COLONEL DEWIS: Mr. Chairman, in explaining this I am just trying to make...

These words and those following are attributed to Colonel Dewis and should be attributed to Mr. Benjamin.

We have the pleasure of having with us today Professor Cairns who is a well-known teacher of political science at the University of British Columbia. Professor Cairns on behalf of the members, I wish to express our thanks for your having accepted our invitation to come. Our Clerk has circulated among the members one of your papers related to the election systems. To start with, I believe Professor Cairns will give us a summary of his paper and then be submitted to a question period. Professor Cairns?

Professor A. C. Cairns (University of British Columbia): Thank you, Mr. Chairman. As has been indicated by the Chairman, the major thrust of my argument is contained in the article which has been circulated to you; however, for the sake of refreshing the memories of some of you who may not have managed to look at it recently or be to well aware of precisely what I have said, I am simply going to run over some of the main interpretations of some consequences of the existing electoral system, which I think merit examination and meriting examination possibly merit the looking at alternative kinds of electoral systems.

I might preface my remark by noting that, as you all know, we are now in a period of significant attempted constitutional revision, and this constitutional revision is premised on the assumption that the survival and national unity of this nation may depend on the creation of a constitution somewhat different than that which we were bequeathed in 1867.

This seems to me to make it an appropriate time also to consider the electoral system as one of the most important instrumentalities

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 16 décembre 1969

Le président: Messieurs, nous avons quorum. J'aimerais tout d'abord, au nom du colonel Dewis, apporter une rectification à la page 11 du fascicule bilingue officiel n° 3 des délibérations du Comité, au bas de la colonne de gauche:

M. DEWIS: Monsieur le président, j'essaie d'exprimer...

En fait, cette réplique devrait être attribuée à M. Benjamin.

Nous avons aujourd'hui l'honneur d'accueillir parmi nous M. Cairns, professeur de sciences politiques renommé de l'Université de la Colombie-Britannique.

Au nom des membres du Comité, j'aimerais vous remercier d'avoir accepté notre invitation. Notre greffier a fait circuler un de vos documents sur les systèmes électoraux. Monsieur Cairns fera un résumé de son document et répondra ensuite aux questions que vous lui poserez. Monsieur Cairns?

M. A. C. Cairns (professeur à l'Université de la Colombie-Britannique): Merci, monsieur le président. Comme le président l'a indiqué, le principal point de mon argument se trouve dans l'article qu'on vous a distribué, pour rafraîchir la mémoire de ceux qui n'auraient peut-être pas pu le lire récemment ou qui ne sauraient pas précisément ce que j'ai dit, je vais simplement passer en revue quelques-unes des conséquences du système électoral actuel qui à mon avis, méritent un examen et probablement l'étude éventuelle des autres systèmes électoraux possibles.

Comme préface, je ferais remarquer que nous vivons actuellement une époque de révision constitutionnelle importante et que cette révision se fonde sur l'hypothèse que l'unité nationale peut dépendre d'une nouvelle Constitution un peu différente de celle de 1867.

Je crois qu'il serait également opportun d'étudier le système électoral entant que guide important de votre politique. C'est important

[Text]

by which our politics are conducted. Important also because it seems to me that the question of the consequences of the electoral system does bear on this issue of national unity, as I will try to clarify in the course of my remarks. I am not going to discuss all of the consequences of the electoral system, only some particular ones which I think are relevant and are less usually noticed.

First of all, I might identify what I mean by an electoral system. By an electoral system, essentially I mean the set of rules by which votes are translated into seats. In other words, the formula by which one determines that a given distribution of votes for a particular political party is to result in a particular distribution of seats for that and other parties.

Our system is a single member plurality system; a system in which there are 260-odd individual constituencies scattered from coast to coast in which in most cases more than two parties compete for the single available seat and the candidate who wins the election is the one who gets more votes than anybody else. He does not have to get a majority; he simply has to get one more than the nearest contender. This system is frequently called the first past the post system, which perhaps summarizes the underlying philosophy which it contains.

Now I am going to briefly mention the standard criticism of this electoral system, not that I think it is one which this Committee need pay any attention to in this discussion as it is a widely known criticism, widely accepted as valid, although not everybody agrees that anything should be done to rectify the consequences. It is that this electoral system of individual member constituencies with winners elected by a plurality, by necessity, by its inherent nature, produces striking discrepancies between the percentage of seats and the percentage of votes which each party receives. It therefore discriminates against some parties and discriminates for some parties. It discriminates against some voters, and it discriminates on behalf of other voters. Typically it discriminates on behalf of the government party and collectively discriminates against the opposition parties, although it does not necessarily discriminate against each opposition party.

In other words, the system tends to produce legislative majorities at the level of seats where no majority exists in most cases at the level of votes. One can argue that this is

[Interpretation]

parce qu'il me semble que les conséquences du système électoral se rapportent étroitement à la question d'unité nationale, comme je vais essayer de le démontrer au cours de mon exposé.

Je ne veux pas traiter de toutes les conséquences du système électoral, mais de celles qui sont pertinentes et qui sont généralement moins remarquées. J'aimerais tout d'abord dire ce que j'entends par régime ou système électoral. J'entends essentiellement par là un ensemble de règles en vertu desquelles le scrutin se traduit par l'élection des députés. Autrement dit, c'est une formule par laquelle on détermine qu'une répartition donnée des votes pour un parti politique en particulier entraîne une distribution particulière de sièges pour chacun des partis.

Notre système est un système majoritaire où l'on élit un député. On compte quelque 26 circonscriptions électorales au Canada où dans la plupart des cas, plus de deux partis se font la lutte pour un seul siège disponible. Le candidat qui remporte le plus de voix est déclaré candidat vainqueur. Il n'a pas besoin d'obtenir la majorité. Il lui suffit d'obtenir une voix de plus que son adversaire le plus rapproché. On a fréquemment dit de ce système qu'il est celui où le vainqueur emporte le morceau, ce qui résume le principe sous-jacent du système.

Je vais maintenant mentionner certaines des critiques ordinaires formulées à l'égard de ce régime non pas parce que le présent Comité doit s'y appesantir, car il s'agit des critiques reconnues généralement comme valables, bien que tout le monde ne s'accorde pas à vouloir le rectifier. Mais c'est que ce système de circonscriptions électorales particulières où des vainqueurs sont élus par le nombre de voix obtenues entraîne de par sa nature, un décalage entre le pourcentage des sièges et le pourcentage de voix accordées à chaque parti. Il y a donc distinction injuste pour certains partis et traitement de faveur pour d'autres. Il y a discrimination à l'égard de certains votants et traitement de faveur pour certains autres. Typiquement, il favorise le parti gouvernemental et va collectivement parlant à l'encontre des partis de l'opposition, quoique cela ne soit pas nécessairement à l'encontre de chaque parti de l'opposition.

Le système, autrement dit, entraîne des majorités législatives au niveau des sièges où il n'existe pas de majorité au niveau des votes dans la plupart des cas. On peut bien

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unfair. Different parties have to get more votes to get seats than do other parties, and it is frequently from the basis of this perspective that advocates of proportional representation take their stand. They simply claim that a party system should give equal weight to each voter's party preference; that our system does not do that; therefore that it is similar to a butcher using false scales and is by definition undemocratic and should be altered.

You can think that argument over. It is the standard platitudinous one universally used but it is not the point which I wish to discuss in my presentation. What I wish to examine is the relation of the electoral system to sectionalism or to regionalism. What are the consequences of the kind of electoral system we have, single member constituencies, in the kind of society we have, i.e., a society composed of four, or if you accept Mr. Bennett, five significant sectional divisions?

• 1115

Now one can start from the premise that one major task of the party system is to be sensitive to, and to devise appropriate policies to accommodate, the different interests of the various sections which make up this country; sections defined by differences in culture, differences in the nature of their economy, differences in their orientation towards world markets and so on. As you all know, this is a major problem. It is with respect to this problem that our political parties are frequently judged. Are they, in other words, contributing to some process of national integration, or at least of successful accommodation of these regional interests so that they are prepared to continue their membership in this political system? So we have significant sectional distinctions and these are significant for the task of the parties.

The second point, as a preliminary is that the existing parties, by which I mean not only the parties of 1969 but the parties of our entire history, have different voter strengths in different sections of the country. Parties are unevenly distributed in terms of the percentage of voter support they get in Quebec or the Prairies or Ontario or the Maritimes. They are not uniformly distributed in the sense that if a party gets 30 per cent of the vote it is likely to get 30 per cent everywhere; 30 per cent is an aggregate figure composed of 50 per cent here, 10 per cent there and 25 per cent somewhere else.

[Interprétation]

dire que c'est injuste. Certains partis doivent recueillir plus de voix que d'autres pour obtenir des sièges. C'est souvent sur cela que se fondent ceux qui préconisent la représentation proportionnelle. Ils prétendent simplement que le régime de parti devrait donner autant de poids au vote de chaque votant selon le parti pour lequel il vote; que notre système ne fait pas cela. Il ressemble donc à un boucher qui utiliserait des balances truquées. C'est par définition anti-démocratique. On devrait y apporter des changements.

Vous pourriez étudier cet argument. C'est le plus courant, mais je ne veux pas en discuter dans le présent mémoire. Ce que je veux faire, c'est examiner le rapport qui existe entre le système électoral et le régionalisme, quelles sont les conséquences du genre de système électoral que nous avons, avec le cadre de circonscriptions électorales où l'on élit un seul député, dans la société que nous avons, société qui se compose de quatre ou, comme chez M. Bennett, de cinq régions importantes?

On peut commencer en disant qu'une des principales tâches du régime des partis, c'est de refléter et d'élaborer des politiques concernant les différents secteurs qui constituent notre pays; secteurs définis par des cultures différentes, par des économies différentes, par des divergences de vues quant à leur orientation vers les marchés mondiaux, etc. Comme vous le savez tous, c'est un problème important et c'est sur ce problème que nos partis politiques sont souvent jugés. Autrement dit, est-ce qu'ils contribuent à quelque processus d'intégration nationale ou au moins à un accommodement des intérêts régionaux pour qu'ils puissent continuer à souscrire à ce régime? Il existe donc des divergences régionales qui sont très importantes pour les partis.

Le deuxième point, à titre préliminaire, que je veux faire ressortir c'est que les partis actuels—j'entends par là, non seulement les partis de 1969, mais les partis au cours de notre histoire—reçoivent différentes adhésions, selon les régions du pays. Les partis ne sont pas uniformément bénéficiaires du pourcentage de l'appui des votants. Selon que ceux-ci sont du Québec, des Prairies ou des Maritimes. Ce n'est pas une répartition uniforme en ce sens que si un parti recueille 30 p. 100 du suffrage, il devrait avoir 30 p. 100 partout. Ce 30 p. 100 se décompose en 50 p. 100 ici, 10 p. 100 là et 25 p. 100 quelque part d'autre.

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Given this sectional society and given this distribution of voter support, which is just a fact of life, what is the effect of the electoral system on the composition of the political parties in the legislative body which emerges from our process of counting votes and making them significant in the way in which we do. The effect to which I wish to draw your attention is that the electoral system, it seems to me, significantly exaggerates sectionalism and regionalism in this country. Therefore, I will argue, one can at least make a strong case that in a country which is significantly sectionally divided, an electoral system which exaggerates the importance of sectionalism constitutes a disservice to the major task which we have set the party system, or which our society by its nature has set the party system; namely, the task of national integration. Now this exaggeration of sectionalism is manifest in a number of ways and I will simply draw your attention to them occasionally referring to the article which has been distributed to you.

The most important point from which nearly everything else in my argument follows is that political parties in Canada are much more sectional at the level of representation, at the level of their membership in the House of Commons, than they are at the level of the electorate, than they are at the level of the voters. I will simply cite some examples of how the electoral system in the distorted fashion in which it cumulates votes into seats makes the parties less accurate reflections of the sectional support they have in the country than another electoral system could do.

Now, I am not sure whether the mimeographed paper you have refers to exactly the same pages which I have, so if I refer to a page you may not, in fact, follow it.

An hon. Member: It is the same one.

Professor Cairns: Yes, it is the same. Beginning at the bottom of page 60 and then on page 61 you will note I indicate that an analysis of CCF/NDP votes and seats—this is for the period 1921 to 1965—clearly illustrates the manner in which the electoral system has distorted the parliamentary wing of the party. Table IV reveals the extreme discrimination visited on Ontario supporters of the CCF from 1935 to 1957. With the exception of 1940, CCF Ontario voting support consistently constituted between 30 and 40 per cent of total

[Interpretation]

Étant donné ce régionalisme, cette répartition des suffrages, ce qui est un fait, quelle est l'incidence du système électoral sur la composition des partis politiques au niveau du corps législatif qui émerge de ce processus de dépouillement du scrutin et qui donne à ce processus l'importance que nous lui accordons? Je voudrais donc vous signaler que dans un pays divisé par régions aussi importantes, un système électoral qui exagère l'importance du régionalisme nuit au principe du système des partis, ou au principe sur lequel notre société a établi le système des partis, soit la tâche de l'intégration nationale. Cette exagération du nationalisme est visible dans bien des domaines et je ne ferais que vous les signaler à l'occasion m'en référant à l'article qui vous a été remis.

L'argument essentiel d'où presque tout le reste découle dans mon raisonnement est que les partis politiques au Canada sont bien plus régionalismes au niveau de la représentation qu'au niveau des députés à la Chambre des communes, qu'un niveau de l'électorat.

Je vais simplement citer quelques exemples pour montrer de quelle façon ce régime électoral peut fausser le calcul des votes pour les sièges, et rend le parti moins représentatif de l'appui qu'il reçoit dans chaque région du pays, que tout autre régime. Je ne sais pas au juste si le document autocopié que vous avez, porte le même numéro de page que le mien. Lorsque je cite une page, il se peut qu'en fait vous ne puissiez suivre.

Une voix: Oui, c'est le même document.

M. Cairns: Oui, nous avons le même document que vous. Au bas de la page 60 et à la page 61, vous remarquerez que j'ai donné une analyse de votes et des sièges du NPD de la période de 1921 à 1965 et cela illustre manifestement comment le système électoral a faussé la distribution des sièges au Parlement. Au tableau IV, on voit la discrimination qui est très manifeste à l'égard du CCF en Ontario de 1935 à 1957. Sauf en 1940, le vote CCF en Ontario s'est toujours maintenu entre 30 et 40 p. 100 de tous les votes souscrits au CCF et

CCF voting support; yet, the contribution of Ontario to CCF parliamentary representation was derisory. During the same period there

pourtant la représentation parlementaire de l'Ontario au parti CCF du Parlement a été dérisoire. Au cours de la même période, il y a

[Texte]

was a marked over-representation of Saskatchewan in the CCF caucus. The 1945 election is indicative. The 260,000 votes from Ontario, 31.9 per cent of the total CCF vote, produced no seats at all while 167,000 voters from Saskatchewan, 20.5 per cent of the total party vote, were rewarded with 18 seats or 64.3 per cent of the total party seats. In other words, a small percentage of total CCF votes from Saskatchewan led to an overwhelming dominance of the CCF caucus by representatives from that province while much greater voting support from Ontario produced inconsequential representation.

In the next paragraph I go on to point out that this exaggeration of sectional differences in party support, or provincial differences in party support also affects the major parties. Really I think the distinction between the treatment which the electoral system accorded to Liberal and Conservative voters in Ontario and Quebec respectively makes most cogently the point which I am trying to communicate to you.

Table V makes it clear that the electoral system has been far from impartial in its treatment of Liberal and Conservative voting support from Ontario and Quebec. For 14 consecutive elections covering nearly half a century, there was a consistent and usually marked over-representation of Quebec in the parliamentary Liberal Party and marked underrepresentation in the parliamentary Conservative Party, with the exception of 1958. For 10 consecutive elections from 1921 to 1957, Ontario was consistently and markedly overrepresented in the parliamentary Conservative Party and for 11 consecutive elections from 1921 to 1958, there was consistent but less marked under-representation of Ontario in the parliamentary Liberal Party. Thus the electoral system, by pulling the parliamentary Liberal Party toward Quebec and the parliamentary Conservative Party toward Ontario, in the period which I discuss in this article, made the sectional cleavages between the parties much more pronounced in Parliament than they were at the level of the electorate.

How the electoral system affected the relationship of Quebec to the parliamentary wings of the two major parties is evident in the truly startling discrepancies between votes and seats for the two parties from that province. From 1921 to 1965 inclusive, the Liberals gained 752 members from Quebec and the Conservatives only 135. The ratio of 5.6 Liberals to each Conservative, which this distribution of seats amounts to in the House of Commons, contrasts sharply with the 1.9 to

[Interprétation]

eu une représentation exagérée de la Saskatchewan au caucus CCF. L'élection de 1945 en est un bon exemple. Les 260,000 votes obtenus en Ontario soit 31.9 p. 100 du vote CCF total, n'ont procuré aucun siège, alors que les 167,000 électeurs de la Saskatchewan, soit 20.5 p. 100 du total des votes, ont abouti à 18 sièges ou à 64.3 p. 100 de tous les sièges. Autrement dit, un faible pourcentage de votes du CCF provenant de la Saskatchewan a donné une prédominance entière aux représentants de la Saskatchewan au caucus CCF, alors que l'appui électoral plus fort de l'Ontario n'a donné qu'une représentation dérisoire.

Le paragraphe suivant souligne que cette exagération des différences régionales ou provinciales influe aussi sur les principaux partis.

Je crois vraiment que cette distinction de traitement accordée par le système électoral aux partis libéral et conservateur en Ontario et au Québec respectivement illustre très bien l'aspect que je veux faire ressortir.

Le tableau V indique clairement que le système électoral a été loin d'être impartial en ce qui a trait à l'appui électoral accordé aux libéraux et aux conservateurs au Québec. Au cours de 14 élections successives réparties sur près d'un demi-siècle, il y a une représentation continue trop importante du Québec chez les libéraux et le contraire chez les conservateurs, sauf en 1958. Pendant dix élections consécutives, soit de 1921 à 1957, l'Ontario a toujours donné le haut du pavé au parti conservateur parlementaire et, pendant onze élections consécutives, soit de 1921 à 1958, il y a eu une sous-représentation continue, mais moins marquée du parti libéral parlementaire. Donc, le système électoral, en favorisant le parti libéral parlementaire dans le Québec et le parti conservateur parlementaire dans l'Ontario, durant la période dont je viens de parler a rendu les coupures régionalistes entre les partis beaucoup plus prononcées au Parlement qu'elles ne l'étaient au niveau de l'électorat.

La manière dont le système électoral a influé sur le rapport entre le Québec et la représentation parlementaire des deux partis principaux s'affirme d'une façon frappante dans les divergences marquées entre les votes et le nombre de sièges pour les deux partis dans cette province. De 1921 à 1965 inclusive, les libéraux ont eu 752 députés du Québec et les conservateurs seulement 135. Il y avait 5.6 libéraux pour 1 conservateur à la Chambre des communes.

[Text]

1 ratio of Liberals to Conservatives at the level of voters. In other words although there were only 1.9 Liberal voters in Quebec compared to 1 Conservative voter, there were 5.6 Liberals to 1 Conservative at the level of the House of Commons.

So the first major manifestation of our electoral system is that parties are more sectional at the level of representation than at the level of the electorate. To put it another way. Both the Liberals and the Conservatives would have more accurately reflected the interests of these two provinces had they been proportionately represented in Parliament rather than in the way they were.

The second point is that this bias, which I choose to call it, of the electoral system affects campaign strategy because it encourages parties to think and act in sectional terms; to conduct their campaigns in terms of the possibilities of significant sectional returns. Therefore, as once again I document here, or at least cite certain facts in support of here, political parties have in some sense appealed to sectional feelings, to sectional identities on the hope of getting a significant sectional pay off in terms of seats.

• 1125

The third point is that this electoral system once it has undertaken its toll of the distribution of votes which the party receives then affects the sensitivity of the political parties to the sections of the country from which they are poorly represented. The classic example here is surely the Conservative Party in Quebec. In other words, I am arguing that the Conservative Party has had, since World War I anyway, significant difficulty in devising policies appropriate to or acceptable to the Province of Quebec and in particular the French Canadian community in Quebec. One of the reasons is that the electoral system in two ways has made it difficult for that party to do so. It has made it difficult for it to do so because the party has constantly been struggling against an over-whelming Liberal dominance at the level of seats and occasionally this has lead it to act in a rather despairing fashion as to the possibility of getting seats itself.

It has also affected it in the sense that the formation of and decision on what Conservative Party policy should be with respect to Quebec, I would inferentially suggest, has been detrimentally affected by the fact that there have been very few French Canadian

[Interpretation]

Aussi ce rapport, cette répartition des sièges, à la Chambre des communes, contraste nettement avec le rapport de 1.9 à 1 de libéraux aux conservateurs au niveau de l'électorat. Autrement dit, bien qu'il n'y ait eu qu'un rapport de 1.9 électeur libéral à 1 électeur conservateur au Québec, il y avait 5.6 libéraux pour chaque conservateur au niveau de la Chambre des communes.

Donc, la première manifestation du système électoral au Canada, c'est que les partis sont plus régionalisés au niveau de leur représentation qu'au niveau de l'électorat. Autrement dit, les libéraux et les conservateurs auraient fourni une représentation plus exacte des intérêts de ces deux provinces, s'ils avaient été représentés de façon proportionnelle au Parlement, plutôt que de la façon dont les choses se sont passées.

Le deuxième point, c'est que ce gauchissement du système électoral, comme je l'appelle, influe sur la stratégie électorale, parce qu'il encourage les partis à penser et à agir en fonction des régions et qu'ils conduisent la campagne électorale en fonction d'un rendement important au niveau de la région. Par conséquent comme je le prouve ici une fois de plus, ou tout au moins comme je le fais remarquer en apportant des faits à l'appui, les partis politiques ont recouru en un certain sens aux sentiments régionaux, aux identités

régionales afin d'obtenir un bon rendement régional en sièges.

Ce système électoral et cela, c'est mon troisième point, une fois qu'il pris la rançon en nombre de sièges, influe sur la façon dont les partis politiques s'intéressent aux régions où ils sont pauvrement représentés. L'exemple classique, ici est sûrement le parti conservateur au Québec. Autrement dit, je soutiens que le parti conservateur, depuis la Première guerre mondiale tout au moins, éprouve beaucoup de difficultés à élaborer une politique appropriée ou acceptable dans la province de Québec et surtout par la collectivité francophone. L'une des raisons, c'est que le système électoral, de deux façons, a rendu la tâche difficile à ce parti dans ce domaine, parce que le parti a toujours eu à lutter contre une prédominance libérale au niveau des sièges, et ceci a quelquefois pour effet de le porter à désespérer d'obtenir même des sièges pour le parti lui-même.

Une autre conséquence c'est que l'élaboration des politiques et des décisions du parti conservateur à l'égard du Québec a été, à mon avis, défavorisée par le fait qu'il y a eu très peu de représentation francophone du parti conservateur québécois au caucus conserva-

[Texte]

representatives of the Conservative Party from Quebec sitting in the Conservative caucus able to influence the determination of party policies in ways congenial to the sensitivities of that community. The reason that the Conservative Party only had a small proportion of French Canadian spokesmen in its caucus was not just that its voting support in Quebec was lower than the Liberals which is true, but that the electoral system added an additional stimulus and discriminated against that degree of voting support it had, so its representation was even less than its votes. Therefore, the low support of the Conservatives in Quebec was given an exaggerated effect in the caucus of the Conservative Party.

My fourth sort of subpoint in discussing the significance of the electoral systems contributing to sectionalism and regionalism is that this set of consequences has probably been damaging to the pursuit of national integration. I will quote rather than just refer you to the argument on page 75 to 76:

Given the strong tendency to sectionalism found in the very nature of Canadian society the question can be raised as to the appropriateness of the existing electoral system. Duverger has pointed out that the single-member constituency system...

which we have

... "accentuates the geographical localization of opinions: one might even say that it tends to transform a national opinion... into a local opinion by allowing it to be represented only in the sections of the country in which it is strongest." Proportional representation works in the opposite manner for "opinions strongly entrenched locally tend to be broadened on to the national plane by the possibility of being represented in districts where they are in a small minority." The political significance of these opposed tendencies "is clear: proportional representation tends to strengthen national unity (or, to be more precise, national uniformity); the simple majority system accentuates local differences. The consequences are fortunate or unfortunate according to the particular situation in each country".

In other words what Duverger who was one of the leading scholars of party system and electoral systems is saying is that the choice of the kind of electoral system a society should make is in a very important way related to the kinds of divisions which that society has and in a society which is characterized by significant sectional cleavages

[Interprétation]

teur pouvant influencer les politiques du parti et les orienter dans un sens satisfaisant pour la communauté francophone. La raison pour laquelle le parti conservateur n'avait qu'une faible représentation francophone au sein du caucus, n'était pas simplement que l'appui électoral au Québec était plus faible pour lui que pour le parti libéral, ce qui est vrai, mais aussi pour le parti libéral, que le système électoral était un stimulant supplémentaire et discriminatoire quant à cet appui électoral; de sorte que sa représentation était plus faible même que son nombre de votes. Par conséquent, le faible appui donné par les conservateurs au Québec se reflétait d'une façon exagérée au caucus du parti conservateur.

Quatrièmement, comme question secondaire, en ce qui a trait à la signification du régime électoral par rapport au régionalisme, c'est que cette série de conséquences a probablement défavorisé le concept de l'unité nationale. Je vais vous donner une citation, plutôt que de vous renvoyer aux pages 75 et 76.

Étant donné la forte tendance au régionalisme de notre société canadienne, on pourrait s'interroger au sujet de la valeur appropriée du système électoral actuel. Duverger a souligné que le système de circonscriptions électorales avec un député élu «accentuait la restriction géographique des opinions. On pourrait même dire que cela tend à transformer une opinion nationale en une opinion locale en ne lui permettant d'être représentée que dans la région du pays où elle est la plus forte.» La représentation proportionnelle va à l'inverse en ce sens que «les opinions, au niveau local, tendent à s'élargir sur le plan national avec la possibilité qu'elles ont, dans ce système, d'être représentées dans des districts où elles sont en faible minorité.» Le sens politique de ces tendances opposées «est clair: la représentation proportionnelle tend à renforcer l'unité nationale, (ou pour préciser, l'uniformité nationale), tandis que le système simple et majoritaire accentue les différences locales. Les conséquences sont heureuses ou malheureuses selon la situation particulière qui prévaut dans chaque pays.»

Autrement dit, Duverger qui est une autorité en ce qui concerne les systèmes de parti et les systèmes électoraux, dit que le choix que fait une société en ce qui concerne les systèmes électoraux est étroitement en rapport avec des genres de divisions qui existent au sein de cette société, divisions qui se traduisent par des clôtures régionales. Duverger

[Text]

Duverger suggests the possibility that some kind of proportional representation might be appropriate.

This is my summary of the basic effects of the existing system on a society characterized by sectional diversity such as ours. I go on to simply make a few suggestions. In a country in which sectionalism is strong its exaggeration is unhealthy, for sectionalism is already powerful, vital, capable of being divisive. We might seriously question the advisability of an electoral system which exacerbates that sectionalism. We might think of an electoral system in fact which does the reverse.

• 1130

My next suggestion is that the electoral system can and should be changed if a different electoral system would better suit the objectives Canadians wish to pursue. In other words electoral systems are not handed down by God, they are alterable instrumentalities which can be manipulated. I do not necessarily mean deviously or in the interests of the party in power, but in good conscience by honourable men trying to facilitate the creation of the sort of political system which will help the society in which those men live achieve the objectives they have for that society.

I suggest that it is incumbent on anyone who is looking at this electoral system seriously to ask himself whether the consequences which this electoral system creates are consequences which could be overcome by a different kind of electoral system which would not do an injustice to certain democratic values which we all share.

My next point is simply a reminder that Canadians have been unreasonably hostile to and indifferent to various kinds of proportional representation as a possible improvement on the existing system. Proportional representation, in fact, with only spasmodic exceptions in our history, has not been seriously discussed as an alternative way of organizing the method by which we translate votes into seats. The electoral system, in short, has never really been questioned. It has been taken as a given, but it only need be a given if we wish to so keep it.

My next reminder is that proportional representation in a variety of forms—and there are very many kinds of proportional representation—has been widely and successfully used in a number of European countries; for example Italy, West Germany, Belgium, Switzerland, Holland and the Scandinavian countries. Proportional repre-

[Interpretation]

préconise une sorte de représentation proportionnelle chez nous. Voilà le résumé des conséquences du système actuel, dans une société qui se caractérise par des séparations régionales comme les nôtres. Je vais faire maintenant quelques propositions. Dans un pays où le régionalisme est très fort, il n'est pas bon de l'exagérer, car le régionalisme est déjà un élément puissant de division. On peut mettre sérieusement en doute l'opportunité d'un système électoral qui exagère ce mal. On peut songer à un système électoral qui aurait des effets contraires.

Ma proposition suivante, c'est que le système électoral devrait être changé. On devrait s'enquérir s'il existe un système électoral différent qui pourrait mieux répondre aux objectifs que les Canadiens veulent poursuivre. Autrement dit, les systèmes électoraux ne sont pas d'inspiration divine, ils peuvent être modifiés. Je ne parle pas de façon indirecte ou dans l'intérêt du parti au pouvoir, mais en toute conscience, par des hommes loyaux qui chercheraient à faciliter la naissance d'une sorte de parti politique destiné à aider la société dans laquelle vivent des hommes qui cherchent à atteindre les objectifs qu'ils ont fixés pour cette société.

Je dirais qu'il appartient à tous ceux qui examinent sérieusement ce système électoral de se demander si les conséquences du système ne sont pas des conséquences qui pourraient être changées par un nouveau système qui ne nuirait pas aux valeurs démocratiques dont nous bénéficions tous.

La proposition suivante vise simplement à rappeler que les Canadiens ont été sans raison hostiles ou indifférents à divers modes de représentation proportionnelle qui auraient pu améliorer le système actuel. Le régime de représentation proportionnelle, en fait, à quelques exceptions près dans notre histoire, n'a jamais fait l'objet de discussions sérieuses, en tant que solution de rechange pour en arriver à un régime de rapport entre les votes et les sièges. Autrement dit, on n'a jamais mis en doute notre système électoral. On l'a pris comme acquis; nous n'avons qu'à nous en prendre à nous-mêmes.

Ensuite, je voudrais aussi vous rappeler que la représentation proportionnelle sous ses différentes formes—et il y a plusieurs formes de représentation proportionnelle—a été utilisée très largement et avec succès dans nombre de pays européens; par exemple en Italie, en Allemagne de l'Ouest, en Belgique, en Suisse, en Hollande et dans les pays scandinaves. En

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sensation, in short, is not only found, as our mythology suggests, in countries which have a disastrous history of political breakdown and so on. It is found in highly stable political systems which we could consider emulating.

My next suggestion is that if it is felt that the existing electoral system has certain consequences which we do not like, then the choice is not between the existing system and any specific version of proportional representation. If one finds that the existing system has certain unfavourable consequences, the only conclusion I would like the Committee to draw, and the only one I would myself draw, rests on the assumption that electoral systems should be adapted to the particular requirements of particular countries. And we may not necessarily find the appropriate model we want by looking at other societies with electoral systems different from ours, although they will constitute important illustrations from which we can draw.

Next, if this Committee does not wish to examine alternatives, it is approving without study the existing electoral system which has had the following effects, and I quote from page 79, at the bottom:

From one perspective it can be argued that if parties succeed in overcoming sectional divisions they do so in defiance of the electoral system. Conversely, it can be claimed that if parties do not succeed this is because the electoral system has so biased the party system that it is inappropriate to call it a nationalizing agency. It is evident that not only has the electoral system given impetus to sectionalism in terms of party campaigns and policy, but by making all parties more sectional at the level of seats than of votes it complicates the ability of the parties to transcend sectionalism. At various times the electoral system has placed barriers in the way of Conservatives becoming sensitively aware of the special place of Quebec and French Canada in the Canadian polity, aided the Liberals in that task, inhibited the third parties in the country from becoming aware of the special needs and dispositions of sections other than those represented in the parliamentary party, and frequently inhibited the parliamentary personnel of the major parties from becoming attuned to the sentiments of the citizens of the prairies. The electoral system's support for the political idiosyncracies of Alberta for over two decades ill served the integration of that provincial community into the national political system at a time

[Interprétation]

d'autres mots, la représentation proportionnelle n'existe pas seulement comme nous le pensons chez nous, dans les pays qui ont des situations instables et en faillite, mais on la retrouve dans des pays extrêmement stables et il y aurait peut-être lieu de les imiter.

Je voudrais souligner maintenant que si le système électoral existant a des conséquences que nous n'aimons pas, cela ne veut pas dire qu'il faut faire un choix entre le système existant et une version particulière de représentation proportionnelle. Si l'on se rend compte que le système actuel a des conséquences malheureuses, la seule conclusion que le Comité devrait en tirer—et c'est celle que je tirerais—c'est que le système électoral doit être adapté aux besoins particuliers des pays. On ne trouvera peut-être pas le modèle approprié tout simplement en examinant les régimes électoraux des autres sociétés, mais on pourra y trouver de très bons exemples qui pourront nous inspirer.

Ensuite, si ce Comité ne veut pas étudier de solution de rechange, il approuvera le système existant qui a eu les effets suivants, et je cite au bas de la page 79:

«D'un certain côté, on peut dire que si les partis réussissent à surmonter les divisions régionales, ils le font à l'encontre du système électoral. Par ailleurs, si des partis ne réussissent pas, on peut dire que c'est parce que le système électoral a tellement faussé le système des partis qu'on ne saurait l'appeler un organe de nationalisation. Il est évident que non seulement le système électoral a donné un élan au régionalisme en termes de campagnes et de politique de parti, mais en rendant tous les partis plus régionaux au niveau des sièges qu'à celui de l'électorat, ce qui complique la tâche des partis qui veulent dépasser le régionalisme. A différentes époques, le système électoral a créé des obstacles empêchant les Conservateurs de se rendre compte de la place spéciale du Québec et du Canada français dans la politique canadienne et il a aidé les Libéraux dans cette tâche; il a empêché les tiers partis au pays de se rendre compte des besoins spéciaux et des particularismes d'esprit régional, autres que ceux qui figuraient dans le parti représenté au Parlement et il a souvent empêché le personnel parlementaire des principaux partis de s'harmoniser avec les sentiments des citoyens des Prairies. L'appui au système électoral pour les idiosyncrasies politiques de l'Alberta au cours d'au moins deux décennies a mal

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when it was most needed. In fact, the Alberta case merely illustrates the general proposition that the disintegrating effects of the electoral system are likely to be most pronounced where alienation from the larger political system is most profound. A particular orientation, therefore, has been imparted to Canadian politics which is not inherent in the very nature of the patterns of cleavage and consensus in the society, but results from their interplay with the electoral system.

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These then are the consequences of the existing system. If you approve the existing system you approve a continuation of those kinds of consequences for the future.

Now, given what seems to me to be the seriousness of these consequences, the Committee has a responsibility to examine alternatives which will have less damaging consequences to this political community. I am suggesting, therefore, that in general the rules of the political game in which politicians pursue votes in order to gain seats have consequences and if we do not like the consequences we can change the rules; we can examine alternatives.

In conclusion I suggest that I am not—well, I do not suggest—I state that I am not advocating proportional representation at this time as such. I am simply suggesting that the existing electoral system has certain consequences which to me seem to be serious and they seem to be sufficiently serious. And if this Committee is seriously interested in the relationship of the electoral system to the capacity of their political parties to contribute to the integration of this country they might, and I suggest should, pay significant attention to alternative kinds of electoral systems which might better suit their purposes.

Thank you, Mr. Chairman.

The Chairman: Thank you, Professor Cairns. I wish to thank you for your substantial presentation on a very high level. And now the meeting is open for questions.

Mr. Jerome: Mr. Chairman, I wonder if I might ask Professor Cairns, in the light of his remarks, to comment on the fact that the Conservative Party in 1957 returned 206 out of 265 members to the House of Commons—208? I am sorry, 58. It took the two elections, 1957 and 1958, and 10 years later it now hold

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Voilà donc les conséquences du système actuel. Si vous approuvez le système existant, vous en approuvez les conséquences et les suites.

Vu l'importance de ces conséquences, le Comité doit réexaminer des solutions de rechange qui auront des conséquences moins dommageables pour notre communauté politique. Par conséquent, je déclare de façon générale, que les règles du jeu politique par lequel les politiciens cherchent à obtenir des votes aux fins d'obtenir des sièges ont des conséquences et, si nous n'aimons pas les conséquences, nous pouvons changer les règles. Nous pouvons examiner des solutions de rechange.

Pour conclure, je tiens à souligner que je ne préconise pas présentement la représentation proportionnelle dans sa formule actuelle. Je dis tout simplement que le système électoral actuel a certaines incidences qui, à mon avis, semblent être suffisamment graves. Si le présent comité est vraiment intéressé, aux rapports entre le système électoral et les possibilités des partis politiques de contribuer à l'unité du pays, il pourrait et je dirais, il devrait consacrer une attention particulière à l'étude de systèmes électoraux différents qui pourraient être plus appropriés.

Merci, monsieur le président.

Le président: Merci, monsieur Cairns. Je désire vous remercier pour votre mémoire enrichissant et d'une haute tenue. C'est maintenant la période de question. Monsieur Jerome.

M. Jerome: Monsieur le président, pourrais-je demander au professeur Cairns, à la lumière des remarques qu'il a faites, s'il pourrait commenter le fait que le parti conservateur, en 1957, au Canada, a fait élire 206 membres sur les 265 à la Chambre des communes, 208, je me trompe, en 1958. Il a gagné

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some 80-odd? Or 74? In view of the fact that this is so current and so dramatic a swing-around in representation throughout the country, how can it possibly be maintained that the system under which we elect our members to the House of Commons at the present time promotes this regional difficulty that you are speaking of?

Professor Cairns: I am not sure that I follow your question. It seems to me first of all that one could argue that it is in part the electoral system which is responsible for the striking alteration in Conservative representation from 1958 to the present, because the change in the level of support for the Conservative Party at the level of the voter has undoubtedly been much less pronounced than the change in representation at the level of Parliament. So in that sense one might argue that the existing electoral system magnifies the swings in representation.

However, this was not your question. Quite frankly, I am not quite clear how your question impinges on my problem. My only suggestion is that if the electoral system makes it desirable, in terms of strategy, for a political party to view this country in sectional terms and to aim appeals at particular sectional communities, in which it may or may not be successful, and if the electoral system operates in such a way that throughout the history of the Conservative Party Quebec has been significantly underrepresented in the caucus of that Party, underrepresented in terms of the percentage of electoral support which that Party has received in Quebec, then that electoral system is making it difficult for the Conservative Party to do the kind of thinking which would result in appropriate and sensitive policies for that community.

Mr. Jerome: Do you feel that this situation exists respecting the federal House?

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Professor Cairns: That is what I am speaking of—the federal House.

Mr. Jerome: This is precisely my question. How can you say that any party is underrepresented or overrepresented in any region when such a dramatic swing-around can take place in the space of ten years in the representation throughout the country? The complexion of the House of Commons has just about completely reversed itself in a ten-year span.

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[Interprétation]

les deux élections de 1957 et 1958 et 10 ans plus tard, il compte quelque 80 ou 74 députés? Étant donné que ceci est tellement courant, et que ce changement tellement frappant au point de vue représentation, dans tout le pays, comment peut-on prétendre que le système par lequel nous élisons nos députés à la Chambre des communes, peut favoriser les divergences sur le plan régional dont vous parlez?

M. Cairns: Je ne sais pas si j'ai très bien compris votre question. Il me semble que premièrement on puisse avancer que c'est le système électoral qui est partiellement responsable des modifications frappantes dans la représentation conservatrice entre 1958 et maintenant, parce que le changement d'appui au parti conservateur, au niveau des élections a été sans aucun doute moins prononcé que le changement de la représentation au Parlement. Donc, il se peut en ce sens que le système électoral augmente les changements dans la représentation.

Cependant, ce n'était pas là notre point. Très franchement, je ne vois pas comment votre point contredit ce que j'ai dit. Je souligne que si le système électoral actuel, au point de vue stratégie, rend souhaitable pour un parti politique de diviser ce pays en régions et de s'orienter vers certaines régions qui lui sont plus ou moins favorables éventuellement, et si le système électoral fonctionne de telle façon que le parti conservateur du Québec soit largement sous-représenté au caucus de ce parti en fonction du pourcentage d'appui électoral que ce parti a reçu du Québec, alors ce système électoral ne favorise pas chez le parti conservateur une politique qui tiendrait compte raisonnablement des aspirations de cette collectivité.

M. Jerome: Pensez-vous que cette situation existe en ce qui concerne la Chambre des communes du Gouvernement fédéral?

M. Cairns: C'est ce que je veux dire d'ailleurs, je parle du gouvernement fédéral.

M. Jerome: Voici ma question: comment pouvez-vous dire qu'un parti quelconque n'est pas assez représenté ou a une trop grande représentation dans une région donnée quand un changement si frappant peut se produire en l'espace de dix ans dans la représentation au pays? La Chambre des communes a complètement changé en 10 ans.

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[Text]

Professor Cairns: I agree. What I define as exaggeration of sectionalism or as discrimination is when you get significant discrepancies between the percentage of seats a party gets from a particular section and the percentage of votes a party gets from a particular section. And if a party is deprived of seats from a section, proportionate to its votes, then it seems to me that that damages the capacity of that party to be sensitive to the community from which it is underrepresented in those terms. Now each section, of course, has a stated proportion of seats in the House of Commons adjusted decennially according to the census, but what I am arguing about is the way in which the distribution of votes in each section gets transformed into a distribution of seats from each section.

Mr. Jerome: All right, but I notice that you are not proposing at this time any alternative really to what takes place now. One might just as easily say that the system under which we elect people at the present time, although it does not always reflect the popular vote, and by your figures sometimes dramatically does quite the opposite, at least gives the people who go to the polls the right to choose the person and the party by whom they will be represented. Now I would think a proportional system of representation would probably cost them that close control over electing their own member and surely that would be a much greater price to pay than the one which is presently paid—sometimes a discrepancy between the popular vote and the success of the individual candidate.

Professor Cairns: Well, if one wishes to discuss the merits of alternative kinds of electoral systems one has to bring in every consequence which one considers relevant—and people may differ on what they consider relevant. In the kind of society and political tradition we have, single member constituency systems have built up an assumption that the M.P. should be a spokesman for a particular constituency and it is quite clear that some kinds of proportional representation do not facilitate that kind of relationship between the constituency and its representative.

If you find that the most important consideration then maybe some kinds of proportional representation you will regard as unacceptable. But there are other kinds of proportional representation under what is known as the HARE system. But you must have multi-member constituencies; you cannot have proportional representation in

[Interpretation]

M. Cairns: Je suis d'accord. Ce que je décris comme une exagération du régionalisme, c'est quand il y a une différence importante entre le pourcentage de sièges obtenus par un parti dans une région donnée et le pourcentage des votes qu'un parti obtient dans cette même région. Si le parti n'obtient pas des sièges d'une région en proportion de ses votes, alors il me semble que ceci nuit aux possibilités qu'a ce parti de se montrer présent aux besoins de la collectivité qui n'est pas suffisamment représentée. Évidemment, chaque région a droit à une proportion fixe de députés à la Chambre et cette proportion est fixée à nouveau chaque dix ans à la suite du recensement. Mais ce que je veux montrer, c'est la façon dont la répartition des votes dans chaque région se transforme en une répartition des sièges pour chaque région.

M. Jerome: Très bien, mais je vois que vous ne proposez aucune alternative à ce stade. On pourrait aussi bien dire que le régime électoral actuel, bien qu'il ne reflète pas toujours le vote populaire, et, d'après vos chiffres, c'est malheureusement parfois le contraire, donne au moins aux électeurs le droit de choisir la personne et le parti qui les représenteront. Je pense que dans un système de représentation proportionnelle, l'électeur perdrait ce contrôle étroit sur l'élection de son représentant, ce qui, sûrement, serait un prix beaucoup plus élevé à payer que celui qu'il paye actuellement, à savoir la différence éventuelle entre le vote populaire et le succès d'un candidat en particulier.

M. Cairns: Si l'on veut discuter des mérites d'autres régimes électoraux, il faut tenir compte de tous les éléments qui ont une importance quelconque et là-dessus, les gens peuvent passablement différer d'opinion. Dans le genre de société et de tradition politique qui nous entourent, le système de circonscriptions à représentation unique s'appuie sur l'hypothèse que le député doit être le porte-parole d'une circonscription donnée. Or, il est bien évident que certains régimes de représentation proportionnelle justifient difficilement ce rapport entre la circonscription et son représentant.

Si vous considérez que c'est là l'élément le plus important, alors il y a certaines formes de représentation proportionnelle qui vous paraîtraient inacceptables. Il y a d'autres formes, cependant de représentation proportionnelle en vertu de ce que l'on connaît sous le nom de système Hare qui prévoit plusieurs représentants dans une même circonscription.

[Texte]

single member constituencies in which the electorate is still given the possibility of voting for individual candidates. What our system does, of course, is to place large numbers of people in this society in a system where they are bound to cast votes which everybody knows are meaningless but under no conceivable circumstances in the particular election in which they are casting the vote can those votes have an effect on the outcome. One might argue that this is an undesirable consequence. The socialist voter in the Maritimes, the Liberal voter in the Prairies in the period of Mr. Diefenbaker's control of the Prairies and partially continued at the present time, the Conservative voter in Quebec do not affect outcomes. Their votes do not get translated into seats.

Mr. Jerome: But you are basing that statement on the premise that the casting of a ballot in an election on this particular day loses its effectiveness if it does not elect or effect an election of a member, but surely you must agree that the advance by a party, gaining on the leader or the establishment, some show of success by a new party, have very significant effects each successive election as an indicator of their popularity with the public. So that the voter does not simply go to elect a member on that particular day.

Professor Cairns: No, no one in their right mind would argue that even votes which do not get translated into seats are totally irrelevant for that reason. I am simply suggesting that a political system gave the Liberals 5.6 to 1 Conservative from Quebec for a 40 year period whereas at the level of voters there was something like 1.9 Liberals to 1 Conservative and this is a consequence which you might seriously consider. The Conservative vote could go up a little, it could go down a little and it really would not matter much one way or the other.

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Mr. Jerome: Would I understand a 1.9 to 1 ratio to mean that the Conservatives in the election in which you speak of got half as many votes as the Liberals?

Professor Cairns: Perhaps I should check the specific quote so we make sure we do not make a mistake. Speaking of the period from 1921 to 1965, and this is on page 62:

... the Liberals gained 752 members from Quebec, and the Conservatives only 135. The ratio of 5.6 Liberals to each Conservative in the House of Commons contrasts sharply with the 1.9 to 1 ratio of Liberals to Conservatives at the level of voters.

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[Interprétation]

Vous ne pouvez avoir de représentation proportionnelle dans les circonscriptions à représentation unique où l'électorat a encore la possibilité de voter pour des candidats individuels. Notre régime en fait, encourage un grand nombre de personnes dans notre société à voter d'une façon parfaitement futile et sans possibilité aucune d'influencer le choix final. On pourrait qualifier cette conséquence d'indésirable. L'électeur socialiste des Maritimes, le libéral des Prairies à l'époque du contrôle de M. Diefenbaker sur cette région, et même aujourd'hui encore, le conservateur du Québec, tous ces gens n'ont aucune influence sur le résultat final du vote. Leurs votes n'ont aucun rapport avec les élus.

Mr. Jerome: Vous fondez cette affirmation sur le fait que le vote perd sa valeur le jour de l'élection, s'il n'a aucune influence sur l'élection d'un député. Mais vous admettez certainement que l'avance d'un parti, la victoire sur un chef ou sur l'Establishment, le succès d'un nouveau parti peuvent avoir une incidence importante sur les élections suivantes, en tant qu'indicateurs de popularité dans le public. C'est ainsi que l'électeur ne doit pas penser uniquement à l'élection d'un représentant, ce jour-là.

M. Cairns: Personne n'oserait dire que des votes que n'a pas recueillis le député élu ne sont pas pertinents. Je dis simplement qu'un régime politique qui a donné aux libéraux 5.6 sièges par rapport à 1 pour les conservateurs pendant une période de 40 ans, alors qu'au niveau des électeurs il n'y avait en réalité que 1.9 vote qui allait aux libéraux par rapport à 1 vote pour les conservateurs, donne beaucoup à réfléchir. Le vote conservateur pourrait augmenter ou diminuer un peu et il n'y aurait rien de changé.

Mr. Jerome: Dois-je comprendre par ce rapport de 1.9 à 1 que les conservateurs ont obtenu la moitié des votes des libéraux?

M. Cairns: Je devrais peut-être vérifier les chiffres exacts pour être sûr de ne pas faire d'erreur. Je parle de la période allant de 1921 à 1965. A la page 62, on lit:

«Il y a eu 752 libéraux d'élus au Québec et 135 conservateurs seulement. Ce rapport de 5.6 libéraux pour 1 conservateur à la Chambre des communes contraste étrangement avec le rapport de 1.9 vote libéral pour 1 vote conservateur.»

[Text]

So for this period, 1921 to 1965, there were approximately 5.5 Liberals to each Conservative in the House of Commons from Quebec and there were approximately 2 Liberals to each Conservative at the level of the voter in Quebec. Now these seem to me to be important consequences. You can say that they are not important enough for me to do anything about it because I regard other virtues of our electoral system as more important, but I do not think you can say that those are trivial consequences. They deprived the second major party in the country for a period of 45 years from significant representation from one of the two main linguistic cultural communities in this country and if that did not seriously affect the capacity of that party to be sensitive to the requirements of that community then political parties are put together in ways other than I think they are.

Mr. Jerome: You are suggesting that this is simply a horse and cart relationship with never the two being interchanged. You are saying that the failure of the party to have any significant success contributes to their inability to understand and appreciate the problems of that area rather than saying that their inability to understand or appreciate the problems of the area contributes to their lack of success at the polls.

Professor Cairns: It is a circular relationship but that failure in terms of seats means an absence of spokesmen in the party to define future policy perhaps in order to get a better showing next time. All I am saying is that the electoral system seems to exaggerate the difficulty for the party and had the Conservative Party had the representation from Quebec that its level of voting support justified that party might not have come to be so broadly identified in the public mind on various occasions, much stimulated by Liberal propaganda in campaigns, as an anti-French Canadian party and that the temptation placed in front of the Liberals, to blast the Conservatives in Quebec, was the kind of strategy which this electoral system induces in party leaders, which I also think is an unfortunate consequence.

The Chairman: We may come back to you, Mr. Jerome, because I have a long list of members who have indicated their intention to ask questions.

Mr. Howe, would you proceed.

Mr. Howe: Professor Cairns, this has been a very interesting brief. You give recognition to the policies of the different parties and their effectiveness in an election campaign. I had not realized all this. We knew that there were

[Interpretation]

Pour cette période de 1921 à 1965, il y avait donc 5.5 libéraux pour un conservateur du Québec à la Chambre des communes, alors qu'au niveau des électeurs il n'y aurait dû y avoir que 2 libéraux pour 1 conservateur. A mon avis, ces conséquences sont très importantes. Vous pouvez dire qu'elles ne sont pas assez importantes pour négliger d'autres aspects avantageux de notre système électoral, mais je ne pense pas que vous puissiez les qualifier de triviales. Pendant 45 ans, l'un des deux principaux partis du pays a été privé de la juste représentation d'une des principales communautés linguistiques et culturelles du Canada. Si ceci n'a pas affecté la capacité de ce parti de tenir compte des besoins du peuple, alors les partis politiques ne sont pas ce que je croyais.

M. Jerome: Vous suggérez là une simple relation de cause à effet. Vous attribuez l'incapacité du parti à comprendre les besoins des gens au régime plutôt que son échec à cette incapacité de comprendre les gens.

M. Cairns: C'est un cercle vicieux, mais cet échec en termes de sièges signifie une absence de porte-paroles pour mieux définir la politique du parti et obtenir de meilleurs résultats par la suite. Tout ce que je dis, c'est que le régime électoral semble exagérer la difficulté pour le parti et que, si le parti conservateur avait obtenu une représentation proportionnelle du Québec, il n'aurait certainement pas été considéré, par l'opinion publique, stimulée par la propagande libérale, comme un parti anti-canadien-français. Cette tentation qu'avaient les libéraux de détruire de la sorte les conservateurs, était une stratégie permise par notre système électoral aux chefs de partis. Cet aspect représente aussi une conséquence malheureuse du régime à mon avis.

Le président: Nous reviendrons à vous, monsieur Jerome. J'ai toute une liste de députés qui voudraient prendre la parole. Monsieur Howe.

M. Howe: Professeur Cairns, voilà un mémoire extrêmement intéressant. Vous avez expliqué les politiques des partis et leurs incidences en rapport avec les campagnes électorales. Je ne m'étais pas rendu compte de tout

[Texte]

discrepancies. I was just mentioning to Mr. Macquarrie the situation that developed in 1935 when Mr. Stevens organized his Reconstruction Party, got 25 per cent of the votes and only elected himself. This was something that we all could not understand. We are like Mr. Jerome, we cannot understand really why in 1962 we lost 92 seats. However, we may put it down to the effectiveness of the Liberal whispering campaigns that have always played such a part in all our elections.

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We have had this same theory presented to us in connection with a lot of different programs that have been brought into force in Canada. You mention that Sweden, Germany and Italy are using a proportional representative type of election campaign. Is there any country having the same geographical and climatic circumstances as Canada using the proportional system?

Professor Cairns: Well, one might answer that there are few countries anywhere which have the same climatic and geographical circumstances as Canada, so in that sense the answer is self-evident—no. There are northern countries which use it, and we are a northern country; there are countries which contain two significant cultural communities, Belgium, which uses it; there are countries with Parliamentary traditions which use it; Switzerland is another country with many ethnic communities, it is not a homogeneous society. There are large countries which use it. Germany uses it. I probably could not find an exact parallel but then I could not find an exact parallel to Canada anywhere.

Mr. Howe: This is what I mean; systems that do work in closely integrated countries like Germany and Belgium probably would not work in Canada because each party has to not only arrange a national policy but has to prepare sectional policies for election campaigns.

A policy that might be useful in the prairies would not be a policy that would be acceptable in the Maritimes, for example, having regard to the different regions.

Professor Cairns: I think it is a matter for further research to decide whether a different electoral system would be adaptable to the requirements of Canada, which are not the same as those of any of these other countries.

On the other hand, Canada is not the same as the country from which we initially took our existing electoral system. We just took it, I imagine, rather uncritically from the United

[Interprétation]

cela. Nous savions qu'il y avait des différences. Je mentionnais justement à M. Macquarrie la situation qui s'est produite en 1935 lorsque M. Stevens a organisé son parti de la reconstruction, qu'il a obtenu 25 p. 100 des votes et qu'il n'a réussi à élire que lui-même. C'est une situation que nous ne pouvions pas comprendre et comme M. Jerome, nous ne comprenons pas pourquoi en 1962, nous avons perdu 92 sièges. C'est peut-être à cause de la propagande de rumeur qui a eu cours pendant les campagnes et qui a été si efficace.

Cette même théorie nous a été présentée en rapport avec de nombreux programmes en vigueur au Canada. Vous mentionnez qu'en Allemagne, en Suède et en Italie, on a un système de représentation proportionnelle. Est-ce qu'il y a un pays aux mêmes conditions climatiques et géographiques que le Canada qui possède un régime de représentation proportionnelle?

M. Cairns: On pourrait dire tout simplement qu'il y a peu de pays qui ont les mêmes conditions climatiques et géographiques que le Canada, donc en un sens, la réponse est non. Il y a les pays nordiques qui l'ont; nous sommes un pays nordique. Il y a les pays qui ont deux communautés culturelles importantes comme la Belgique qui ont ce système. Il y a des pays avec des traditions parlementaires. Il y a la Suisse qui est un autre pays composé de plusieurs communautés ethniques et qui n'est pas une société homogène. Il y a des grands pays qui l'ont, l'Allemagne en est un exemple, mais il n'y a pas un pays semblable au nôtre qui l'ait, ce serait impossible à trouver.

M. Howe: C'est cela que je veux dire. Des systèmes qui fonctionnent dans des pays bien intégrés comme l'Allemagne et la Belgique ne fonctionneraient probablement pas au Canada parce que non seulement chaque parti doit préparer sa politique nationale, mais encore ses politiques régionales en vue de ses campagnes électorales. Une politique qui serait acceptable dans les Prairies ne serait pas nécessairement appréciée dans les Maritimes par exemple.

M. Cairns: Je pense qu'il faut consacrer à cette question plus de recherches avant de décider si oui ou non un régime différent serait adaptable aux conditions canadiennes qui ne sont pas les mêmes que celles d'aucun de ces autres pays.

Par contre, le Canada n'est pas du tout similaire au pays d'où nous avons emprunté notre régime électoral actuel. Nous n'avons pas emprunté, sans trop nous poser de ques-

[Text]

Kingdom, which was part of the model from which our parliamentary tradition and the names of our parties flowed, and so on. So the fact that the system is appropriate in the United Kingdom does not mean it is appropriate to our circumstances.

Mr. Howe: I have one further question, Mr. Chairman. Professor Cairns, have you any information on how effective, or popular, the proportional system is in the countries that are using it? There are, no doubt, some objections to it?

Professor Cairns: One thing proportional representation often tends to do is to increase the voting turn-out because it gives the voter a feeling that his vote is, in fact, going to count in the determination of seats. This is not always true of voters under our situation.

All I can suggest is that a number of countries have had this system for long periods of time. They have become habituated to it. They apparently regard it as part of the natural order, in the same way that we regard our system as part of our natural order. But in some cases—West Germany, for example—it has created complicated kinds of party manoeuvrings which some public commentators have found somewhat unpalatable. But our system also creates certain kinds of party manoeuvrings—the appeal to a particular section, the attempt to blast a party as not being a friend of that section. This is also unpalatable.

Therefore, I would suggest you simply look at the alternatives and decide whether there is one which might be more useful than what we have now.

Mr. Howe: You mentioned that the turnout on voting day is better in some of these countries. This has always been a problem in Canada. We have always felt that there was a certain amount of indifference among a great number of the people on election day. Do you have any figures from any of these countries showing that they do have better turn-out on election days than we have?

Professor Cairns: I understand that when they introduced proportional representation in Switzerland there was a marked increase in the voter turn-out immediately following, and that the marked increase continued into the new period. One could easily look up these figures. I do not happen to have them at my finger tips.

[Interpretation]

tions, j'imagine, au Royaume-Uni et c'est de là que nous sont venues nos propres traditions parlementaires ainsi que les noms de nos partis. Ainsi, le fait que ce système soit approprié au Royaume-Uni ne signifie pas qu'il le soit pour notre pays.

M. Howe: J'ai une autre question, monsieur le président. Professeur Cairns, avez-vous des renseignements sur l'efficacité ou la popularité du système de représentation proportionnelle dans les pays qui l'utilisent? N'y a-t-il pas des objections à ce système?

M. Cairns: Un des effets du système de représentation proportionnelle est d'augmenter le nombre de personnes qui vont voter le jour des élections, parce que l'électeur a la sensation que son vote va réellement influencer la tournure des élections. Ceci n'est pas toujours le cas pour les électeurs de notre pays. Tout ce que je puis dire, c'est qu'un certain nombre de pays ont eu ce système pendant de longues périodes de temps. Ils y sont habitués et apparemment, on le considère comme partie intégrante de l'ordre naturel des choses de la même façon que nous considérons notre régime électoral. Dans certains cas, comme dans le cas de l'Allemagne de l'Ouest, ce système a amené des partis politiques à se comporter d'une façon que des commentateurs publics ont jugé d'assez mauvais goût. Par contre, notre système lui aussi a créé certains genres de manoeuvres politiques au sein des partis. Ces partis tentent de séduire une région donnée et, pour ce faire, essaient de détruire l'autre parti en l'accusant de ne pas se préoccuper de cette région. Ceci est aussi de très mauvais goût. Je vous suggère donc d'examiner les diverses possibilités et de décider si oui ou non, il y en a une qui pourrait s'avérer meilleure que celle qui est maintenant en vigueur dans notre pays.

M. Howe: Vous avez mentionné que dans certains de ces pays il y a un nombre plus considérable de gens qui vont voter le jour des élections. Ceci a toujours été un problème au Canada. Nous avons toujours cru à une certaine indifférence chez les gens le jour des élections. Avez-vous des données provenant d'un de ces pays et prouvant justement que les gens y sont plus intéressés à exercer leur droit de vote le jour des élections?

M. Cairns: Je crois que, lorsqu'on a introduit ce système de représentation proportionnelle en Suisse, ce phénomène s'est manifesté immédiatement et s'est d'ailleurs accru lors de l'élection suivante. Il serait très facile de prouver ces données. Je ne les ai pas avec moi dans le moment.

[Texte]

Mr. Howe: It would be interesting to see them, I think, Mr. Chairman. Thank you very much.

The Chairman: Mr. Richard?

Mr. Richard: Mr. Chairman, I have been absent from a few meetings, and I was replaced for a while. How far can we go into this whole question of the electoral system in this Committee? It is a most interesting subject, on which I suppose we could have

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many meetings, but any first question to Mr. Cairns is this: Our system is based at the present time—and it has been accepted in the country for years—on having a certain number of seats distributed throughout the country according to a certain number of people in each riding. As long as you have that and as long as you vote by the party system I suppose you have to assume that the many people who vote for a party are voting for that party and that it is not right to say that they have an alternative.

Surely we are not going to suggest that Canadian electors, who vote on election day for the Conservative party—and that party gets the majority in that riding, even if by one, as we have it now—should find that they are not going to be represented by that person because another system allots them somebody else? That is what happens under your system.

Suppose we had only two parties in this country and by a majority of one the electors voted in Ottawa East, for example—which they would not—for the Conservative party. Under your system, if the Liberals throughout the country got the majority of the votes and were allotted so many seats in Ontario, I would be one of them. I do not know how you can justify that.

The only way I can imagine your system would be to change it altogether and have a national vote, or a vote by provinces, whereby you would say that there were 500,000 Liberals; and that the proportion throughout the country was 20 per cent; therefore, there would be so many seats in Ontario for the Liberals and first the first 20 amongst the Liberals in Ontario would get the seats.

Surely at an election the people have the right to have an opinion. If the majority are for one party they should not find themselves with a representative of another party.

[Interprétation]

M. Howe: Ce pourrait être en effet très intéressant de les examiner, monsieur le président. Merci beaucoup.

Le président: Monsieur Richard.

M. Richard: Monsieur le président, j'ai été absent pendant quelques séances et j'ai été remplacé pendant une autre période. Jusqu'à quel point allons-nous étudier au comité cette question du régime électoral? C'est un sujet extrêmement intéressant sur le-

quel, je suppose, nous pourrions consacrer plusieurs séances. Ma première question s'adresse à M. Cairns: Notre système actuel est fondé sur la distribution d'un certain nombre de sièges à travers le pays proportionnellement à un certain nombre de gens dans chaque circonscription. Ce système a été accepté pendant des années. Aussi longtemps que ce système est en vigueur et que l'on vote pour un parti, je suppose que les gens qui votent pour un parti donné le font intentionnellement et qu'il n'est pas exact de dire qu'ils ont un choix.

Nous n'allons sûrement pas suggérer que l'électeur canadien qui vote le jour des élections, pour le parti conservateur—en admettant que ce parti obtienne la majorité dans cette circonscription, si minime soit-elle—doive penser qu'il n'est pas bien représenté parce qu'un autre système électoral aurait donné la priorité à quelqu'un d'autre. C'est ce qui arrive en vertu de notre régime.

Supposons qu'il n'y ait que deux partis au pays et que, par une majorité d'un vote le parti conservateur soit élu dans la circonscription d'Ottawa-Est par exemple, ce qui est impossible! En vertu de votre système, si les libéraux obtenaient la majorité à travers le pays et qu'on allouait un certain nombre de sièges en Ontario, j'obtiendrais un de ces sièges. Je ne sais pas comment vous pouvez justifier cela.

La seule façon, à mon avis, de faire fonctionner votre système, serait d'avoir un vote national ou un vote par province; dans ce cas, vous pourriez dire qu'il y a 500,000 libéraux au pays, ce qui fait une proportion d'environ 20 p. 100. Il y aurait alors un certain nombre de sièges en Ontario qui iraient aux libéraux et les 20 premiers libéraux d'Ontario obtiendraient ces sièges. Je suis persuadé que les gens ont le droit de donner leur opinion lors d'une élection. Si la majorité d'une circonscription favorise un parti donné, elle ne devrait pas se retrouver avec un représentant de l'autre parti.

[Text]

Professor Cairns: I am afraid I do not catch the pertinency of your remarks.

First of all, I accept that it is meaningful to state in certain circumstances that a Conservative Member of Parliament from riding "X" represents all the people in that riding. I am not denying that Members of Parliament are spokesmen for interests other than those who voted for them at the time of an election, but one could visualize an outcome of an election in Canada, with 260-odd seats, in which there were, let us for the sake of argument, two parties and the Liberals got 51 per cent of the votes and the Conservatives got 49 per cent in each riding; and, therefore, 51 per cent and 49 per cent in the country as a whole. Then every member of the House of Commons would be Liberal and there would be no Conservatives. From your perspective there is, I suppose, nothing wrong with that.

Mr. Richard: Well—

Professor Cairns: From my perspective it is at least anomalous, and one might consider that a kind of electoral system that produced that sort of outcome would have to be seriously examined. That consequence has never arisen, but lesser versions of it do frequently occur.

One can devise proportional electoral systems in which the voter does vote for individual candidates. There is no proportional representation system, except possibly Israel, to my knowledge, in which the constituency is the whole state. It is always smaller than that. Usually the assumption is that as long as your constituency contains up to five members you can get a high degree of proportionality—much more than we have under the present system.

If you are suggesting that fundamental changes would have to be made to introduce this different kind of system, I can only agree. It would be a major change. And one would only make a major change because one thought the existing system was having major, undesirable consequences.

Mr. Richard: It would also lead to a multiplicity of parties in the House.

Professor Cairns: The literature is debatable on whether or not proportional representation contributes to a multiplicity of parties. The usual statement is that if there is a multiplicity of parties it stabilizes them.

However, we must also note that we have not had a two-party system in this country since 1921, and the assumption that we should

[Interpretation]

M. Cairns: Je ne crois pas saisir très bien toute la subtilité de vos remarques.

Tout d'abord, j'accepte le fait qu'il soit important, dans certaines circonstances, de dire qu'un député conservateur de la circonscription «X» représente tous les gens de cette circonscription. Je ne refuse pas non plus le fait que les députés puissent être les porte-parole d'autres gens que ceux qui ont voté pour eux à l'époque des élections, mais j'essaie d'imaginer la situation où, au Canada, deux partis se disputeraient les quelque 260 sièges, où les libéraux obtiendraient 51 p. 100 des votes et les conservateurs 49 p. 100 des votes dans chaque circonscription. Par conséquent, il y aurait dans le pays tout entier une proportion de 51 p. 100 par rapport à 49 p. 100 des votes en faveur des libéraux. Tous les membres de la Chambre des communes seraient alors libéraux et il n'y aurait aucun conservateur. Je suppose que, d'après vous, cette situation serait tout à fait équitable.

M. Richard: Eh bien...

M. Cairns: D'après moi, il y aurait là une certaine anomalie et l'on pourrait croire que le régime qui permet une telle situation mérite d'être sérieusement étudié. Nous n'avons jamais vu de conséquences si graves, mais nous en voyons souvent des exemples mitigés.

On peut grouper le système de représentation proportionnelle dans lequel l'électeur vote pour des candidats individuels. Il n'y a pas à ma connaissance d'autres pays que l'Israël peut-être où, en vertu de ce système de représentation proportionnelle le pays tout entier ne forme qu'une seule circonscription. Habituellement, on se base sur un minimum de cinq députés par circonscription pour obtenir une bien meilleure représentation que celle que nous avons avec notre système actuel. Si vous croyez que des changements fondamentaux seraient nécessaires avant d'introduire cet autre régime, je ne peux qu'être d'accord. Ce serait en effet un immense changement. On effectue d'ailleurs un changement majeur qu'après avoir mesuré les désavantages de grande importance qui résultent du système en vigueur.

M. Richard: Ceci amènerait aussi une multiplicité de partis à la Chambre.

M. Cairns: L'influence d'un système de représentation proportionnelle sur la multiplicité des partis est tout à fait discutable. Selon l'argument habituel, lorsqu'il y a une multiplicité de partis, il y a stabilisation. Nous devons cependant tenir compte du fait que nous avons eu un système de deux partis dans ce pays depuis 1921 et de l'idée que nous

[Texte]

preserve our existing electoral system in order to preserve a two-party system sounds somewhat hollow when we look at it, because we have had a history of third parties. And the kinds of third parties that this electoral system has stimulated have been sectional third parties.

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As the gentleman over here said, our electoral system did not do much good to Mr. Stevens, whose support was relatively nation-wide. The party to which it gave a significant impetus was Social Credit from Alberta. That third party got more seats than it was entitled to, if we assume that a party should get only the same proportion of seats that it gets votes.

Mr. Richard: I will put only one further question and make way for somebody else. Would not a fixed term for election for five years, even under the present system, allow much more freedom for the individual member to look at policy and everything else in a different light? Would not that solve some of the problems?

Professor Cairns: I do not see how that is particularly related to the problem of the distribution of seats from various sections within individual parties in the House of Commons. It might solve a different problem which may concern you, namely, the fact that party discipline makes it difficult for you to make up your mind on a number of issues. One version of this is the West German experiment where, if I understand the situation correctly, the only way in which the government can be overthrown by the lower House, the Bundestag, is if a majority in the lower House not only votes against the existing government but is able to identify the specific alternative government which will replace them. In other words, you cannot vote a government out until you have a group of men ready to assume the executive positions. However, I think your question is unrelated to the electoral system, unless I misinterpreted it.

Mr. Richard: I think it would allow any individual who is elected for a term of five years to be less bound by party discipline and to express his viewpoint on policy and to vote freely.

Professor Cairns: If you are saying that a system in which individual members have more freedom would be one in which the parties and party discipline was less important and therefore would be a system in which the present discriminatory distribution

[Interprétation]

devrions préserver notre régime électoral afin de maintenir notre système de deux partis. La chose semble quelque peu baroque, quand nous songeons à toute la série de troisièmes partis qui se sont formés. Ces troisièmes partis ont d'ailleurs été plus ou moins représentés dans notre régime électoral. Comme on l'a fait remarquer plus tôt, notre système n'a

pas tellement aidé M. Stevens, qui avait pour tant un appui dans tout le pays. Le parti qui a profité du système a été le parti du Crédit social d'Alberta. Ce troisième parti a obtenu beaucoup plus de sièges qu'il n'aurait dû, si on assume le fait qu'un parti devrait obtenir le nombre de sièges proportionnels au nombre de votes qu'il obtient.

M. Richard: Je pose une dernière question avant de laisser la parole à quelqu'un d'autre. Est-ce qu'un mandat de cinq ans, même sous notre système actuel, donnerait au député le loisir de mieux examiner diverses lignes d'action? Est-ce que ceci résoudrait quelques-uns de nos problèmes?

M. Cairns: Je ne vois pas comment cela se rattache directement au problème de la distribution des sièges dans les sections des différents partis à la Chambre des communes. Cela pourrait régler un autre problème, le fait que la discipline du parti vous empêche de prendre vos propres décisions à l'égard de certaines questions. En Allemagne de l'Ouest, par exemple, la Chambre basse ou Bundestag ne peut renverser le gouvernement, que si la majorité des députés à la Chambre basse, non seulement vote contre le gouvernement mais si elle peut identifier le gouvernement qui le remplacera. Autrement dit, on ne peut renverser un gouvernement avant de trouver des gens qui sont prêts à assumer la succession. Je crois toutefois que votre question ne se rattache pas au système électoral, à moins que je ne l'aie mal interprétée.

M. Richard: Je pense que tout député élu pour cinq ans serait moins lié à la discipline du parti. Il pourrait mieux exprimer son point de vue à l'égard de la politique et il pourrait voter plus librement.

M. Cairns: Si vous dites qu'un régime qui donne plus de latitude aux députés, accorderait moins d'importance aux partis et à la discipline du parti, ce serait donc un régime en vertu duquel la distribution injuste actuelle des sièges des partis serait moins

[Text]

of seats between parties would be less important than it is when you have party discipline, I may be carrying the argument rather far but logically I might be prepared to argue that it might slightly attenuate that problem.

Mr. Richard: I will allow somebody else to ask questions.

The Chairman: Thank you, Mr. Richard. Mr. Macquarrie.

Mr. Macquarrie: Mr. Chairman, from the time I first read this paper I found it to be a very cogent document. One aspect of the argumentation which profoundly impressed me was the reference to the relationship of the Conservative party in Quebec. This has been a profound problem for the Conservative party. They have always been able to have thousands and thousands of excellent Conservatives but we only meet them at party gatherings and, we can never get them into the legislature, as many of our national leaders have found. Because of the electoral system it is difficult to get people, and despite the fact there are many strong-thinking people in their province they cannot in fact win an election. This leads me to believe that this is an aspect that we should be concerned about.

I have two or three questions that I would like to ask Professor Cairns. In the qualitative measurement of virtues, if I may be a bit Presbyterian, where do you place the likely fact that on the proportional representation we would never, or almost never, have a majority government, as against the very clearly argued virtues which would come from proportional representation before they get into the legislature.

Professor Cairns: I suppose the question is not the virtues of majority government, since that is an inevitable consequence of our kind of parliamentary system. The question is whether your majority should be composed of one party or more than one party. It is quite clear that if we did have proportional representation and the voters continued to cast their preferences for the various parties in roughly the way they have historically done, the electoral system would not throw up one party majorities.

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I think one of the reasons our electoral system has been rather high in our esteem is because we have assumed that one party

[Interpretation]

importante qu'elle ne l'est lorsqu'il y a discipline de parti. C'est peut-être pousser la discussion un peu loin mais logiquement, cela pourrait atténuer le problème quelque peu.

Mr. Richard: Je vais permettre à quelqu'un d'autre de poser des questions.

Le président: Merci, monsieur Richard. Monsieur Macquarrie.

Mr. Macquarrie: Monsieur le président, la première fois que j'ai lu le document je l'ai trouvé très convaincant. L'un des aspects de l'argument m'a beaucoup impressionné. Il s'agit de l'allusion à la situation du parti conservateur au Québec, problème toujours très sérieux pour le parti conservateur. Il y a toujours eu des milliers de Conservateurs distingués mais on ne les rencontre que lors des réunions du parti, jamais à l'Assemblée législative comme le savent nos dirigeants nationaux. Il est difficile, à cause du régime électoral, et en dépit des penseurs qu'ils comptent dans leur rang, ceux-ci ne peuvent gagner une élection. C'est ce qui me porte à croire que nous devrions nous préoccuper de cette question.

J'ai deux ou trois questions à poser au professeur Cairns. Dans la mesure qualitative des vertus—si vous me permettez des idées quelque peu presbytériennes—où qui est-ce qui vous porte à dire que dans un régime éventuel de représentation proportionnelle nous n'aurions jamais ou presque jamais un gouvernement majoritaire comparativement aux avantages clairement établis qui découleraient de la représentation proportionnelle avant qu'elle ne soit adoptée par le Parlement.

M. Cairns: Je suppose que la question n'a pas trait aux avantages du gouvernement majoritaire. C'est une conséquence inévitable de notre système parlementaire. La question est le savoir si la majorité doit se composer d'un seul ou de plusieurs partis. Il est assez évident que, s'il y a représentation proportionnelle et que les électeurs continuent d'accorder leurs préférences, aux divers partis comme dans le passé, le système électoral ne favoriserait pas un parti aux dépens d'un autre.

Je pense que l'une des raisons pour laquelle notre régime électoral a toujours eu notre estime, c'est que nous avons toujours supposé

[Texte]

majorities are necessary for good government, and therefore we have been hostile to coalition governments and they are rarely resorted to. If they are resorted to it is usually in times of crisis, the creation of this country—Confederation—and World War I being the two main examples, and occasionally at the provincial level, and it is quite clear that a very significant change in the attitudes of parties towards each other, the willingness of parties which are possibly near to each other on the spectrum to collaborate within a common executive would have to develop if proportional representation in any pure form were to be instituted. I also assume that this would be a rather traumatic transition for our existing parties to go through. However, I am also of the school of thought that believes that where possible we should try to have our cake and eat it too, and I wonder if we can devise some kind of a system which would not militate against one party majority possibilities to the extent that a system of pure proportional representation would, but would have the effect of overcoming some of the serious regional imbalances in representation which our existing system has and without doing violence to the principle that we are supposed to be a democracy and we cannot simply concoct an outcome that we would like, regardless of what the voters have done in casting their ballots. However, I would assume—and I cannot give the answer off the top of my head—that it perhaps would not be impossible to devise some slightly different arrangement which would produce about as many one-party majorities as we now have but without some of the deleterious consequences of the existing system. In other words, you could have modifications of proportional representation. This is why I suggested that we do not have to choose between what we have and existing systems elsewhere. We can devise the rules of the game we want to use in the light of the are rules of the game which will better help problem which we have, and perhaps there us to solve these problems.

Mr. Macquarrie: I might say in passing that in the last decade or so I have departed from the view that majority government *per se* is a positive good. I have believed since I have been here that perhaps the minority government of 1957 was a far finer government than the majority government of 1958.

I have another question. When I lived in Manitoba we had an interesting variety of PR there. Have you gone into the reasons that their system was abandoned and did it, in

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que la majorité pour un parti s'impose, si nous voulons avoir un bon gouvernement. Par conséquent, nous nous sommes montrés hostiles aux gouvernements de coalition et nous y avons rarement eu recours, sauf en période de crises lors de la Confédération et de la Première Guerre mondiale, constituant les exemples principaux, et parfois au niveau provincial. Il est très évident qu'il devrait y avoir un changement dans l'attitude des partis les uns envers les autres, qu'il leur faudrait être disposés à collaborer les uns avec les autres au sein d'un exécutif commun, si l'on veut que soit instituée une représentation proportionnelle dans une forme pure. Je présume aussi que la transition serait assez difficile pour les partis existants. Toutefois, j'appartiens aussi à l'école de pensée qui croit que, dans la mesure du possible, nous devrions essayer d'avoir le drap et l'argent et je me demande si nous pourrions mettre au point un genre de régime qui ne militerait pas contre la possibilité pour un parti d'obtenir une majorité dans la mesure où le ferait un système de représentation proportionnelle pure, mais qui pourrait surmonter certains déséquilibres sérieux dans la représentation, ce qui existe dans notre système actuel et sans faire violence au principe selon lequel nous sommes une démocratie et que nous pourrions simplement pas mettre au point les résultats qui nous plairaient, peu importe la façon dont s'exerce le droit de suffrage. Toutefois, je présume—et je ne peux donner la réponse immédiatement—qu'il ne serait peut-être pas impossible de prendre des mesures quelque peu différentes qui donneraient comme résultat a peu près autant de majorités à un parti que nous en avons maintenant, sans toutefois entraîner certaines des conséquences du système actuel. En d'autres mots, on pourrait y apporter des modifications connexes à la représentation proportionnelle. C'est pourquoi j'ai proposé que nous n'ayons pas à choisir entre ce que nous avons et les systèmes qui existent ailleurs. Nous pouvons mettre au point les règles du jeu que nous voulons jouer en tenant compte de notre problème et peut-être que certaines règles du jeu nous aideront à résoudre ces problèmes.

M. Macquarrie: Je pourrais dire en passant que, au cours de la dernière décennie, je me suis éloigné de l'idée voulant qu'un gouvernement majoritaire soit en soi une bonne chose. Depuis que je suis ici, j'en suis venu à la conclusion que le gouvernement minoritaire de 1957 était un bien meilleur gouvernement, que le gouvernement majoritaire de 1958.

J'ai une autre question. Lorsque je demeurais au Manitoba, nous avions là-bas une intéressante variété de relations extérieures. Avez-vous étudié les raisons qui les ont

[Text]

particular, help to mitigate the intraprovincial sectionalism, if I may call it that?

Professor Cairns: I would certainly have to say that I do not know. That could be looked into, but I have not done it.

Mr. Macquarrie: The biggest thing I had against it was that it was a bit confusing and I always wondered—and this is not a new or profound question about PRs—if the second and third vote should be regarded as strong an emanation of the popular will as the first one. I was always concerned, in the collecting of second and thirds, about whether this was a true appraisal of popular will.

Professor Cairns: I guess you have a choice. You can either select a system in which second and third choices of those whose first choices are not respected, that is, their candidate does not get in, will be paid attention to, or you can have the existing system in which the first choices of some people are paid attention to and the first choices of other people are not paid attention to. However, which of those systems fits most closely with your democratic values is a question we will have to resolve for ourselves.

Mr. Macquarrie: It is an excellent question. This is my final question. In your paper you did not make any particular or precise recommendations. How would you feel about conceptualizing the division of the country into five regions—we will go along with Mr. Bennett on this—and looking upon those regions as a sort of large constituency within which a proportional representation system might function?

Professor Cairns: It seems to me that achieving the objective of greater proportionality, if that is an objective which we have, should be achieved with the least violence possible to the existing principle of closeness between the constituents and their representatives. Obviously the larger the constituency you create, if you use whole sections, the further away you move from the existing system. Most writers on proportional representation seem to indicate that if you have constituencies with five or more members that under the HARE system, which allows voters to vote for candidates as well, you get a very high degree of proportionality. So, I would not opt for extremely large constituencies. However, one can have mixes. The West German system is one in which half the members of the House are elected on a constituency basis and the other half are

[Interpretation]

amenés à abandonner le régime et s'ils l'ont fait pour mitiger le régionalisme intraprovincial, si je puis m'exprimer ainsi?

M. Cairns: Il faut certes que j'avoue en cela mon ignorance. On pourrait étudier la question, mais je ne l'ai pas fait.

M. Macquarrie: Je lui reprochais surtout d'être un peu embrouillé et je me suis toujours demandé—ce n'est pas une question nouvelle ou bien sérieuse concernant les Relations extérieures—si le deuxième et le troisième scrutin devait être considéré comme une expression aussi valable de l'opinion publique que le premier. En recueillant les deuxième et troisième scrutin, je me suis toujours demandé si c'était une évaluation réelle de la volonté publique.

M. Cairns: Je suppose que vous avez le choix. Vous pouvez soit choisir un régime dans lequel les deuxième et troisième choix de ceux dont le premier choix n'a pas été respecté, c'est-à-dire que leur candidat n'a pas remporté, seront pris en considération alors qu'on ne tiendra pas compte du premier choix des autres personnes. Toutefois ce sera à nous de décider lequel de ces régimes concorde le plus avec nos valeurs démocratiques.

M. Macquarrie: La question est excellente. Voici ma dernière question. Dans votre document, vous n'avez pas fait de recommandations particulières ou précises. Que penseriez-vous de diviser le pays en cinq régions—nous serons d'accord avec M. Bennett à ce sujet—soit considérer ces régions comme de grandes circonscriptions électorales au sein desquelles le régime de représentation proportionnelle pourrait être appliqué?

M. Cairns: Il me semble que pour atteindre l'objectif de plus grande proportionnalité, s'il s'agit d'un objectif souhaitable, il faudrait le faire en violant le moins possible le principe existant de rapport étroit entre les commentants et leurs représentants. Évidemment, plus la circonscription est étendue, si vous utilisez des sections entières, plus vous vous éloignez du régime actuel. La plupart des écrivains qui traitent de représentation proportionnelle, semblent indiquer que si vous avez des circonscriptions avec cinq membres ou plus même aux termes du système HARE qui permet aux électeurs de voter aussi pour les candidats, vous obtenez un degré très élevé de proportionnalité. Donc je ne serais pas en faveur de grandes circonscriptions. Toutefois, on peut avoir des mélanges. Dans le système ouest allemand, la moitié des membres de la Chambre est élue d'après les cir-

[Texte]

elected on a proportional basis from what I believe was originally a state list and now it is a national list.

So there are two different kinds of members, but curiously, from the limited reading I have done on it, there is no invidious distinction between the two kinds of members in the House and they play roughly the same kinds of roles. They even seem to develop roughly the same kinds of relationships to constituencies because in allocating members to the national list, parties usually pay attention to the constituency divisions in the country which is a problem that has worried me, because you would have sort of second-class M.P.s and first-class, if you mixed the two, but apparently in Germany you do not have. However, I would be unprepared to confidently assert that, that is simply what was suggested in a book I recently read.

Mr. Macquarrie: But you would not conceive of provinces as being feasible units within...

Professor Cairns: It would depend on the province. P.E.I. maybe and...

Mr. Macquarrie: That is the one I have in mind.

Professor Cairns: ... the smaller provinces, yes; for the larger provinces, for example, Ontario, it would be clearly unnecessary. I mean Metropolitan Toronto. You could have urban areas which have huge populations, but are small geographically and which have common urban problems. You could have, I guess, if you so wanted a 22-member constituency from Toronto or 4- or 5-member constituencies or something of that sort.

Mr. Macquarrie: We might make it under those circumstances.

Professor Cairns: There could be another problem that the urban-rural cleavage at the level of voting support would not have such significant effect at the level of representation as the existing system has. This is another aspect of the existing system which is the same problem in a sense that some voters get seats for a party and others do not. The present Conservative Party is discriminated against in terms of its urban voters as well as its Quebec voters and proportional representation would create parties which would be more accurate reflections of both their urban and their rural supporters as well as their Quebec supporters and their Ontario sup-

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conscriptions et les autres d'après les proportions en se fondant sur ce qui était, je crois, à l'origine une liste nationale.

Il y a donc deux différents genres de députés, mais d'après le peu de lectures que j'ai faites à ce sujet, il n'y a pas de distinction blessante entre ces deux genres de députés à la Chambre et ils jouent à peu près le même rôle. Ils devraient même être en rapport avec les circonscriptions, car, en répartissant des députés sur la liste nationale, les partis tiennent d'habitude compte des divisions de circonscriptions dans le pays, qui est l'un des problèmes qui me préoccupent, car nous aurions en quelque sorte des députés de seconde et de première classe si l'on mélangeait les deux genres de députés, ce qui apparemment n'est pas le cas en Allemagne. Toutefois, je ne peux l'affirmer en toute confiance, mais c'est simplement ce que l'on disait dans un livre que j'ai lu récemment.

M. Macquarrie: Mais vous ne pourriez imaginer des provinces représentant des entités possibles au sein de...

M. Cairns: Cela dépendrait des provinces. L'île du Prince-Édouard peut-être et...

M. Macquarrie: C'est celle à laquelle je pensais.

M. Cairns: Par les plus petites provinces certainement; pour les plus grandes provinces, l'Ontario par exemple ça ne serait pas nécessaire. A Toronto, je veux dire dans toute la zone métropolitaine de Toronto, vous pourriez avoir des circonscriptions urbaines qui ont des populations urbaines immenses, mais qui sont petites géographiquement parlant et qui ont des problèmes urbains communs. On pourrait avoir je le suppose, une circonscription de 22 députés à Toronto ou des circonscriptions de 4 à 5 députés ou quelque chose de pareil.

M. Macquarrie: Peut-être pourrions-nous y arriver dans ces circonstances.

M. Cairns: Il pourrait se poser un autre problème, soit que le mur qui sépare la ville et la campagne au niveau du vote n'ait pas de grandes répercussions au niveau de la représentation comme ceci est le cas dans le système actuel. Il y a un autre aspect du régime actuel qui comporte les mêmes problèmes en ce sens que certains électeurs font élire des députés dans un parti, d'autres, non. Le parti conservateur actuel n'est pas favorisé en ce sens par ses électeurs urbains ni par ses électeurs au Québec et la représentation professionnelle créerait des partis qui reflèteraient précisément l'appui du milieu urbain et du milieu rural de même que l'appui de ses par-

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porters. I would agree that we may be subject also—to get back to your earlier statement—to somewhat of a mythology about one-party majorities and that minority governments or coalition governments may be quite useful ways of handling our collective affairs.

The Chairman: Mr. Lefebvre.

Mr. Lefebvre: Professor Cairns, you will have to excuse me, I am not a student of political science. I am just a practical politician, but I did not understand your statement when you said that our system discriminates against the PCs in Quebec and not against the Liberals.

If you look at the recent elections, the Liberal Party has had success both in Quebec and in Ontario and I believe that party policies are the main reason for this and not the system. I do not think you went far enough in your statement in explaining the difference in the amount of Liberal seats in Ontario versus Quebec, let us say, since 1957—if you want to go back that far. When the Tories came back into power after 22 years in opposition they found that they had very very few seats in Quebec in 1957.

Professor Cairns: Yes.

Mr. Lefebvre: They were convinced, and rightly so, that to have a majority government they would have to increase their representation in Quebec and they put on a very good campaign in that respect by convincing the Quebec voters that they had better get on the band wagon if they wanted representation in the Cabinet. So they came back in 1958 with about 50 seats, I believe...

Professor Cairns: Yes.

Mr. Lefebvre ... due to their campaign and the fact that Maurice Duplessis, being the strong man that he was, delivered 50 seats for the Tory party. Now between 1958 and 1962, Mr. Duplessis passed away, the Liberal party came into power in Quebec and meanwhile, unknown to the two major parties—or they did not wish to believe it—Réal Caouette was on the scene for the last couple of years, preparing for the 1962 election. He came in here with, I believe, 20 some seats to the surprise of everyone but himself because they had paid no attention to him. The Liberals regained some of their seats in Quebec and as a result we came back with a minority government.

[Interpretation]

tisans au Québec et en Ontario. J'avouerais que nous sommes victimes—pour en revenir à notre déclaration antérieure—d'un certain mythe au sujet de la majorité d'un parti et que les gouvernements minoritaires ou de coalition peuvent aussi utilement régler nos affaires publiques.

Le président: Monsieur Lefebvre.

M. Lefebvre: Professeur Cairns, vous devrez m'excuser. Je ne suis pas étudiant en sciences politiques, mais simplement un homme politique pratique et je ne comprends pas votre déclaration, lorsque vous dites que notre régime est injuste pour les Conservateurs et ne l'est pas pour les Libéraux.

Si vous envisagez les résultats des élections récentes, le parti libéral a eu du succès, tant en Ontario qu'au Québec et je crois que la politique des partis est la principale explication qu'il y a lieu d'offrir. Ce n'est pas la faute du système électoral. Je pense que, dans votre déclaration, vous n'êtes pas allé assez loin pour ce qui est d'expliquer la différence qui existe entre le nombre de sièges libéraux en Ontario est celui du Québec, mettons, depuis 1957—si vous voulez revenir aussi loin en arrière. Lorsque les conservateurs sont revenus au pouvoir après vingt-deux ans dans l'opposition, ils ont constaté qu'ils avaient très peu de sièges au Québec, en 1957.

M. Cairns: Oui.

M. Lefebvre: Ils étaient persuadés et avec raison, que pour avoir un gouvernement majoritaire, ils devraient augmenter leur représentation au Québec. Ils ont fait une campagne excellente pour convaincre les votants québécois qu'il fallait se mettre au diapason des autres provinces, s'ils voulaient être représentés au Cabinet et ils ont fait élire 50 députés, je pense.

M. Cairns: Oui.

M. Lefebvre: Cette campagne ajouté au fait que M. Maurice Duplessis était un homme fort, il en était résulté 50 sièges pour le parti conservateur. Donc entre 1958 et 1962, M. Duplessis est mort. Le parti libéral est venu au pouvoir au Québec et, entre temps, sans que les deux partis principaux le sachent, ou sans que ceux-ci peut-être ne veuillent le croire, M. Réal Caouette a figuré sur la scène politique quelques années préparant l'élection de 1962 et il a obtenu, je crois, une vingtaine de sièges à la surprise de tout le monde, sauf de lui-même. Personne ne s'était occupé de lui. Les Libéraux ont repris certains sièges au Québec de sorte que nous avons eu un gouvernement minoritaire.

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The same thing was produced in 1963 and 1965. In 1966 the Union Nationale came back into power in Quebec, but did not have a leader of the stature of Mr. Duplessis and he failed to deliver the seats to the Tory party that they believed he would as in 1958. Therefore, I think there are a lot of things that we should give deeper thought to when making a study of why some provinces consistently elect a certain type of party candidate and others do not.

I think it is much more complicated than the references that you have made and it seems that there are Tory seats that have been consistently so since confederation. Is this due to the policies of the Tory party or is it due to the mentality of the people who support the Tory party? The same goes for the Liberals. So I do not think it is the system, I think it is the type of representation you have in your local constituencies to try to attract a candidate that most closely represents the people of this particular riding combined with the policies and the leader that you have at that time. I have not made a big study of this, but this is just my feeling over the last few years.

Professor Cairns: Yes, I will comment on that. Initially, I rather discount on the average the significance of individual M.P.s or individual candidates, as affecting individual constituency outcomes. It seems to me that on the whole you get national movements of opinion which have national...

Mr. Lefebvre: In the cities more than in the rural areas, if you make a study.

Professor Cairns: Yes, that could be.

Mr. Lefebvre: Yes.

Professor Cairns: But in any case, I think that is a different problem. The problem you are addressing yourself to is why a particular party gets a certain percentage of votes. That is subject to the whole series of factors which influence voters and that is an extremely complicated area of political psychology. Tradition also plays a part as well as economic distress, the news media and so on. There are a whole range of things, but I am not considering them. I am saying, given certain distributions of votes which are attained in whatever way, what are the consequences in terms of seats. I mean, if we have these votes what does the electoral system do with them? I am saying it does

[Interprétation]

La même chose est arrivée en 1963 et en 1965. En 1966, l'Union nationale est revenue au pouvoir au Québec, mais n'avait pas un chef de la stature de M. Duplessis, et n'a pu convaincre les électeurs québécois de donner les sièges au parti conservateur comme en 1958. Donc, il y a un certain nombre de choses qu'il faut approfondir lorsqu'on étudie pourquoi certaines provinces élisent toujours certains candidats de certains partis.

Je crois que la question est beaucoup plus complexe que ce que souligne votre mémoire. Il semble qu'il y ait des sièges conservateurs qui l'ont toujours été depuis la Confédération. Ceci est-il dû à la politique du parti conservateur ou à la mentalité des gens qui appuient ce parti? La même chose vaut pour les libéraux. Alors, je ne crois pas que ce soit le régime qui soit à blâmer. Je pense que c'est le genre de représentation au niveau de la circonscription locale qui attire le candidat qui représente le mieux les gens de cette circonscription particulière ainsi que les politiques du chef qui est en place à ce moment-là. Je n'ai pas fait une étude approfondie de la chose, mais c'est ce que je pense depuis quelques années.

M. Cairns: Je voudrais formuler ici quelques commentaires. En premier lieu, je ne tient pas compte de l'importance de chaque député en particulier, de chaque candidat, en ce qui a trait aux résultats obtenus dans chaque circonscription en particulier. Dans l'ensemble, il me semble qu'il y ait des tendances nationales d'opinion qui ont des influences sur le plan national...

M. Lefebvre: Dans les villes plus que dans les campagnes, est-ce que vous avez fait une étude à ce sujet?

M. Cairns: Oui, ce pourrait être le cas.

M. Lefebvre: Oui.

M. Cairns: Mais de toute façon, je crois qu'il s'agit là d'un problème différent. Vous parlez en ce moment de la question de savoir pourquoi un parti politique en particulier obtient un certain pourcentage de voix. Cela dépend d'un grand nombre de facteurs qui influencent les électeurs et c'est un domaine de psychologie électorale qui est très complexe. La tradition joue aussi un rôle; de même que certaines calamités économiques de même que les moyens collectifs de communications et ainsi de suite. Il y a toute une gamme de facteurs qui jouent, mais je n'entrerais pas dans ces détails. Je déclare que, étant donné une certaine répartition des voix, quelle que soit la méthode employée, quel-

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certain things with them and that is the problem to which I am addressing myself.

It seems to me, of course, if you have a different system your parties will have to make a different set of calculations; they will be motivated differently. For example, Gordon Churchill's famous memorandum of 1957 is only a meaningful memorandum in our electoral system. In another kind of electoral system or in a system of a high degree of proportionality you would not think about whether we were going to sweep this region or whether we were going to do nothing in this region; should we pour in all the troops or should we pour in none of the troops? If you knew that if you got 30 per cent of the votes you would get 30 per cent of the seats or 35 per cent of the votes you would get 35 per cent of the seats, you would not have to make these regional kinds of calculations. Your parties, it seems to me, after they became habituated to this new system would conduct themselves differently and they would not stress sectional considerations as much, which I happen to think would be to the good.

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It seems to me also that your voter, to the extent that he was calculating, first of all would be responding to a different set of stimuli since the parties would be acting differently and he would be responding to a system in which his vote had different consequences than in the existing system. I would assume, therefore, to take an illustration, that CCF or NDP voters in the Maritimes would have been less demoralized. They would have had some representation; the party would have been stronger; the party would have been a national party to a greater extent than it was because there would have been Maritime spokesmen and there would have been Quebec spokesmen for the party.

As practical politicians, which I am not, I am sure you all recognize that when a party is denied spokesmen from a particular region consistently over a long period of time, it is very difficult to maintain the vigour of your people, their enthusiasm, their excitement because we operate on a winner-take-all basis at the level of the constituency and, to a lesser extent, on a winner-take-all basis at the level of sections. You get these tremendous discrepancies between seats and votes.

[Interpretation]

les en sont les conséquences au niveau des sièges? Autrement dit, ayant ces votes qu'en fait le régime électoral? Je dis qu'il en fait quelque chose et c'est la question que je me pose.

Il me semble que si l'on avait un régime différent, les partis devraient faire des calculs différents et posséder des motivations différentes. Par exemple, le fameux mémoire de Gordon Churchill en 1957 n'a de sens que dans le contexte de notre système. Dans tout autre système électoral ou enfin dans un système fortement proportionnel, on ne pense pas à conquérir une région en particulier ou à adapter une attitude particulière pour telle et telle région, à savoir si l'on utilisera tous nos moyens ou rien. Si l'on savait qu'en obtenant 30 p. 100 du suffrage, on obtenait 30 p. 100 des sièges ou 35 p. 100 du vote pour obtenir 35 p. 100 des sièges on n'aurait pas besoin de faire ces calculs au niveau régional. Vos partis il me semble, une fois rompus au nouveau système, se comporteraient différemment et ne mettraient pas tant l'accent sur les divergences régionales et ce serait, à mon sens, une bonne chose.

Il me semble aussi que l'électeur dans la mesure où il le calculerait, d'abord réagirait à d'autres facteurs de stimulation, puisque les partis agiraient différemment et il réagirait vis-à-vis d'un système où son vote prendrait une signification différente dans le régime actuel. Je supposerais, à titre d'exemple, que les votants CCF ou NPD dans les Maritimes auraient été moins démoralisés. Ils auraient eu quelque représentation et leur parti aurait été plus fort; cela aurait été un parti national dans une plus grande mesure, car il y aurait eu des porte-parole des maritimes et du Québec.

Je ne suis pas un homme politique pratique, mais vous admettez que, lorsqu'un parti n'a pas de porte-parole dans une région donnée durant une longue période de temps, il est très difficile de maintenir la vigueur, le dynamisme de ses supporteurs, parce que nous donnons tout à celui qui gagne au niveau de la circonscription électorale et, à un moindre degré, au niveau de la région. Vous en arrivez donc à ces énormes différences entre les sièges et les votes.

[Texte]

Mr. Lefebvre: I cannot agree with you because I think in a country as large as Canada we are always going to have regional differences with respect to what party should represent us. It is bound to be this way. I think, your system would perhaps work very well in a small, compact country the size of P.E.I., which you mentioned, or something of this size where the major problem affects the whole area. It is very difficult to find one problem in Canada which would affect the whole country. What happens in British Columbia does not worry the people in Nova Scotia too much, and vice-versa. This is why in our type of country I think you will always have regions that are represented by one party because they are closely allied with the problems in that area. Although they wish to enlarge their scope to take in other areas, they have been successful in that area and they do not want to let it go. This is why I cannot agree with your proposals.

Professor Cairns: I do not deny that we will always have regional or sectional differences. In fact, it is because in the foreseeable future we will always have regional or sectional differences that I am suggesting an electoral system which exaggerates the significance of those sectional differences, so that Mr. Diefenbaker sweeps the West and the Liberals get virtually no representation, or Social Credit controls Alberta from 1935 to 1957 at the level of representation, which does not mean that although perhaps 16 of 17 member from Alberta were Social Credit that 95 per cent of the voters were Social Credit; it means nothing of the sort. It means that perhaps 45 per cent were Social Credit, but their distribution in individual constituencies was such that they took all the seats.

With respect to sectionalism, the fact that Alberta has its own problems, or if you want to talk about the West, the Prairies have their own problems, or Quebec has its own problems, and those facts will continue. However, it seems to me that the parties would be represented proportionate to their voting strength in these various sections and therefore each party would have spokesmen for the various sectional interest in the country within its ranks and you would not get what also seems to me to be a very serious consequence of our existing system and what happened when the Conservatives took office in 1957 and 1958, and particularly in 1958, when they suddenly found they had to assimilate—and I take it this was a

[Interprétation]

M. Lefebvre: Je ne suis pas d'accord avec vous, car dans un pays aussi étendu que le Canada, il y a toujours des divergences régionales, quant au parti qui doit nous représenter. Il faut que ce soit ainsi. Je pense que votre régime s'appliquerait à un territoire compact, de l'étendue de celui de l'Île du Prince-Édouard, comme vous l'avez mentionné ou enfin quelque chose du genre où le principal problème affecte toute la région. Il est très difficile de trouver un problème au Canada qui intéresse le pays dans son ensemble. Ce qui se passe en Colombie-Britannique n'a aucune importance pour les gens de la Nouvelle-Écosse et vice-versa, c'est pourquoi je pense que dans un pays comme le nôtre, il y aura toujours des régions qui seront représentées par un parti, parce que ceux-ci sont étroitement liés aux problèmes de cette région. Bien qu'ils essayent d'élargir leur influence pour englober d'autres régions, ils y ont réussi et ne veulent pas se désister de ces avantages. Voilà pourquoi je n'agréé pas vos propositions.

M. Cairns: Je ne nie pas qu'il y aura toujours des divergences régionales ou partisans. En fait, c'est parce que dans un avenir prévisible, nous aurons toujours des divergences régionales ou partisans que je propose un régime électoral qui mette en lumière ces divergences régionales et permette à M. Diefenbaker de l'emporter haut la main dans l'Ouest et aux libéraux de n'avoir aucune représentation, ou encore au Crédit social de contrôler l'Alberta de 1935 à 1957 au niveau de la représentation, ce qui ne veut pas dire que, bien que les 16 ou 17 députés de l'Alberta y représentaient le Crédit Social, 96 p. 100 de l'électorat appartenait au Crédit Social; cela ne veut rien dire. Cela veut peut-être dire que 45 p. 100 appuyaient le Crédit Social, mais que leur répartition dans les circonscriptions particulières était telle qu'ils ont accaparé tous les sièges.

Pour ce qui est du régionalisme, le fait est que l'Alberta a ses propres problèmes et si on parle de l'Ouest, les Prairies également et c'est la même chose pour le Québec. Ces faits vont toujours exister. Cependant il me semble que les partis seraient représentés de façon proportionnelle au nombre de votes acquis dans les diverses régions et par conséquent chaque parti aurait ses porte-parole qui mettraient en valeur les intérêts de chaque région dans ses propres rangs et vous n'auriez pas une situation qui me semble être une conséquence très grave de notre système actuel, et de ce qui s'est produit lorsque les conservateurs ont été élus en 1957 et 1958 et surtout en 1958 lorsqu'ils ont soudainement constaté qu'il fallait assimiler—c'était tout un pro-

[Text]

problem—a huge number of French-Canadian representatives into a party which for the last quarter of a century had had almost none, and the party not only moved from being opposition to being government but moved from being an English-speaking party with a large percentage of its support from Ontario and became, in addition to being a government party, a party which had a significant amount of French-Canadian support.

I would speculate that one of the problems of the Conservative Party under Mr. Diefenbaker was related to its absence of habitual experience with French-Canadians in the party, and suddenly you get a whole lot of them and you build up a set of traditions and a certain way of doing things which makes this difficult, so as a result you cannot as adequately even take advantage of this new influx of supporters as you could under a different system. However, under a different system you would not get these great influxes; you would have reasonable continuity in your regional membership in each party proportionate to their vote.

Mr. Lefebvre: I just have one final question. Mr. Caouette's party now has 14 members in the House and they are mostly from rural Quebec. Under your proposals what would have happened to those 14 members?

• 1225

Professor Cairns: First of all, I am not specifically making proposals; I am suggesting that we look at alternatives to the existing system.

Mr. Lefebvre: Under your alternatives, then, what could have happened, taking his party's percentage of the vote on an over-all basis in Canada?

Professor Cairns: In 1962 I think the Creditiste probably got a slightly higher percentage of the seats...

Mr. Lefebvre: In 1962 I think they had 20-something.

Professor Cairns: ...than they did of the votes.

Mr. Duquet: I think it was 11 per cent.

An hon. Member: Of the votes.

Mr. Lefebvre: It was 11 per cent in 1962?

An hon. Member: Right.

Mr. Lefebvre: And they had about 30 seats altogether?

[Interpretation]

blème—une grande représentation francophone dans un parti qui, depuis 25 ans, n'en avait aucun, et le parti qui était dans l'opposition a non seulement pris le pouvoir, mais tout anglophone qu'il était, avec une grande partie de l'appui venant de l'Ontario, en plus d'être un parti au pouvoir, a joui d'un assez fort pourcentage de partisans canadiens-français.

Je dirais que les problèmes du parti conservateur sous M. Diefenbaker étaient liés au manque d'expérience habituelle avec l'élément francophone dans ses rangs où soudainement il voit un bon nombre se joindre à lui et développe un certain nombre de traditions et une certaine manière d'agir qui rendent la situation difficile; par conséquent vous ne pouvez pas profiter de cette affluence de nouveaux partisans comme vous l'auriez fait sous un autre système. Toutefois, il faut dire que sous un autre système vous n'auriez pas toute cette affluence de nouveaux partisans; vous auriez une certaine continuité dans l'affiliation régionale dans chaque parti proportionnellement aux voix.

M. Lefebvre: J'ai une dernière question. Le parti de M. Caouette à la Chambre se compose à l'heure actuelle de 14 membres qui représentent en grande partie des circonscriptions rurales du Québec. Aux termes de vos propositions, que serait-il advenu à ces 14 députés?

M. Cairns: Premièrement, je ne fais pas de propositions précises. Je dis seulement qu'on devrait envisager des solutions de rechange à notre système électoral actuel.

M. Lefebvre: Alors, que serait-il arrivé, si l'on prenait le pourcentage des votes recueillis par son parti, sur une base générale pour tout le Canada?

M. Cairns: Je crois qu'en 1962, les créditistes ont eu un pourcentage légèrement plus élevé des sièges...

M. Lefebvre: Je crois qu'en 1962, ils ont eu quelque 20 députés.

M. Cairns: ...qu'ils n'ont eu de voix.

M. Duquet: Je crois que c'était 11 p. 100...

Une voix: ...des voix.

M. Lefebvre: 11 p. 100 en 1962, dites-vous?

Une voix: C'est exact.

M. Lefebvre: A peu près 30 sièges en tout?

[Texte]

An hon. Member: They had 26.

Mr. Lefebvre: Twenty-six altogether.

Professor Cairns: I cannot speak for 1968 because I do not have the figures in my mind, but...

Mr. Lefebvre: No.

Professor Cairns: ...generally speaking a regional party which develops very, very quickly and suddenly gets a high degree of representation in the House from nothing, this would not happen under proportional representation. If it suddenly increased its percentage of the vote from zero to 10 per cent in a region, it would get 10 per cent of the seats in that region, not in excess of that.

Mr. Lefebvre: In other words, instead of getting 30 seats with 11 per cent of the vote, how many would they get?

Professor Cairns: This is subject to the complication that neither of us are quite sure what the exact figures were. For the sake of argument, if they got 11 per cent of the vote in Quebec they would get 11 per cent of the seats, and there are now what, about 72 seats in Quebec?

Mr. Lefebvre: There are 74.

Professor Cairns: Then they would get about 8 seats.

Mr. Lefebvre: I think your 11 per cent...

Mr. Duquet: They would get about 8 seats.

Mr. Lefebvre: Yes. You say they got 11 per cent of the votes in Quebec in 1962. Then it seems to me that the electors of those 20-some ridings would be robbed of their choice of representation.

Professor Cairns: You can devise an electoral system to rob whomever you like. If you are going to have an electoral system which gives the party 11 per cent of the votes, approximately one third of the seats, you clearly rob the other electors. Under a system of proportionality, if you have it completely proportional it robs nobody; everybody gets their due. I mean, you can choose. If you are not in favour of proportional representation then you are in favour of robbery, because you must be in favour of unproportional representation. You should all go around the country saying that you are in favour of unproportional representation because that is the consequence of the existing system.

[Interprétation]

Une voix: 26.

M. Lefebvre: 26 en tout.

M. Cairns: En général, je ne peux parler de l'année 1968, car je n'ai pas les chiffres devant moi, mais...

M. Lefebvre: Non.

M. Cairns: En général, un parti régional qui se développe très rapidement et qui, partant de zéro obtient une forte représentation à la Chambre, n'aurait pas les mêmes résultats sous un régime proportionnel. S'il accroissait soudainement son pourcentage des votes de 0 à 10 p. 100 dans une région, il aurait 10 p. 100 des sièges dans cette région et pas plus.

M. Lefebvre: Autrement dit, au lieu d'avoir 30 sièges avec 11 p. 100 des votes, combien en obtiendrait-il?

M. Cairns: C'est un peu complexe, je ne sais au juste quels étaient les chiffres exacts; mais si le parti a recueilli 11 p. 100 des votes au Québec, il aurait 11 p. 100 des sièges au Québec, n'est-ce pas?

M. Lefebvre: Il y en a 74.

M. Cairns: Ce qui veut dire environ 8 sièges.

M. Lefebvre: Je crois que votre 11 p. 100...

M. Duquet: Ils auraient environ 8 sièges.

M. Lefebvre: Oui. Vous dites qu'ils ont eu 11 p. 100 des voix au Québec en 1962. Il me semble donc que ces quelque 20 circonscriptions perdraient leur choix de représentation.

M. Cairns: On peut élaborer un régime électoral pour voler n'importe qui. Si vous avez un régime électoral qui donne au parti 11 p. 100 des voix, c'est-à-dire environ un tiers des sièges, il est sûr que cela est injuste envers les autres électeurs. Dans un régime vraiment proportionnel, il y a justice pour tout le monde. Chacun a son dû. Je veux dire que vous pouvez choisir. Si vous ne choisissez pas la représentation proportionnelle, vous êtes en faveur de cette injustice, car alors cela veut dire que vous préférez la représentation disproportionnelle. Vous devriez faire le tour du pays en déclarant que vous êtes en faveur de la représentation disproportionnelle, car en fait c'est la conséquence du régime actuel.

[Text]

Mr. Lefebvre: No, I am in favour of letting the people make their own choice. If they want to elect Joe Blow of party XYZ, that is up to them.

Professor Cairns: But they make their choice under whatever system you have. The only point is that you say we are going to count your votes one way in this system and another way in another system, and if we count them this way we are going to discriminate against many of the Conservatives in Quebec or Liberals in Western Canada or members of the NDP party in the Maritimes at various times, or you are going to say that we are going to have something closer to proportionality, in which case we will not discriminate against as many of you.

Mr. Richard: In other words, all you are doing is allotting the seats in the different provinces to your choice. In the over-all it amounts to the same thing.

Professor Cairns: You might have different total outcomes.

Mr. Richard: In total it is about the same, generally speaking, but then you are deciding where the members will sit. My argument is that under our present system, whether it is a Conservative in Alberta or a Liberal, or anybody else, they will still speak for their region and you are predicating this on the fact that the party should have sort of a national policy which all the members, no matter where they are, should submit to and have nothing to do with the regional needs of the people. This would be all right if our country were not divided into regions and with particular problems. We cannot be compared to Germany or even to France, which is a compact nation of 45 or 50 million people. We still have the problem here that our members, whatever party they are from, want to express the viewpoint of their region or their riding. I am quite willing—and the Liberal Party is in power in Ottawa now—to accept the fact that a Conservative member from Alberta should express the viewpoint of the people out there, and it is not necessary that there should be a greater number of Liberals present to express that viewpoint.

The Chairman: Mr. Macquarrie.

Mr. Macquarrie: This is obviously a very important question. I wonder, really, if a more germane statistic to examine in this case would be to compare the number of votes, for instance,—not because it is my party—that were cast for the Progressive

[Interpretation]

M. Lefebvre: Non, je préfère laisser les gens libres de faire leur propre choix. S'ils veulent élire Jean, Pierre ou Paul du parti XYZ, ils sont libres.

M. Cairns: Quel que soit le régime, ils sont libres de choisir. La seule chose c'est que nous allons dépouiller le scrutin d'une manière sous un système et d'une autre manière sous un autre, et si nous le dépouillons de cette façon, il y aura discrimination envers bien des conservateurs au Québec ou des libéraux dans l'Ouest du Canada ou des membres du NPD dans les Maritimes à un certain moment, ou bien vous direz que nous aurons un régime qui est un peu plus proportionnel et alors nous ne ferons preuve d'aucune discrimination envers vous.

M. Richard: Autrement dit, tout ce que vous faites, c'est répartir les sièges dans chaque province. Dans l'ensemble, cela revient au même.

M. Cairns: Le résultat général peut être différent.

M. Richard: En général le résultat global est à peu près le même, mais alors, vous décideriez où les députés siègeraient. Je dirais que, en vertu de notre régime actuel, que ce soit les libéraux ou les conservateurs, etc, ils vont toujours se faire le porte-parole de leur région, et vous prévoyez cela en vous appuyant sur le fait que le parti devrait avoir une sorte de politique nationale à laquelle tous les députés devraient se soumettre sans tenir compte des besoins régionaux des gens. Ce serait possible si notre pays n'était pas réparti en régions ayant chacune des problèmes particuliers. Nous ne pouvons nous comparer à l'Allemagne de l'Ouest ou même à la France qui est une nation compacte de 45 à 50 millions de gens. Nous avons toujours le problème ici où nos députés, quel que soit le parti qu'ils représentent, veulent exprimer les besoins de leur circonscription. Je suis tout à fait d'accord, et le parti libéral est présentement au pouvoir, que les députés conservateurs de l'Alberta expriment le point de vue des gens de cette région-là et je ne vois pas la nécessité d'avoir un plus grand nombre de libéraux présents pour exprimer ce point de vue.

Le président: M. Macquarrie.

M. Macquarrie: C'est certainement une question très importante. Je me demande si ce ne serait pas plus approprié de comparer le nombre de votes recueillis par les progressistes-conservateurs au Québec et les rendre équivalents aux quatre députés de cette pro-

[Texte]

Conservatives in Quebec and equate that with the four members from that province who are here, and then compare the number of notes cast by the Créditistes and equate that, and if you will find that the Créditistes have three times as many members, compare the vote. The total voice of Quebec—I am not making any reference to party labels or to personalities—as a profile of party preference is quite distorted once these people get to Ottawa. I guess the problem is that if you look at the constituency you get this, but if you look at the region you get something different.

Mr. Richard: That is true, Mr. Macquarrie, if you bunch all the people in the province together. If we had the kind of Parliament where we had a national vote, as I said in the first place, where you could add up that there were 10 million votes cast and there were 5 million for the Liberals, they should get 50 per cent of it, but then you should have a national party which would decide who that 50 per cent will be. It is all right if you want to go into that; otherwise I say it is impossible.

The Chairman: Order, please. I believe there is one conclusion that we may draw from this very profound presentation, that the consequence is wrong in some instances, but for what reason. Is it because of the incapacity of the parties to adopt themselves or is it the fact that the system is not a good one? However, on behalf of the members I wish to thank you, Professor Cairns, for your presentation and the comments that you offered to us. I believe it was worthwhile to have had this discussion. It has opened areas where we could make some further studies which we surely will do. I thank you, again, on behalf of everyone for the real and substantial presentation that you offered to us today.

Before we leave is it agreed that Professor Cairns be reimbursed for his travelling and living expenses for having appeared as our witness?

Some hon. Members: Agreed.

The Chairman: This meeting is adjourned. Thank you.

[Interprétation]

vince qui sont ici, et puis comparer le nombre de voix acquis par les créditistes et les rendre équivalents et si vous constatez que les créditistes ont trois fois plus de députés, comparez le résultat du scrutin. La voix du Québec et je ne fais aucune allusion aux partis ou à des personnalités semble un peu faussée une fois que les députés arrivent à Ottawa. Si on regarde simplement une circonscription dans une région donnée, vous obtenez ce résultat, mais, si on regarde la région, c'est tout à fait différent.

M. Richard: C'est vrai, monsieur Macquarrie, si vous mettez ensemble tous les gens d'une province. Si nous avions le genre de parlement où le vote se ferait à l'échelle nationale, comme je l'ai dit en premier lieu, où il y aurait 10 millions de voix et 5 millions pour les libéraux, ils devraient en obtenir la moitié, mais alors il devrait y avoir un parti national qui déciderait qui composera ce 50 p. 100. Autrement, c'est impossible.

Le président: A l'ordre, s'il vous plaît. Je crois qu'il y a une conclusion que nous pouvons tirer de ce magnifique exposé, c'est que les conséquences sont mauvaises dans certains cas, mais quelle en est la cause? Est-ce que c'est en raison de l'incapacité des partis à s'adapter, ou est-ce que c'est le régime qui laisse à désirer? Cependant, au nom de tous les députés j'aimerais vous remercier monsieur Cairns de la présentation que vous avez faite, et des commentaires que vous nous avez offerts. Je pense que la discussion en valait la peine. Elle a ouvert des domaines que nous pourrions certainement approfondir et je vous remercie encore une fois au nom de tous pour cette présentation extrêmement importante.

Avant de quitter, nous devons naturellement adopter la motion portant qu'on rembourse le professeur Cairns de ses frais de voyage et de séjour.

Des voix: Approuvé.

Le président: La séance est levée. Merci.

OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

Second Session

Twenty-eighth Parliament, 1969-70

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Deuxième session de la

vingt-huitième législature, 1969-1970

STANDING COMMITTEE
ON

COMITÉ PERMANENT
DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
ET
ÉLECTIONS**

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

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TUESDAY, JANUARY 20, 1970

LE MARDI 20 JANVIER 1970

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir le *procès-verbal*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

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Forrestall,

Fortin,
¹Guay (*Lévis*),
Howard (*Skeena*),
Howe,
Jerome,
Lefebvre,

Macquarrie,
Marceau,
Murphy,
Richard,
²Stafford,
Trudel—20.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee

Pursuant to Standing Order 65(4)(b) Suivant l'article 65(4)(b) du Règlement

¹ Replaced Mr. Guilbault on January 13,
1970.

¹ Remplace M. Guilbault le 13 janvier
1970.

² Replaced Mr. Francis on January 12,
1970.

² Remplace M. Francis le 12 janvier 1970.

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, January 15, 1970

(9)

The Standing Committee on Privileges and Elections met this day in Toronto, *In Camera*, with the Ontario Select Committee on Election Laws under the joint chairmanship of Mr. Ovide Laflamme, M.P., and Mr. Edward Dunlop, M.P.P.

Federal Members present: Messrs. Alkenbrack, Benjamin, Code, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, Macquarrie, Marceau, Stafford, Trudel—(13).

Provincial Members present: Messrs. Apps, Belanger, Bernier, Carruthers, Dunlop, Ferrier, Hodgson, Newman, Rollins, Singer, Smith, Smith—(12).

In Attendance: Mr. Roderick Lewis, Q.C., Clerk of the Legislative Assembly and Chief Election Officer, Province of Ontario; Mr. D. Donald Diplock, Q.C., Counsel, Select Committee on Election Laws; Mr. J. M. Hamel, Chief Electoral Officer, and Mrs. Mary Brand, Clerk of the Select Committee on Election Laws.

Mr. Dunlop welcomed the members of the Standing Committee on Privileges and Elections to Toronto and expressed the hope that the discussions would be beneficial to the members of both committees.

Mr. Laflamme thanked the members of the Ontario Committee for their invitation to meet jointly with the Ontario Committee and for the opportunity of exchanging views regarding the main issues involved in amending the Ontario and Canada Elections Acts.

The members then discussed absentee ballots, proxy voting systems, voting by Civil Servants who are on duty outside the country, Canadian Forces Voting Rules, permanent voters' lists, voting procedures

[Traduction]

PROCÈS-VERBAL

Le JEUDI 15 janvier 1970

(9)

Le Comité permanent des privilèges et élections se réunit aujourd'hui à Toronto, à huis clos, avec le Comité spécial de l'Ontario sur les lois électorales.

MM. Ovide Laflamme, député fédéral, et Edward Dunlop, député provincial, président conjointement la réunion.

Députés fédéraux présents: MM. Alkenbrack, Benjamin, Code, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, MacQuarrie, Marceau, Stafford, Trudel—(13).

Députés provinciaux présents: MM. Apps, Belanger, Bernier, Carruthers, Dunlop, Ferrier, Hodgson, Newman, Rollins, Singer, Smith, Smith—(12).

Assistent à la réunion: M. Roderick Lewis, c.r., greffier de l'assemblée législative et président général des élections de l'Ontario; M. D. Donald Diplock, c.r., conseiller du Comité spécial de l'Ontario sur les lois électorales; M. J. M. Hamel, directeur général des élections, et Mme Mary Brand, secrétaire du Comité spécial de l'Ontario sur les lois électorales.

M. Dunlop souhaite la bienvenue aux membres du Comité permanent des privilèges et élections. Il espère que les discussions qui vont suivre se révéleront profitables pour les deux comités.

M. Laflamme remercie les membres du comité de l'Ontario de leur invitation et de l'occasion qui leur est offerte à tous d'échanger leurs opinions sur les principales questions concernant la modification des lois électorales de l'Ontario et du Canada.

Les députés étudient ensuite le vote des absents, les systèmes de vote par procuration, le vote des fonctionnaires en poste à l'étranger, les règles électorales des forces armées canadiennes, les listes élec-

STANDING COMMITTEE ON
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Président
Vice-président

and Messrs.

et MM.

Alkenbrack,
Benjamin,
Code,
Duquet,
Forest,
Forrestall,

Fortin,
¹Guay (*Lévis*),
Howard (*Skeena*),
Howe,
Jerome,
Lefebvre,

Macquarrie,
Marceau,
Murphy,
Richard,
²Stafford,
Trudel—20.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee

Pursuant to Standing Order 65(4)(b) Suivant l'article 65(4)(b) du Règlement

¹ Replaced Mr. Guilbault on January 13,
1970.

¹ Remplace M. Guilbault le 13 janvier
1970.

² Replaced Mr. Francis on January 12,
1970.

² Remplace M. Francis le 12 janvier 1970.

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, January 15, 1970

(9)

The Standing Committee on Privileges and Elections met this day in Toronto, *In Camera*, with the Ontario Select Committee on Election Laws under the joint chairmanship of Mr. Ovide Laflamme, M.P., and Mr. Edward Dunlop, M.P.P.

Federal Members present: Messrs. Alkenbrack, Benjamin, Code, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, MacQuarrie, Marceau, Stafford, Trudel—(13).

Provincial Members present: Messrs. Apps, Belanger, Bernier, Carruthers, Dunlop, Ferrier, Hodgson, Newman, Rollins, Singer, Smith, Smith—(12).

In Attendance: Mr. Roderick Lewis, Q.C., Clerk of the Legislative Assembly and Chief Election Officer, Province of Ontario; Mr. D. Donald Diplock, Q.C., Counsel, Select Committee on Election Laws; Mr. J. M. Hamel, Chief Electoral Officer, and Mrs. Mary Brand, Clerk of the Select Committee on Election Laws.

Mr. Dunlop welcomed the members of the Standing Committee on Privileges and Elections to Toronto and expressed the hope that the discussions would be beneficial to the members of both committees.

Mr. Laflamme thanked the members of the Ontario Committee for their invitation to meet jointly with the Ontario Committee and for the opportunity of exchanging views regarding the main issues involved in amending the Ontario and Canada Elections Acts.

The members then discussed absentee ballots, proxy voting systems, voting by Civil Servants who are on duty outside the country, Canadian Forces Voting Rules, permanent voters' lists, voting procedures

[Traduction]

PROCÈS-VERBAL

Le JEUDI 15 janvier 1970

(9)

Le Comité permanent des privilèges et élections se réunit aujourd'hui à Toronto, *à huis clos*, avec le Comité spécial de l'Ontario sur les lois électorales.

MM. Ovide Laflamme, député fédéral, et Edward Dunlop, député provincial, président conjointement la réunion.

Députés fédéraux présents: MM. Alkenbrack, Benjamin, Code, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, MacQuarrie, Marceau, Stafford, Trudel—(13).

Députés provinciaux présents: MM. Apps, Belanger, Bernier, Carruthers, Dunlop, Ferrier, Hodgson, Newman, Rollins, Singer, Smith, Smith—(12).

Assistent à la réunion: M. Roderick Lewis, c.r., greffier de l'assemblée législative et président général des élections de l'Ontario; M. D. Donald Diplock, c.r., conseiller du Comité spécial de l'Ontario sur les lois électorales; M. J. M. Hamel, directeur général des élections, et Mme Mary Brand, secrétaire du Comité spécial de l'Ontario sur les lois électorales.

M. Dunlop souhaite la bienvenue aux membres du Comité permanent des privilèges et élections. Il espère que les discussions qui vont suivre se révéleront profitables pour les deux comités.

M. Laflamme remercie les membres du comité de l'Ontario de leur invitation et de l'occasion qui leur est offerte à tous d'échanger leurs opinions sur les principales questions concernant la modification des lois électorales de l'Ontario et du Canada.

Les députés étudient ensuite le vote des absents, les systèmes de vote par procuration, le vote des fonctionnaires en poste à l'étranger, les règles électorales des forces armées canadiennes, les listes élec-

in selected other countries, franchise representation, and redistribution.

At 11:40 a.m. the Committee recessed for lunch.

At 14:30 p.m. the Committee reconvened and the discussion continued.

At 15:50 p.m. the joint Chairmen thanked the members for an interesting exchange of views and the meeting was adjourned.

TUESDAY, January 20, 1970.

(10)

The Standing Committee on Privileges and Elections met this day at 9:40 a.m. The Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Benjamin, Code, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, Macquarrie, Richard, Trudel—(11).

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed its study of the draft amendments to the Canada Elections Act.

The Clerk distributed to members present copies of briefs which had been received from the Canadian Association of Broadcasters, Mr. Malcom Cairnduff, Mr. Alan Montgomery and the Halton New Democratic Party (Mr. M. S. Kernighan).

The Committee proceeded to review the draft amendments submitted by the Chief Electoral Officer.

The Committee agreed that:

Section 2

Paragraph (10) of section 2 of the Canada Elections Act be repealed and the following substituted:

“(10) “electoral district” means any place or territorial area entitled to return a member to serve in the House of Commons of Canada;

torales permanentes, les procédures de vote dans d'autres pays choisis, la représentation des franchises et la redistribution.

A 11 h. 40, le comité suspend ses travaux pour le déjeuner.

Le comité se réunit de nouveau à 14 h. 30, et la discussion se poursuit.

A 15 h. 50, les deux présidents remercient les députés d'avoir participé à une intéressante discussion, et la séance est levée.

Le MARDI 20 janvier 1970

(10)

Le Comité permanent des privilèges et élections se réunit ce matin à 9 h. 40. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Benjamin, Code, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, Macquarrie, Richard, Trudel—(11).

Témoin: M. J. M. Hamel, directeur général des élections.

Le Comité reprend l'étude des projets d'amendements à la Loi électorale du Canada. Le Greffier distribue aux membres du Comité des mémoires qu'il a reçus de l'Association canadienne des radiodiffuseurs, de M. Malcom Cairnduff, M. Alan Montgomery et du Nouveau parti démocratique de Halton (M. M. S. Kernighan).

Le Comité continue d'examiner les projets de modification soumis par le directeur général des élections.

Le Comité convient que:

Article 2:

le paragraphe (10) de l'article 2 de la Loi électorale du Canada soit abrogé et remplacé par ce qui suit:

(10) «district électoral» ou «circonscription électorale» désigne toute localité ou zone territoriale qui a le droit d'élire un député pour siéger à la Chambre des communes du Canada;

“(10a) “enumeration date” means, in respect of an election in an electoral district, the date for the commencement of the preparation of the preliminary lists of electors for that election;”

Subparagraph (a) of paragraph (13) of section 2 of the said Act be repealed and the following substituted:

“(a) in relation to any place of territory within the judicial district of Quebec or Montreal in the Province of Quebec, the judge performing the duties of Chief Justice or Associate Chief Justice of the Superior Court, as the case may be, each acting for the district in which he resides, or such other judge as may be assigned by the Chief Justice or Associate Chief Justice to perform the duties in this Act required to be performed by the judge;”

Subparagraph (d) of paragraph (13) of section 2 of the said Act be repealed and the following substituted:

“(d) in relation to the electoral district of Yukon, the judge of the Territorial court of the Yukon Territory; (da) in relation to the electoral district of Northwest Territories, the judge of the Territorial court of the Northwest Territories;”

Paragraph 34 of Section 2 of the said Act was allowed to stand.

Section 7

Subsection (3) of section 7 was allowed to stand.

Section 8

Subsection (3) of section 8 of the said Act be amended by striking out the word “or” at the end of paragraph (d) thereof by adding the word “or” at the end of paragraph (e) thereof, and by adding thereto the following paragraph:

“(f) has failed to complete the revision of the boundaries of the polling divisions in his electoral district as instructed by the Chief Electoral Officer pursuant to subsection (1) of section 11.”

(10a) «date de l'énumération» désigne, relativement à une élection qui a lieu dans un district électoral, la date à laquelle on commence à préparer les listes préliminaires des électeurs en vue de cette élection;»

L'alinéa (a) du paragraphe (13) de l'article 2 de ladite Loi soit abrogé et remplacé par ce qui suit:

«(a) relativement à tout endroit ou territoire situé dans le district judiciaire de Québec ou de Montréal, dans la province de Québec, le juge qui exerce les fonctions de juge-en-chef ou de juge-en-chef adjoint de la Cour supérieure, selon le cas, chacun agissant pour le district où il réside, ou tout autre juge que peut désigner le juge-en-chef ou juge-en-chef adjoint pour exercer les fonctions qui, selon la présente Loi, doivent être exercées par le juge;

L'alinéa (d) du paragraphe (13) de l'article 2 de ladite Loi soit abrogé et remplacé par ce qui suit:

«(d) relativement au district électoral du Yukon, le juge de la Cour territoriale du Territoire du Yukon; (da) relativement au district électoral des Territoires du Nord-Ouest, le juge de la Cour territoriale des Territoires du Nord-Ouest;

Le paragraphe 34 de l'article 2 de ladite Loi soit réservé.

Article 7

Le paragraphe (3) de l'article 7 de ladite Loi soit réservé.

Article 8

Le paragraphe (3) de l'article 8 de ladite Loi soit modifié en y retranchant le mot «ou» à la fin de l'alinéa (d), en y insérant le mot «ou» à la fin de l'alinéa (3) et en y ajoutant l'alinéa suivant:

«(f) a omis de compléter la revision des limites des arrondissements de votation situés dans son district électoral comme l'a ordonné le directeur général des élections en con-

formité du paragraphe (1) de l'article 11.»

The following amendment to section 8 of the said Act was considered and allowed to stand.

Section 8 of the said Act is further amended by adding thereto the following subsection:

“(5) Where the office of returning officer for an electoral district becomes vacant, the appointment of a returning officer for that electoral district pursuant to subsection (1) shall be made within sixty days from the date on which the Chief Electoral Officer has been informed of the vacancy.”

Section 9

Section 9 of the said Act be amended by adding thereto the following subsections:

“(8) On request by the returning officer of any electoral district mentioned in Schedule III, the Chief Electoral Officer may designate areas in that electoral district and authorize, in writing, the appointment of an election clerk, in addition to the *election clerk* appointed pursuant to subsection (1), for each of those areas.

(9) A returning officer may,

(a) as authorized pursuant to subsection (8), appoint an election clerk and establish an office in each area designated by the Chief Electoral Officer; and

(b) delegate, in writing, to each election clerk so appointed, in respect of the area for which he is appointed, the powers of the returning officer with regard to the selecting and appointing of enumerators and deputy returning officers and the selecting of polling stations.

(10) Subsections (5), (6) and (7) of this section, subsection (2) of section 10, subsection (10) of section 21a and subsections (1) and (2) of section 51

Après examen, l'autre modification de l'article 8 de ladite Loi est réservée.

L'article 8 de ladite Loi soit modifié par l'adjonction du paragraphe suivant:

«(5) Lorsque la charge d'officier rapporteur d'un district électoral devient vacante, la nomination d'un officier rapporteur pour ce district électoral en conformité du paragraphe (1) doit être faite dans les soixante jours qui suivent la date où le directeur général des élections a été informé de la vacance.»

Article 9

L'article 9 de ladite Loi soit modifié par l'adjonction des paragraphes suivants:

«(8) A la demande de l'officier rapporteur d'un district électoral mentionné à la troisième annexe, le directeur général des élections peut désigner des zones dans cette circonscription électorale et autoriser, par écrit, les nominations d'un secrétaire d'élection, outre le secrétaire d'élection nommé en conformité du paragraphe (1) pour chacune de ces zones.

(9) Un officier rapporteur peut,

(a) comme il est autorisé à le faire en conformité du paragraphe (8), nommer un secrétaire d'élection et établir un bureau dans chacune des zones désignées par le directeur général des élections; et

(b) déléguer par écrit à chacun des secrétaires d'élection ainsi nommés, relativement à la zone pour laquelle il est nommé, les pouvoirs de l'officier rapporteur en ce qui concerne le choix et la nomination des énumérateurs et des sous-officiers rapporteurs ainsi que le choix des bureaux de votation.

(10) Les paragraphes (5) (6) et (7) du présent article, le paragraphe (2) de l'article (10), le paragraphe (10) de l'article (21A) et les paragraphes (1)

do not apply to an election clerk appointed pursuant to subsection (9).”

Section 11

An amendment to section 11(1) of the said Act was considered and allowed to stand.

At 11:00 a.m. the Committee adjourned until 3:30 p.m. this date.

AFTERNOON SITTING (11)

The Standing Committee on Privileges and Elections met this day at 3:45 p.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Code, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, Richard, Trudel—(9).

Witness: Same as at the morning sitting.

The Committee resumed its consideration of the draft amendments to the Canada Elections Act.

The following amendments were generally agreed to but allowed to stand because of a lack of a voting quorum.

Section 11(2) and (3)

Section 12

Section 16(6), (7), (9), (10) and (11a)

Section 17(4), (12), (12a), (17(c)), (19) and (20).

Section 16(11) was studied and considered for deletion and inclusion with section 16(13).

Section 11(a) will be considered in connection with proxy voting.

Amendments to section 16(12), (13), (14), (15), (16) being consequential were allowed to stand.

et (2) de l'article 51 ne s'appliquent que par un secrétaire d'élection nommé en conformité du paragraphe (9).»

Article 11

Après examen, une modification du paragraphe (1) de l'article 11 de ladite Loi soit réservé.

A 11h00, la séance du Comité est levée jusqu'à 3h30 de l'après-midi.

SÉANCE DE L'APRÈS-MIDI (11)

Le Comité permanent des privilèges et élections se réunit cet après-midi à 3h45. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Code, Duquet, Forest, Forrestall, Howe, Laflamme, Lefebvre, Richard, Trudel—(9).

Témoin: Le même qu'à la séance du matin.

Les membres du Comité reprennent l'étude des projets de modifications à la Loi électorale du Canada.

Les modifications ci-après sont acceptées en général, mais elles sont réservées en raison de l'absence d'un quorum:

Les paragraphes (2) et (3) de l'article 11,

L'article 12,

Les paragraphes (6), (7), (9), (10) et (11a) de l'article 16,

Les paragraphes (4), (12), (12a), (19) et (20) de l'article 17 ainsi que l'alinéa (c) du paragraphe (17) du même article.

Après examen, on étudie la possibilité de radier le paragraphe (11) de l'article 16 et de l'inclure au paragraphe (13) de l'article 16.

L'alinéa (a) du paragraphe (2) de l'article 11 sera examiné en rapport avec le vote par procuration.

Les modifications des paragraphes (12), (13), (14), (15) et (16) de l'article 16 qui en découlent, sont réservées.

Section 17(14), (17(a)), (17(b)) and (18) were allowed to stand and be considered in conjunction with amendments to section 37.

The Committee proceeded to Schedule A of section 17.

Amendments to rule 3 were allowed to stand.

At 5:00 p.m. the Committee adjourned to the call of the Chair.

Les paragraphes (14) et (18) de l'article 17 et les alinéas (a) et (b) des paragraphes (17) de l'article 17 sont réservés et seront étudiés en rapport avec les modifications apportées à l'article 37.

Le Comité entreprend ensuite l'étude de l'annexe A de l'article 17.

Les modifications projetées à la règle (3) sont réservées.

A 5h00, la séance du Comité est levée jusqu'à nouvelle convocation du président.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, January 20, 1970

• 0944

The Chairman: Order, please. I see that we have a quorum for the purpose of receiving evidence but, before proceeding, I would like to ask the views of the members on the way we should proceed. I personally have given some thought to perhaps proceeding with the prepared amendments that Mr. Hamel intends to submit to us. Meanwhile I will ask our Clerk to have circulated among us those briefs which we have received since advertising in the papers. I personally have received two of them. One deals with broadcasting and requests a readjustment of the timing in respect of the period of 48 hours, and the other, which has been circulated before, is from the Association of Hotels, wishing to

• 0945

make the Canada Elections Act conform with most of the provincial elections acts where it is permitted after the closing of the polls to sell liquor in hotels.

Mr. Virr is now circulating the other briefs to you. I have had a look at them and, in a general sense, most touch upon some of the problems we have already discussed and on which I believe we might be in a position to make a decision.

What is your suggestion, gentlemen? Do you believe that we should prepare a list of certain articles, or do you believe that we should start with article one and proceed with any amendment? Perhaps you would prefer a thorough discussion on some of the articles? I am quite willing to listen to your suggestions.

Mr. Benjamin: Are you referring to these, Mr. Chairman?

The Chairman: Yes.

Mr. Benjamin: Would it be practical to sort of plough through them one by one with the Election Act open beside us and with Mr. Hamel leading us through them? This might save our going back and forth.

[Interpretation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 20 janvier 1970

Le président: A l'ordre. Je vois que nous avons atteint le quorum. Nous allons donc pouvoir entendre les témoins, mais avant de commencer, j'aimerais connaître le point de vue des députés sur la façon dont nous allons procéder. Personnellement, j'avais pensé que nous pourrions procéder avec les amendements qui ont été préparés et que M. Hamel a l'intention de nous soumettre. Entre-temps, nous devrions demander au greffier de distribuer les mémoires que nous avons reçus depuis que nous avons fait de la publicité dans les journaux. J'ai moi-même reçu deux de ces mémoires: le premier a trait à la radio-diffusion et demande un réajustement des horaires de la période de 48 heures qui pré-

cède le jour de l'élection. L'autre mémoire, qui a déjà été distribué, vient de l'Association hôtelière qui désire une modification de la Loi électorale du Canada, conformément à la plupart des lois électorales des provinces, afin de permettre la vente de boissons alcooliques dans les hôtels après la fermeture des bureaux de votation.

M. Virr est en train de vous distribuer les autres mémoires, J'y ai jeté un coup d'œil et, d'une façon générale, la plupart traitent de problèmes que nous avons discutés et sur lesquels nous pourrions probablement prendre une décision.

Avez-vous des suggestions, messieurs? Pensez-vous que nous devrions dresser une liste des amendements proposés ou commencer par l'article 1^{er} et discuter des amendements à mesure qu'ils surviennent? Aimerez-vous avoir une discussion plus approfondie sur certains articles? Je suis prêt à entendre vos suggestions.

M. Benjamin: Faites-vous allusion à ceux-ci, monsieur le président?

Le président: Oui.

M. Benjamin: Serait-il possible de discuter les amendements un par un, avec la Loi électorale du Canada ouverte à côté de nous et M. Hamel pour donner les références aux divers articles? Ceci pourrait nous éviter de revenir constamment en arrière.

[Text]

The Chairman: This may be the best way.

Mr. Macquarrie: When Mr. Benjamin said "these" to what did he refer?

Mr. Benjamin: To Mr. Hamel's administrative type of amendment.

Mr. Macquarrie: I was like Mr. Howe, I thought you meant the brief, but you meant Mr. Hamel's document.

Mr. Benjamin: Yes.

Mr. J. M. Hamel (Chief Electoral Officer): The only problem is that some of the recommendations contained in the briefs will not be touched in my own amendments because my amendments are purely technical in nature. The first one here is the Canadian Association of Broadcasters, they recommend an amendment to Section 99 of the Act and there is nothing recommended in my own series of amendments, although I intended to mention this disparity between the Broadcasting Act and the Canada Elections Act when we reached Section 99 in the Act itself.

Mr. Benjamin: I am sorry, I was not paying close enough attention, Mr. Chairman.

The Chairman: I was a member of the Committee when the Broadcasting Act was reviewed and it was suggested that we readjust the Canada Elections Act when we put amendments through the House. I believe it does not represent any difficulty in having the Canada Elections Act in accordance with the Broadcasting Act in this connection.

Mr. Howe: Mr. Chairman, do any of these people or organizations presenting these briefs wish to appear before us with their briefs?

The Chairman: None to my knowledge. The Clerk informs me that the letter we received yesterday from Malcolm Cairnduff requests an appearance here. Also, the Canadian Chamber of Commerce have indicated their intention to appear but they have not yet presented their brief. I believe Mr. Malcolm Cairnduff is presenting some views in his letter which, in my view, could be regarded as not within our terms of reference. If you look at paragraph three of his letter, you will note he says:

• 0950

Further, I believe the Government should support such a policy by making

[Interpretation]

Le président: C'est peut-être la meilleure façon de procéder, en effet.

M. Macquarrie: Quand M. Benjamin a dit «ceux-ci», de quoi parlait-il?

M. Benjamin: De l'amendement de M. Hamel touchant l'administration.

M. Macquarrie: M. Howe et moi avions l'impression que vous parliez du mémoire, mais il s'agit du document que M. Hamel a présenté.

M. Benjamin: Oui.

M. J. M. Hamel (directeur général des élections): Le seul problème, c'est que certaines des recommandations contenues dans les mémoires ne seront pas abordées par mes amendements, parce qu'ils sont de nature purement technique. Le premier, par exemple, vient de l'Association canadienne des radiodiffuseurs: l'Association recommande un amendement à l'article 99 de la Loi. Or, il n'y a rien qui concerne cet article dans mes amendements bien que j'aurais mentionné la différence qui existe entre la Loi sur la radiodiffusion et la Loi électorale du Canada, lorsque nous serions arrivés à l'article 99.

M. Benjamin: Je m'excuse, je n'ai pas prêté attention à ceci, monsieur le président.

Le président: J'étais membre du Comité qui a révisé la Loi sur la radiodiffusion et l'on avait alors proposé de modifier la Loi électorale du Canada lorsqu'il en serait question en Chambre. Je pense que cette question ne présente aucun problème et que l'on peut amender la Loi électorale du Canada conformément à la Loi sur la radiodiffusion.

M. Howe: Est-ce que les gens ou les organismes qui ont présenté ces mémoires veulent comparaître devant vous?

Le président: Pas que je sache. Le greffier m'informe que nous avons reçu hier une lettre de M. Malcolm Cairnduff demandant à comparaître ici. Les membres de la Chambre de commerce du Canada ont aussi indiqué qu'ils aimeraient comparaître mais ils ne nous ont pas encore présenté leur mémoire. Pour ce qui est de M. Malcolm Cairnduff, il exprime dans sa lettre certaines opinions sur des sujets qui ne relèvent pas de nous, à mon avis. Au troisième paragraphe de sa lettre, par exemple, vous pouvez lire:

Je crois que le gouvernement devrait appuyer une telle politique en mettant

[Texte]

funds available upon application to election candidates who have qualified as such.

I think this is closer to election expenses and, therefore, not within our terms of reference.

Mr. Benjamin: Mr. Chairman, it would seem to me you would have to rule that that part of any submission that pertains to this, if it is in writing, can be filed and read later but that you would not allow...

The Chairman: No, no, I agree.

Mr. Benjamin: ... competition on election expenses.

The Chairman: Regarding those who could appear, perhaps the Steering Committee, as already authorized by you, will decide after reading the brief whether it would be worthwhile having them as witnesses here. Then we would let you know later.

Now, I think I should call upon Mr. Hamel and start from Article I of his amendments.

Mr. Hamel: Thank you, Mr. Chairman. I believe you all have a series of amendments which were distributed to you some time ago. The first amendment is in Section 2 and it deals with paragraph 10 and it reads as follows:

"Electoral district"

"10. "electoral district" means any place or territorial area entitled to return a member to serve in the House of Commons of Canada;

The only purpose of this change is to delete so-called dual ridings. We used to have two districts in Canada which would elect two members but this disappeared in 1966 with the new electoral map. So we are just changing the Canada Elections Act to make it conform with the new procedure for boundaries of the electoral districts.

Mr. Howe (Wellington-Grey): That means in 1966 or in the 1968 election there were not any dual...

Mr. Hamel: That is correct, Mr. Howe. They abolished it in 1966.

Mr. Macquarrie: I am one of the by-products of the dissolution. So there is nothing much we can do, Mr. Chairman, but accept this eminently sensible suggestion of the Chief Electoral Officer.

[Interprétation]

des fonds à la disposition des candidats, en autant qu'ils sont qualifiés comme tels.

Je pense que ceci a trait aux dépenses électorales et, par conséquent, ne figure pas dans notre mandat.

M. Benjamin: Monsieur le président, il me semble que vous devriez décider que toute partie de soumission écrite qui se rapporte à cette question devrait être déposée au dossier et lue par la suite, mais que vous ne devriez pas permettre...

Le président: Non, je suis d'accord.

M. Benjamin: ... la concurrence des dépenses électorales entre les candidats.

Le président: Peut-être le comité directeur décidera-t-il après avoir lu le mémoire si cela vaut la peine de convoquer les personnes qui pourraient venir témoigner. On vous en informera plus tard.

Je vais maintenant donner la parole à M. Hamel. Nous commencerons à l'article 1 du Projet de modification à la Loi électorale.

M. Hamel: Merci, monsieur le président. Je pense que vous avez tous la liste des modifications qui vous a été donnée il y a un certain temps. La première modification se rapporte à l'article 2, paragraphe (10) qui donne la définition du «district électoral»:

«District électoral.»
«circonscription électorale»

«(10) «district électoral» ou «circonscription électorale» signifie toute localité ou zone territoriale qui a droit d'élire un député à la Chambre des communes du Canada;

La seule raison de cette modification est d'éliminer les doubles circonscriptions. Il y avait des cas au Canada où on pouvait élire deux députés pour une même circonscription, mais ceci est disparu depuis 1966 avec la nouvelle carte électorale. Ainsi, nous modifions la Loi électorale du Canada pour l'adopter aux nouvelles frontières des districts électoraux.

M. Howe (Wellington-Grey): Donc, lors des élections de 1966 et 1968, il n'y avait pas de circonscription élisant deux députés...

M. Hamel: C'est exact, monsieur Howe, depuis 1966.

M. Macquarrie: Je suis un produit de ce changement. Ainsi, il nous reste à accepter la suggestion très intéressante du directeur général des élections.

[Text]

The Chairman: There are no more comments on this?

Mr. Hamel: It is only a matter of just tidying up.

Amendment carried.

The Chairman: Next?

Mr. Hamel: I believe the amendment to 10(a) which follows should stand for now because it is consequential to Clause 7 on page 6. Perhaps I could say a few words about this.

I recommend, purely for administrative reasons, that the residence of electors be established as that of the date of the beginning of the enumeration instead of the date of the issue of the writ. You will recall that, in 1968, the writs were issued on April 23 and enumeration started on May 6. In between these dates, quite a lot of people moved, particularly on May 1 in large cities. So the enumerators, when they went to the doors and asked, in addition to the ordinary question, "Were you here on April 23?", were presented with quite a few problems. People had to be enumerated in accordance with where they lived before May 1 and, moreover, go back there to vote on polling day, and so on. Thus there were a number of pretty awkward situations.

The recommendation, then, in Clause 7 relates to this problem: 10(a) is the defining of enumeration date and is consequential to Clause 7, so perhaps it should stand for the moment.

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Mr. Benjamin: What is the present requirement in the Canada Elections Act regarding the number of days from the day of the issue of writs to enumeration day?

Mr. Hamel: Roughly 10 days.

Mr. Benjamin: 10 days.

Mr. Hamel: Yes.

Mr. Lefebvre: I think it is a good suggestion, Mr. Chairman...

The Chairman: I believe that...

Mr. Lefebvre: ... that it should start on the day of enumeration.

The Chairman: This has been virtually agreed upon by the Members of the Committee. I see no objection to passing this amendment.

[Interpretation]

Le président: N'y a-t-il pas d'autres commentaires à ce sujet?

M. Hamel: Il y a simplement une mise au point à faire.

La modification est acceptée.

Le président: Passons à la modification suivante.

M. Hamel: Nous devrions maintenant réserver la modification se rapportant au paragraphe 10(a) qui suit parce qu'elle découle de l'article 7 du Projet à la page 6.

Je devrais peut-être dire quelques mots à ce sujet.

Je recommande pour des raisons purement administratives que la résidence des électeurs soit établie à partir de la date de l'énumération plutôt qu'à partir du jour de l'émission du bref. Vous vous souviendrez qu'en 1968 le bref a été émis le 23 avril et l'énumération a commencé le 6 mai. Entre temps, beaucoup de gens déménagent, surtout le 1er mai dans les grandes villes. Ainsi, les énumérateurs qui se sont rendus chez les particuliers pour leur demander, en plus de questions habituelles, s'ils habitaient là le 23 avril, ont fait face à de nombreux problèmes. L'énumération doit être faite d'après la résidence au 1er mai et beaucoup ont dû retourner pour voter à l'endroit où ils habitaient à cette date. Cela causait toutes sortes de situations difficiles.

La modification de l'article 7 du Projet vise cette question. Le paragraphe 10(a) définit la date de l'énumération et découle de l'article 7 du Projet. C'est la raison pour laquelle on devrait le réserver pour le moment.

M. Benjamin: Que prévoit la loi actuelle au sujet du nombre de jours qui doivent s'écouler entre la date de l'émission du bref et celle de l'énumération?

M. Hamel: Environ 10 jours.

M. Benjamin: Dix jours?

M. Hamel: Oui.

M. Lefebvre: Je crois que ce serait une bonne idée de ...

Le président: A mon avis...

M. Lefebvre: ... de commencer le jour de l'énumération.

Le président: Je crois qu'on est pratiquement d'accord là-dessus au sein du comité et je ne vois pas d'objection à ce que nous adoptions cette modification.

[Texte]

Mr. Macquarrie: I trust there will be no movement of people into close ridings in those 10 days.

The Chairman: Is the amendment carried?

Amendment carried.

Mr. Hamel: You are dealing with Clause 7 or with 10(a)?

The Chairman: Clause 10(a).

Mr. Trudel: Mr. Chairman, Clause 10 will have to stand for the moment, is that right?

Mr. Hamel: Yes, as it is consequential to Clause 7 on page 6.

Mr. Trudel: What are we carrying now, Clause 10 or 7?

The Chairman: Clause 10 (a).

Mr. Trudel: I have no 10(a) in my book. That is why I asked.

Mr. Hamel: It is under Section 1, I am sorry, subsection 10(a)—10(a) of the amendments.

Mr. Trudel: I am sorry.

Mr. Hamel: Section 1, first page.

Mr. Trudel: All right. Fine.

The Chairman: It is Article I, 10(a).

Mr. Hamel: The following recommendation, subparagraph (a) of Paragraph 13 of Section 2 of the said Act, dealing with the definition of Associate Chief Justice of Quebec, has been put forward by the Chief Justice of Quebec, the Hon. Dorion. Seven or eight years ago, the designation "Acting Chief Justice" was changed to "Associate Chief Justice". I understand that when the Chief Justice is in Quebec, the Associate Chief Justice is in Montreal, and vice versa. I have a letter which Mr. Dorion addressed to my predecessor in 1963, I believe, about this...

The Chairman: What does it suggest?

Mr. Hamel: It suggests that the definition of Chief Justice and Associate Chief Justice in the Canada Elections Act conform with the terminology used in the courts in Quebec.

The Chairman: There is nothing litigious about this.

Amendment carried.

[Interprétation]

M. Macquarrie: Je suppose que personne ne démentagera d'une circonscription à une autre pendant les dix jours.

Le président: La modification est-elle adoptée?

La modification est adoptée.

M. Hamel: Est-ce qu'on parle de l'article du Projet ou du paragraphe 10a)?

Le président: De l'article 10a) du Projet.

M. Trudel: Monsieur le président, l'article 10 du Projet est réservé pour le moment, n'est-ce pas?

M. Hamel: Oui, car il découle de l'article 7 à la page 6.

M. Trudel: Qu'adoptons-nous maintenant, l'article 10 ou 7?

Le président: L'article 10a).

M. Trudel: Je n'ai pas d'article 10a) dans mon livre; c'est la raison pour laquelle je pose la question.

M. Hamel: Je veux dire l'article 1^{er}, pardon, le paragraphe 10a) des modifications.

M. Trudel: Excusez-moi.

M. Hamel: L'article 1^{er}, à la page 1.

M. Trudel: Très bien.

Le président: L'article 1, 10a).

M. Hamel: La recommandation suivante, alinéa a) du paragraphe (13) de l'article 2 de ladite Loi, définissant le juge en chef associé du Québec a été faite par le juge en chef du Québec, M^e Dorion. Il y a sept ou huit ans, on a remplacé la désignation de «juge en chef suppléant» par celle de «juge en chef associé». Je crois comprendre que quand le juge en chef est à Montréal, le juge en chef associé est à Québec et vice versa. J'ai une lettre que M^e Dorion a adressée à mon prédécesseur en 1963 à ce sujet.

Le président: Quel en est le contenu?

M. Hamel: M^e Dorion suggère de modifier la définition de juge en chef et de juge en chef associé dans le texte de la loi électorale du Canada de façon qu'elle soit conforme à la terminologie utilisée devant les tribunaux du Québec.

Le président: Y a-t-il contestation?

La modification est adoptée.

[Text]

Mr. Hamel: On the second page, subparagraph (d) of Paragraph 13 of Section 2., again this is only to conform with a recent amendment to the Northwest Territorial Report. There used only to be a judge appointed for the Yukon but now there is one appointed for the Northwest Territories. So this is only to add this detail to the Canada Elections Act. Before, if you will look on the right hand side, the Canada Elections Act used to read:

“(d) in relation to the electoral districts of Yukon and Northwest Territories, the person exercising from time to time the jurisdiction of the judge of the territorial court of the Yukon Territory.”

Now we are specifying that persons are appointed from time to time to exercise judicial duties in the Northwest Territories, to conform with recent practice.

The Chairman: But if the post is vacant at the time.

Mr. Hamel: In that case there is always an acting official whom, I believe comes from...

An hon. Member: British Columbia.

Mr. Hamel: No, from Alberta. It is the same thing when you have a case which must be heard by two judges. In the Yukon, the second judge comes from British Columbia; in the Northwest Territories, he would normally come from Alberta.

The Chairman: Any more comments on this?

Amendment carried.

Mr. Hamel: 34 which is Paragraph 34 of Section 2 again. This is consequential on an amendment to Section 12 which is Clause 6. So perhaps it could stand for the moment. I will explain it in Section 12, in Clause 6.

The Chairman: Yes, Mr. Lefebvre

Mr. Lefebvre: On that item, is that where you are speaking about rural polling divisions?

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Mr. Hamel: I am sorry.

Mr. Lefebvre: This is the definition of a rural polling division.

Mr. Hamel: That is correct. This is the definition which we suggested.

[Interpretation]

M. Hamel: A la deuxième page, l'alinéa d) du paragraphe (13), article 2, encore une fois, il s'agit de se conformer à une récente modification apportée au Rapport sur les Territoires du Nord-Ouest. Il n'y avait auparavant qu'un seul juge pour le Yukon, mais maintenant, il y en a un pour les Territoires du Nord-Ouest. C'est simplement pour ajouter ce détail. A la page de droite vous voyez que l'on disait,

«d) relativement aux districts électoraux du Yukon et des *Territoires du Nord-Ouest*, la personne qui exerce au besoin la *juridiction du juge* de la Cour territoriale du territoire du Yukon».

Maintenant nous spécifions que des personnes sont nommées à l'occasion pour exercer des fonctions judiciaires dans les Territoires du Nord-Ouest, afin de nous conformer au changement récent.

Le président: Mais si le poste est vacant à ce moment?

M. Hamel: Dans ce cas, il y a toujours un fonctionnaire suppléant, qui vient de...

Une voix: La Colombie-Britannique...

M. Hamel: Non, de l'Alberta. La situation est la même que dans les cas où deux juges doivent entendre une même cause. Au Yukon, le second juge vient de la Colombie-Britannique; pour les Territoires du Nord-Ouest, de l'Alberta.

Le président: Y a-t-il d'autres commentaires?

La modification est adoptée.

M. Hamel: Le paragraphe (34) de l'article 2 qui découle d'une modification à l'article 12, soit l'article 6 du projet. Nous pourrions réserver ce paragraphe pour le moment. Nous l'expliquerons lorsque nous étudierons l'article 12 ou à l'article 6 du Projet.

Le président: Oui. Je donne la parole à M. Lefebvre.

M. Lefebvre: Est-ce là où l'on parle des arrondissements ruraux?

M. Hamel: Je suis désolé.

M. Lefebvre: C'est la définition d'un arrondissement rural.

M. Hamel: C'est exact. C'est la définition que nous avons proposée.

[Texte]

Mr. Lefebvre: I do not quite get this. You speak of a rural polling division as a polling division contained within an incorporated city or town of 5,000 or more that is declared by the Chief Electoral Officer to be a rural polling division. How does that come about?

Mr. Hamel: In that case, we have to read this in conjunction with Clause 6 on page 5.

The Chairman: Perhaps we could have this amendment stand until we reach Clause 12.

Mr. Lefebvre: Fine.

Mr. Howe (Wellington-Grey): Mr. Chairman, in naming a rural polling subdivision, would this have anything to do with the enumeration and the number of enumerators?

Mr. Hamel: That is correct.

Mr. Howe (Wellington-Grey): I noticed that in Toronto they have two enumerators in every polling subdivision.

Mr. Hamel: As in Quebec and one or two other provinces.

Mr. Howe (Wellington-Grey): Has this Committee considered whether to follow this practice or not?

The Chairman: Not yet; not to my knowledge.

Mr. Howe (Wellington-Grey): Then would not this definition of calling a polling subdivision, a rural one, be subsequent upon our decision as to whether there would be two enumerators in all?

Mr. Hamel: No, Mr. Howe, this definition stands by itself or the amendment to Clause 12 would stand by itself. The other suggestion you made might imply quite a number of other changes but at the moment, as you know, under the Canada Elections Act in urban polling divisions you have two enumerators and in rural ones you have only one.

Mr. Howe (Wellington-Grey): That is right.

Mr. Hamel: We encountered a number of problems which I will explain when we reach Clause 6 and for this reason, we suggest a slight amendment, a very minor amendment, to the definition of rural polling divisions and urban polling divisions.

[Interprétation]

M. Lefebvre: Je ne comprends pas très bien. Vous désignez un arrondissement rural comme étant un arrondissement de votation qui est contenu dans une cité ou ville constituée en corporation et ayant une population de 5,000 âmes ou plus, au sujet duquel le directeur général des élections a déclaré qu'il est un arrondissement rural. Comment cela se fait-il?

M. Hamel: Il faut rattacher cette définition à l'article 6 du projet, à la page 5.

Le président: Peut-être devrions-nous réserver cet amendement jusqu'à ce que nous arrivions à l'article 12.

M. Lefebvre: Bien.

M. Howe (Wellington-Grey): Monsieur le président, la désignation d'un sous-arrondissement rural a-t-elle quelque chose à voir avec l'énumération et le nombre d'énumérateurs?

M. Hamel: C'est exact.

M. Howe (Wellington-Grey): J'ai remarqué qu'à Toronto, il y avait deux énumérateurs dans chaque sous-arrondissement de votation.

M. Hamel: Comme au Québec et dans une ou deux autres provinces.

M. Howe (Wellington-Grey): Le Comité a-t-il décidé de poursuivre cette pratique?

Le président: Pas encore, autant que je sache.

M. Howe (Wellington-Grey): Cette définition d'appeler un sous-arrondissement de votation un sous-arrondissement rural ne dépendrait-elle pas de notre décision de nommer deux énumérateurs?

M. Hamel: Non, monsieur Howe, cette définition est indépendante, tout comme l'amendement à l'article 12; l'autre proposition que vous avez faite exigerait un grand nombre d'autres changements mais, autant que je sache, il y a maintenant, en vertu de la Loi électorale du Canada, deux énumérateurs dans les arrondissements urbains et il n'y en a qu'un dans les arrondissements ruraux.

M. Howe (Wellington-Grey): C'est exact.

M. Hamel: Nous avons été aux prises avec nombre de problèmes que je vous expliquerai lorsque nous serons rendus à l'article 6, et c'est la raison pour laquelle nous proposons une très légère modification à la définition des arrondissements ruraux et des arrondissements urbains.

[Text]

The Chairman: Stand.

Mr. Hamel: Incidentally, there will be quite a number of sections or subsections that should stand perhaps because they are consequent on a whole series of amendments in Clause 37. In 1960, my predecessor was asked by this Committee to revamp the whole penalty and offences sections of the Act so the following recommendations, for instance, subsection (3) of section 7 is consequent on a number of amendments that were made as a result to the penalty and offences section where it reads that:

(3) Every returning officer to whom a writ is directed shall forthwith upon its receipt, or upon notification by the Chief Electoral Officer of the issue thereof, cause to be promptly taken such of the proceedings directed by this Act as are necessary in order that the election may be regularly held, and any returning officer who wilfully neglects so to do is guilty of an offence against this Act".

It used to be:

is liable on summary conviction to a fine of...

and so on. So this was all deleted and regrouped under Clause 37, in Sections, 65 to 77. So I would suggest that this again stand until we reach the whole series of penalties and offences in Clause 37.

The Chairman: Stand.

Mr. Hamel: Subsection (3) of Section 8 is a new paragraph that I suggest at the moment. Under Section 8 of the Canada Elections Act, a returning officer may be dismissed if he has reached sixty-five years of age; ceases to reside in the constituency; is incapable, by reason of illness and so on, to carry out his duties; has failed to discharge competently his duties or has at any time after his appointment been guilty of politically partisan conduct. It happens at times, however, that none of these faults are found with a returning officer and yet he just will not do any work. I had a case just a couple of years ago, for instance, where I had instructed a returning officer to proceed with a complete revision of the polling divisions in his electoral district and he never did five minutes work

[Interpretation]

Le président: Réserveons le point.

M. Hamel: Il y a un grand nombre d'articles ou de paragraphes qui devraient être réservés peut-être parce qu'ils sont la conséquence de toute une série de modifications à l'article 37. En 1960, ce Comité avait demandé à mon prédécesseur de recommander tous les articles de la loi touchant les peines et infractions; c'est pourquoi le paragraphe (3) de l'article 7, par exemple, touche un certain nombre de modifications qui ont été apportées à l'article sur les peines et les infractions, où on lit:

(3) Tout officier rapporteur à qui est adressé un bref d'élection doit, dès sa réception ou dès que le directeur général des élections lui a notifié l'émission dudit bref, faire exercer avec diligence les opérations prescrites par la présente loi et qui sont nécessaires en vue de la tenue régulière de l'élection, et l'officier rapporteur qui refuse volontairement de le faire est coupable d'une infraction à la présente loi.

On lisait auparavant:

...est passible, sur déclaration sommaire de culpabilité, d'une amende de...

et ainsi de suite. Toutes ces dispositions ont été enlevées et regroupées à l'article 37 du projet, aux articles 65 à 77. Je propose donc qu'on réserve ce point jusqu'à ce que nous arrivions au chapitre des peines et infractions de l'article 37 du projet.

Le président: Réserve.

M. Hamel: Le paragraphe (3) de l'article 8 est un nouveau paragraphe que je propose à ce moment-ci. En vertu de l'article 8 de la Loi électorale du Canada, un officier rapporteur peut être remercié de ses services s'il a atteint 65 ans, s'il cesse de résider dans la circonscription, s'il est incapable, pour des raisons de santé ou autres, de remplir ses fonctions, s'il n'a pu s'acquitter d'une façon compétente de ses fonctions ou s'il a été, en aucun temps après sa nomination, coupable de partialité politique. Il arrive parfois qu'un officier rapporteur ne fasse l'objet d'aucun des motifs de renvoi susmentionnés même s'il n'accomplit pas sa tâche. J'ai connu un cas, il y a quelques années, par exemple, où j'avais donné des instructions à un officier rapporteur de faire une révision complète des arrondisse-

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on this. Finally we had to recommend that he be dismissed for incompetency. Was he incompetent or not? This might have

ments de votation dans sa circonscription électorale et il n'y a même pas consacré 5 minutes de travail. En fin de compte, nous

[Texte]

stretched the point a little bit because I do not think he was incompetent. He was either just not interested or just did not want to resign. In fact, we just could not reach him at all, not even on the telephone. I suggest that one cause for dismissal might be the failure to complete the revision of the boundaries of the polling divisions in his electoral district as instructed by the Chief Electoral Officer pursuant to subsection (1) of section 11 because in section 11 we decide, when we feel that it is appropriate, that the returning officer shall proceed with a complete revision of the boundaries of his polling divisions. If one fails to do so you can imagine the consequences not only for my office but also for political organizations because we all have to get ready for the next general election. I consider that this should be a cause for dismissal and I very respectfully submit this for your consideration.

The Chairman: Mr. Benjamin.

Mr. Benjamin: Mr. Chaiman, in the instance that Mr. Hamel speaks of, he obviously invoked paragraph (d) of subclause (3)

8. (3) The Governor in Council may remove from office, as for cause, any returning officer who

(d) has failed to discharge competently his duties,...

You use that in bringing about a dismissal of a returning officer. Does that not cover the situation that you suggest in this new paragraph (f)?

Mr. Hamel: Even in that case he simply failed to discharge his duties. It was not a question of failing to discharge competently his duties, he simply failed to discharge his duties.

The Chairman: Mr. Forrestall.

Mr. Forrestall: I have just one question. I wonder, Mr. Hamel, if under any of the further amendments that we will deal with, whether there is anything to change the fact that returning officers cease to have their appointment when the Act is repealed. I am thinking in terms of continuity. I think continuity and conformity—those two words—are very important to me in what we are doing. Has this been taken into consideration by yourself and your staff?

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[Interprétation]

avons dû recommander qu'il soit renvoyé pour incompétence. Était-il incompétent ou non? Nous avons donné une interprétation plus vaste parce que je ne crois qu'il était incompétent. Il n'était tout simplement pas intéressé ou ne voulait pas démissionner. Enfin, nous ne pouvions le rejoindre, même pas au téléphone. Je crois qu'une des causes de renvoi pourrait être l'omission d'effectuer la revision des limites des arrondissements de votation situés dans un district électoral comme l'ordonne le directeur général des élections en conformité du paragraphe (1) de l'article 11 parce que nous disons à l'article 11 que, lorsque nous croyons qu'il serait approprié de le faire, l'officier rapporteur fera une revision complète des limites des arrondissements de votation. Vous pouvez imaginer les conséquences d'une telle omission non seulement pour mon bureau mais aussi pour les organisations politiques parce que nous devons tous nous préparer pour la prochaine élection générale. Je crois que ceci pourrait être une cause de renvoi et je demande très respectueusement qu'on étudie ce point.

Le président: Monsieur Benjamin.

M. Benjamin: Monsieur le président, dans le cas cité par M. Hamel, il se réfère sans doute à l'alinéa d) du paragraphe (3)

8. (3) Le gouverneur en conseil peut destituer, pour cause, tout officier rapporteur qui

d) ne s'est pas acquitté, de façon compétente, de ses devoirs,...

C'est le point que vous avez utilisé pour parler du renvoi d'un officier rapporteur. Le nouvel alinéa f) ne prévoit-il pas la situation dont vous parlez?

M. Hamel: Même dans ce cas, il n'a qu'omis de remplir ses fonctions. Il n'a pas omis de remplir, avec compétence, ses fonctions, il a simplement omis de remplir ses fonctions.

Le président: Monsieur Forrestall.

M. Forrestall: Je n'ai qu'une question. Je me demande, monsieur Hamel, si certaines des autres modifications que nous étudierons apportent quelque chose au fait que les officiers rapporteurs cessent d'être nommés lorsque la loi est abrogée. Je pense à la continuité. Les deux mots continuité et conformité ont beaucoup à voir avec ce que nous faisons. Vous et votre personnel, avez-vous étudié la question?

[Text]

Mr. Hamel: No, Mr. Forrestall, because this is a policy decision which is certainly beyond my terms of reference. Mr. Forrestall is reporting to subsection (1) of section 8 which has appeared in the Canada Elections Act for quite a number of years which says that every time the Canada Elections Act is re-enacted, if that section appears as is, *ipso facto*, all returning officers are deemed to be out of their job and new appointments have to be made. It means that if a new act is approved or is adopted by Parliament as a result of this work, that the minute the act is assented to, all returning officers will be out of their job and appointments will have to be made to every one of the 264 officers. As I say, this has been in the Act ever since the nineteen-thirties and has always been carried in the amendments in 1938 as well as in 1960.

The Chairman: Mr. Howe.

Mr. Howe (Wellington-Grey): Mr. Chairman, would this not create a very difficult situation for the man who was appointed as Chief Electoral Officer in that area. If when to get ready for an election you dismiss him at the end of the time limit, the new man that is appointed would have a very difficult time getting ready for that election would he not?

The Chairman: I do not want to discuss the validity of your point but I believe that the amendment already proposed by Mr. Hamel is that a reason to dismiss a returning officer would be if he simply fails to do his job, not to do it incompetently but just failing to do it. This would be a reason for dismissal.

Mr. Duquet: Mr. Chairman, this applies strictly to the revision of the boundaries as asked. It is not the general case that those gentlemen mention. It is only in a case where he does not make, as asked, the revision of the boundaries or does not bother about it.

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The Chairman: Just a minute. Mr. Macquarrie.

Mr. Macquarrie: I am just wondering in this whole question—and this is a very important area of administration—how closely can the Chief Electoral Officer maintain contact with his returning officers? For instance, I would think that a returning officer who became a political candidate should no longer be a returning officer, and yet you have one who received a nomination many weeks ago. I suppose you have not been

[Interpretation]

M. Hamel: Non, monsieur Forrestall, parce que c'est une décision qui dépasse certainement mon mandat. M. Forrestall se rapporte au paragraphe (1) de l'article 8 qui figure dans la Loi électorale du Canada depuis nombre d'années et qui dit que, chaque fois que la Loi électorale du Canada est réadoptée, si cet article figure telle quelle, tous les officiers rapporteurs sont du fait même considérés comme étant démis de leurs fonctions et il faut procéder à de nouvelles nominations. Ceci veut dire que si une nouvelle loi est approuvée ou adoptée par le Parlement à la suite de vos travaux, du moment que la loi reçoit la sanction, tous les officiers rapporteurs sont démis de leurs fonctions et que chacun des 264 officiers doit être nommé. Comme je l'ai dit, cette disposition existe dans la loi depuis les années 1930 et a continué d'en faire partie lors des modifications de 1938 et de 1960.

Le président: Monsieur Howe.

M. Howe (Wellington-Grey): Monsieur le président, ceci ne placerait-il pas dans une situation très difficile celui qui a été nommé directeur général des élections dans une région. Si, à la veille d'une élection, vous le démettez de ses fonctions à la fin du délai, son remplaçant aurait de grandes difficultés à se préparer pour cette élection, n'est-ce pas?

Le président: Je ne veux pas discuter du bien-fondé de votre point, mais je crois que la modification déjà proposée par M. Hamel est qu'une raison de renvoi d'un officier rapporteur soit qu'il a simplement omis de faire son travail, non pas d'une façon incompétente, mais par simple omission. Ce serait une raison de renvoi.

M. Duquet: Monsieur le président, ce point ne s'applique qu'à la revision des limites. Ce n'est pas le cas général dont ces messieurs parlaient. Il ne s'agit que du cas où il ne fait pas, après demande, la revision des limites ou ne s'en préoccupe pas.

Le président: Un moment, monsieur Macquarrie.

M. Macquarrie: Je me demandais, et il s'agit là d'un domaine d'administration très important, jusqu'à quel point le directeur général des élections peut rester en rapport avec ses officiers rapporteurs? Par exemple, à mon avis, un officier rapporteur qui devient candidat d'un parti politique ne devrait pas garder son emploi, et, néanmoins, il y a plusieurs semaines, un officier rapporteur a reçu une nomination. Je suppose que vous n'étiez

[Texte]

appraised of that. How much initiative are you able to take to maintain a liaison with your returning officers in this matter we are now discussing and in other matters?

Mr. Hamel: I admit, Mr. Macquarrie, that this is kind of a problem because my returning officers are only paid when instructed to do some work, be that a revision of their polling divisions or the conduct of a by-election or a general election. So, in the case of the vast majority of my returning officers, the last I would normally hear of them would be when I got the last papers as a result of the last general election. Perhaps I should add that as these people are not paid, I do not want to force them to carry on correspondence with my office for more or less futile reasons, so once a year I usually send a circular letter to them to find out their address and their occupation, and whether they have changed their occupation, with a view to publishing this list which must appear in the *Canada Gazette* during the first 20 days of January in each year. So, every fall around November I circularize my returning officers to find out whether they are still alive or still interested and s'll consider themselves in the job, and so on. This is the only contact I have with most of them every year.

Mr. Macquarrie: Do you ask them at that time if they have been politically partisan?

The Chairman: You know what the answer would be, Mr. Macquarrie.

Mr. Macquarrie: I would think it would be difficult for a nominated candidate to say no, and yet there was one who was gazetted the other day...

Mr. Lefebvre: But he is not officially a candidate until an election is called.

Some hon. Members: Oh, oh.

Mr. Lefebvre: This is the case if you are going to go by the Act. I do not know about whom you are speaking, so I will say that for all candidates.

Mr. Richard: He is partisan just the same.

Mr. Lefebvre: Who is not?

Mr. Macquarrie: No. I am not much interested in this instance but I think there is always the problem that the Chief Electoral Officer wants to have all the documentation

[Interprétation]

pas au courant. Quelle liaison êtes-vous capable de maintenir avec vos officiers rapporteurs en ce qui concerne cette question ou d'autres sujets à l'étude?

M. Hamel: Monsieur Macquarrie, j'admets que c'est un problème, car les officiers rapporteurs ne sont payés que lorsqu'on leur ordonne d'accomplir un travail, notamment la révision de leurs circonscriptions électorales ou la conduite d'une élection générale ou complémentaire. Ainsi, en ce qui concerne la grande majorité des officiers rapporteurs, je n'ai pas ordinairement de contact avec eux après la réception des derniers documents concernant l'élection générale. Je dois avouer que puisqu'ils ne sont pas payés, je ne veux pas les forcer à communiquer avec mon bureau pour des raisons sans importance, et ainsi je leur envoie ordinairement une lettre circulaire, une fois tous les ans, pour connaître leur adresse, leur emploi et pour savoir s'ils ont changé d'emploi en vue de publier cette liste qui doit paraître dans la *Gazette* du Canada tous les ans dans les premiers vingt jours de janvier. Ainsi vers la fin de novembre, je leur fait parvenir une lettre pour savoir s'ils sont encore en vie ou s'ils s'intéressent toujours à ce genre de travail ou s'ils se considèrent encore comme engagés. C'est le seul contact que je maintiens avec la plupart d'entre eux tous les ans.

M. Macquarrie: Est-ce que vous leur demandez s'ils sont partisans d'un parti politique?

Le président: Vous connaissez la réponse à cette question, monsieur Macquarrie.

M. Macquarrie: J'imagine qu'un candidat désigné aurait de la difficulté à nier le fait. Toutefois, l'autre jour, on a mentionné dans la *Gazette* le nom d'un officier rapporteur...

M. Lefebvre: Néanmoins, il ne peut pas être officiellement un candidat avant que l'élection soit annoncée.

Des voix: Oh! Oh!

M. Lefebvre: Tel est le cas, si vous suivez la Loi à la lettre. Je ne sais pas de qui vous voulez parler; à mon avis, cela concerne tous les candidats.

M. Richard: Il est tout de même partisan d'un parti politique.

M. Lefebvre: Qui ne l'est pas?

M. Macquarrie: Non. Il ne m'intéresse pas beaucoup ce problème particulier, mais à mon avis, le directeur général des élections veut que tout le personnel et tous les docu-

[Text]

ready and I think he also wants to have all the personnel ready. I would think that if an election were called tomorrow this man in fact would not and should not be a returning officer. So if there is one constituency for the whole darn thing it will be in turmoil because of these things having to be done.

The Chairman: Any comments?

Mr. Forrestall: I think it would be an appropriate inclusion in your circular letter to just ask that question, and they can answer it however they wish. You have to accept their word; you cannot check them out.

Mr. Hamel: I wonder if I would not be exceeding my terms of reference if I were to...

Mr. Lefebvre: Definitely.

Mr. Forrestall: The Act is very specific, and that is the only reason I would suggest it.

Mr. Hamel: Mr. Chairman, I believe there is one key word that we must remember. Subsection 3 says that the Governor in Council "may" remove from office. It is not mandatory. Some returning officers, for instance, after their appointment, might cease to reside in their electoral district but, by the same token, they are not dismissed *ipso facto*. Many of them will write to me and ask permission to resign because they no longer reside in the district. The Governor in Council "may" remove from office. It is not mandatory. For that reason I do not feel I have an obligation to bring these cases to the attention of the Governor in Council.

The Chairman: Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, that is just the point. Does Mr. Hamel not consider it part of his obligation to at least report this? It is not his responsibility to do the hiring or firing, this is done by Order in Council, but because of what the Act says would he not feel it incumbent upon him to report the conduct of a returning officer? Whether the Cabinet does anything about it or not is none of his concern, but do you not feel that you should report these sorts of things?

[Interpretation]

ments soient prêts. Si l'on commençait une élection demain, cet homme ne serait pas et ne devrait pas être officier rapporteur. S'il existe une seule circonscription électorale, dans ce cas, il y aura du désordre à cause des choses qu'il faut faire.

Le président: Pas de commentaires?

M. Forrestall: A mon avis, il faudrait inclure cette question dans votre lettre circulaire et ils pourraient y répondre comme ils voudraient. Il faut les croire sur parole; vous ne pouvez vérifier leurs dires.

M. Hamel: Je me demande si cela ne serait pas outrepasser mon mandat...

M. Lefebvre: Définitivement.

M. Forrestall: La Loi est très précise à ce sujet, et je ne propose cela que pour cette raison.

M. Hamel: A mon avis, monsieur le président, il y a un mot clef dans la loi qu'il ne faut pas oublier. Le paragraphe 3 prévoit que le gouverneur en conseil «peut» renvoyer un officier rapporteur, mais ce n'est pas obligatoire. Par exemple, certains officiers rapporteurs, après leur nomination, ne résident peut-être plus dans leur circonscription électorale, mais de plus, ils ne sont pas renvoyés par le fait même. Plusieurs m'écrivent pour me demander la permission de démissionner parce qu'ils ne résident plus dans leur circonscription. Le gouverneur en conseil «peut» renvoyer un officier rapporteur, mais ce n'est pas obligatoire. Il ne pense pas qu'il faut que je communique ces cas au gouverneur en conseil.

Le président: Monsieur Benjamin.

M. Benjamin: Monsieur le président, voilà la question. Est-ce que monsieur Hamel ne considère pas comme faisant partie de ses fonctions de signaler au moins ce fait? Il n'est pas chargé d'engager ou de renvoyer les officiers rapporteurs, cela relève du gouverneur en conseil, mais compte tenu de la loi, ne penserait-il pas qu'il devrait signaler la conduite d'un officier rapporteur? Que le gouvernement agisse ou non, cela ne le concerne pas. Mais ne croyez-vous pas que vous devriez faire rapport de ce genre de choses?

• 1015

Mr. Hamel: I consider that I should only bring it to the attention of the Governor in Council when a returning officer fails to discharge his functions—for that he is responsi-

M. Hamel: A mon avis, je ne devrais attirer l'attention du gouverneur en conseil à ce sujet qu'au cas où un officier rapporteur ne s'est pas acquitté de ses fonctions—à cet égard,

[Texte]

ble to me—in the manner that he should. If it is a case of political partisanship, for instance, unless it affects the conduct of an election, I do not consider this to be my responsibility. Furthermore, particularly when a returning officer is engaged in provincial politics, it is even more difficult to define whether this contravenes the letter of the Act.

Mr. Benjamin: Mr. Chairman, if you can ignore what paragraph (e) says, why would you worry about the other paragraphs? If you can leave out one, in terms of reporting on the activities or conduct of a returning officer, surely politically partisan conduct, whether provincial or federal, is beside the point as well. It is politically partisan conduct whether one is a nominated candidate or not. I have seen returning officers of different parties attend nominating conventions and national conventions of political parties between elections. If you are unaware of it, there is no problem, but if it is brought to your attention, it seems to me that under paragraph (e) your obligation is the same as it is under any of the other sections in relation to incompetence, age and failure to discharge duties, and you would report such to the government.

Mr. Hamel: I have slightly different views on this. I consider that it becomes my responsibility only when it actually affects the person's performance. In other words, if because of that he cannot discharge his duties as a returning officer, then it would become my responsibility. Otherwise, it seems to me, it is primarily the responsibility of either the candidates or the other political organizations to bring this to the attention of the responsible minister.

Mr. Macquarrie: This leads me to believe that this whole section might in fact require us as a Committee to give it further attention than the amendments suggested by the Chief Electoral Officer. I am not convinced that enough movement is possible from the Chief Electoral Officer to maintain at all times the impartiality of the returning officer, who may go into action at a time which no one can determine, and should be as far above suspicion as mortal man can be in this field. I do not think there is any question about it that the Chief Electoral Officer has always had about him that propriety and impartiality that is necessary to the conduct of an election. It is the matter of getting that permeated down to the constituency. I think that this could and should be strengthened.

[Interprétation]

cela me concerne—de la façon prescrite par la Loi. S'il s'agit, par exemple, d'un partisan politique, à moins que cela porte atteinte au déroulement d'une élection, je n'estime pas que cela relève de moi. De plus, surtout lorsqu'un officier rapporteur s'intéresse à la politique provinciale, il est encore plus difficile de démontrer que cela enfreint la loi.

M. Benjamin: Monsieur le président, si vous ne tenez pas compte de l'alinéa (1), pourquoi vous inquiéteriez-vous au sujet des autres alinéas? Si vous pouvez négliger un alinéa, concernant le fait de signaler les actions ou la conduite d'un officier rapporteur, il est évident que l'affiliation à un parti politique, provincial ou fédéral, n'a rien à voir avec la question. On peut être affilié à un parti politique sans être nommé candidat. Je sais que des officiers rapporteurs de partis différents ont assisté à des congrès politiques de nomination ou des assemblées de partis politiques entre les élections. Si vous n'étiez pas au courant, il n'y a pas de problème, mais si on le porte à votre attention, il me semble que votre obligation en vertu de l'alinéa (e) est la même que celle en vertu des autres articles concernant l'incompétence, l'âge et le fait de ne pas s'acquitter de ses fonctions, et vous feriez rapport au gouvernement.

M. Hamel: Je n'ai pas les mêmes idées à ce sujet. J'estime que cela ne relève de ma responsabilité que lorsque cela touche réellement le rendement de la personne. En d'autres termes, si à cause de cela elle n'est pas capable de remplir ses fonctions d'officier rapporteur, cela me concerne. Autrement il me semble qu'il incombe aux candidats ou aux autres partis politiques de le signaler au ministre responsable.

M. Macquarrie: Cela porte à croire que cet article en entier devrait être étudié par notre comité plus que les amendements proposés par le directeur général des élections. Je ne suis pas persuadé que le directeur général puisse maintenir en tout temps l'impartialité de l'officier rapporteur, qui peut entrer en fonction à une période non déterminée et devrait être au-dessus de tout soupçon autant qu'on puisse l'être dans ce domaine. A mon avis, on ne peut douter que le directeur général des élections a toujours eu l'impartialité nécessaire à la conduite d'une élection. Il s'agit de répandre cela dans la circonscription. A mon avis, on pourrait et on devrait renforcer cela.

[Text]

The Chairman: I believe, Mr. Macquarrie, that we should avoid giving the Chief Electoral Officer the power of being the final judge of the personal conduct of the returning officers. If we want to give him the authority to be the surveyor or the guardian of the conduct of the 265 returning officers, I think we should organize a scheme by which those people who are accused may have an opportunity of defending themselves. I think we are entering into a much vaster area than we think we are.

Mr. Macquarrie: I am not discussing their personal morals, it is their political ethics, and if I had a complaint—as Mr. Hamel mentioned—with a candidate, I would think to bring that to a Minister, who is also a partisan being, would be the last place I would want to bring it, naturally. There should be an area of non-political involvement, and that hangs around the Chief Electoral Officer.

The Chairman: Then we will have to decide if we will give the Chief Electoral officer the final authority to judge.

• 1020

Mr. Benjamin: I do not think he should have the final authority to judge, Mr. Chairman, but I do think that he should have some obligation to report. I agree with Mr. Macquarrie that a returning officer is like the Chief Electoral Officer, one must have complete confidence and trust in him. He must not only appear to be impartial and fair to all concerned; he should be in fact, and the whole matter of political parties and activity in between elections seems to enter into this. The public and the political parties must have confidence and trust in that returning officer, the same as we do in the Chief Electoral Officer. I agree that the Chief Electoral Officer should report but not judge.

The Chairman: I think in essence he has the obligation to report.

Mr. Benjamin: But he just said he does not feel that he has.

The Chairman: If we make it mandatory, suppose the Chief Electoral Officer receives a letter of complaint accusing the returning officer in one constituency of political partisanship. What does he do with it?

Mr. Benjamin: I think he looks into it.

Mr. Hamel: No, I do not investigate, but I do transmit that letter to the Secretary of State because he is the responsible Minister.

[Interpretation]

Le président: Monsieur Macquarrie, nous ne devrions pas donner au directeur général des élections l'autorité d'avoir le dernier mot concernant la conduite personnelle des officiers rapporteurs. Si vous voulez faire du directeur général le juge ou le gardien des 265 officiers rapporteurs, il faudrait établir un système qui permettrait aux personnes de se défendre. Je crois que cela couvre un domaine beaucoup plus vaste qu'on ne le croit.

M. Macquarrie: Je ne parle pas de leur morale personnelle, mais de leurs vues politiques, et si j'avais une plainte à formuler contre un candidat, comme l'a mentionné monsieur Hamel, il faudrait que je la signale à un ministre, il est également partisan d'un parti politique, cela ne donnerait donc rien. Il devrait y avoir une personne sans lien politique auprès du directeur général des élections.

Le président: Il faudra décider si nous allons accorder au directeur général des élections le dernier mot concernant ces questions.

M. Benjamin: Je ne crois pas qu'il devrait avoir le dernier mot, mais je crois qu'il devrait plutôt être obligé de faire rapport plutôt. Il faut que l'officier rapporteur soit une personne digne de confiance tout comme le directeur général des élections. Il sera juste et impartial envers tous et chacun. Le public et les partis politiques doivent pouvoir faire confiance à l'officier rapporteur tout comme on le fait au directeur général des élections. Il n'incombe pas à l'administrateur de juger, mais bien de faire rapport.

Le président: Je crois qu'essentiellement il a cette obligation.

M. Benjamin: Il vient toutefois de dire qu'il ne se sent pas obligé de faire rapport.

Le président: Dans le cas où nous en ferions une obligation, s'il reçoit une lettre accusant un officier rapporteur de partialité politique, qu'est-ce qu'il fait?

M. Benjamin: Il fait enquête.

M. Hamel: Non, je ne fais pas enquête, mais je transmets la lettre au secrétaire d'État, parce que c'est lui le ministre responsable.

[Texte]

If you look at Section 5(1) (a), it gives the responsibilities of the Chief Electoral Officer and says that he shall,

(a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Act;

But it is impartiality in the discharge of their own duties, so a man may be a member of the provincial party and still be impartial in the discharge of his own duties.

Mr. Benjamin: I think we expect a great deal of that man.

The Chairman: I think there would be no objection to have it mandatory in the Act that the Chief Electoral Officer report any complaints he receives.

Mr. Hamel: I already do it, sir.

Mr. Forrestall: Would you, in the normal course of events if the matter was brought to your attention?

Mr. Hamel: I do it anyway. It would not change that.

The Chairman: We must assume that if we have confidence in the Chief Electoral Officer's conduct he will do it without having it mandatory in the Act.

Mr. Hamel: Mr. Chairman, may I add something? I do not think I should initiate any action only on hearsay. If I hear that a man is over 65, I do not think I have any obligation to investigate and report it to the Secretary of State, but if I receive an official complaint by letter that this man is no longer residing in the district with some evidence to that effect, or that the man has been guilty of political partisan conduct, then I consider it is my responsibility to transmit this to the Secretary of State, but not only on hearsay.

Mr. Benjamin: I am beginning to feel that this is something that the Committee might want to think about some more. There is a principle involved here on the impartiality of the election machinery and officials. Should the Chief Electoral Officer have some responsibility or authority to investigate and make a fuller report to the Minister in charge, rather than have the Minister do the investigating as a result of something that has been passed on to him by the Chief Electoral Officer?

Mr. Hamel: By doing that, you change the whole concept of the function of the Chief

[Interprétation]

Si vous lisez l'article 5, a l'alinéa a) du paragraphe (1), vous voyez énumérées les fonctions du chef administrateur:

a) exercer la direction et la surveillance générales sur la conduite administrative des élections et exiger de tous les officiers d'élection l'équité, l'impartialité et l'observation des dispositions de la présente loi;

Mais quelqu'un peut être membre d'un parti provincial tout en étant impartial dans ses fonctions.

M. Benjamin: Nous attendons beaucoup de cet homme.

Le président: A mon avis, on ne s'opposerait pas à ce que la loi oblige le directeur général des élections à signaler les plaintes qu'il reçoit.

M. Hamel: Je le fais déjà.

M. Forrestall: Les signaleriez-vous durant le cours normal des événements, si on les portait à votre attention?

M. Hamel: De toute façon, je le fais. Je ne vois pas ce que cela changerait.

Le président: A priori, si nous faisons confiance au directeur général des élections, il le fera sans doute sans que la loi l'y oblige.

M. Hamel: Je ne fonde pas mes actes sur des rumeurs. Si j'entends dire que quelqu'un a plus de 65 ans, je ne me crois pas obligé de faire rapport au secrétaire d'État, mais si je reçois une plainte officielle disant qu'un fonctionnaire donné ne réside plus dans le district ou si je reçois des preuves que quelqu'un se soit rendu coupable de partialité politique, je me dois de le signaler au secrétaire d'État, mais je ne m'arrête pas au oui-dire.

M. Benjamin: Ce pourrait faire l'objet d'un examen plus profond de la part du Comité car, le principe de l'impartialité du système électoral est en cause. Est-ce que le directeur général des élections devrait avoir la responsabilité de faire enquête et de faire un rapport plus approfondi au ministre? Cette responsabilité incombe-t-elle au ministre?

M. Hamel: En faisant cela, on change tout le concept des fonctions du directeur général

[Text]

Electoral Officer, who is primarily an administrative officer. His responsibility is primarily the administrative conduct of the election and not necessarily to ensure that in the election everybody is more or less treated fairly by election officers.

Mr. Benjamin: I did not mean to the point of judging and hiring and firing. That would have to be done by the Minister, the Cabinet or even by a court. I meant in terms of finding out what the facts are in the case of complaints or allegations and getting the returning officer's side of the story and what not, and including all of that in a report to whomever you are responsible.

• 1025

Mr. Hamel: This is already covered in Section 70 of the Act, which at the moment gives these powers to the Representation Commissioner, but you agreed that these powers should come back to the Chief Electoral Officer. I will have then not only the powers but the obligation to investigate any allegation when there is evidence that a returning officer has been guilty of partisan conduct or any other failure in the discharge of his duties.

While we are on this, there is perhaps a weakness. At the moment there is no provision in the Act whereby a returning officer may be temporarily suspended while an investigation is being carried out. There was one case, I understand, a few years ago when a returning officer was taken to court for some mismanagement of funds and so on. While he was under investigation he was still carrying out his functions because in the Act he is either in office or out of office. He cannot be suspended for a period of two, three, four, five or six months while an investigation is carried out. This perhaps may be a weakness, I do not know. But it happens so rarely that you may not wish to change anything.

Mr. Macquarrie: I do not want to hold this up but conceivably we will be doing things, recommending things which will bring more clearly into focus the concept of political parties. If that is the case, I would be proposing an amendment that would spell out more fully what political partisanship is. I think that nomination by any recognized party, paid-up membership in any recognized party and attendance at meetings of recognized parties is the kind of conduct which a returning officer should not be maintaining. I think that spelling it out might be helpful to the returning officer.

[Interpretation]

des élections. Avant tout, c'est un administrateur; c'est la conduite de l'élection qui relève de lui et il ne lui incombe pas de s'assurer que l'élection et les officiers d'élections soient justes.

M. Benjamin: Il ne s'agit pas de jugement d'embauchage ni de congédiement qui relève du ministre, du cabinet ou même des tribunaux. Il doit toutefois étudier les faits, examiner les plaintes, écouter la version de l'officier rapporteur et faire un rapport complet à qui de droit.

M. Hamel: C'est déjà prévu à l'article 70 de la loi. A l'heure actuelle, ces fonctions relèvent du commissaire à la représentation, mais vous êtes d'accord qu'elles devraient incomber au directeur général des élections. J'aurai alors l'obligation de faire enquête sur toute allégation, lorsqu'il y a la preuve que l'officier rapporteur a été coupable de conduite partisane ou de tout autre manquement à son devoir.

La loi n'est pas parfaite à l'heure actuelle puisqu'elle ne prévoit pas la suspension de l'officier rapporteur au cours d'une enquête. Il y a quelques années, l'officier rapporteur a été devant les tribunaux à cause de sa mauvaise administration de fonds; au cours de l'enquête, il s'acquittait toujours de ses devoirs, car d'après la loi, un officier rapporteur est en fonction ou ne l'est pas. Il ne peut pas être suspendu pendant une période de deux, trois, quatre ou cinq mois, pour le temps de l'enquête. Il s'agit peut-être d'un point faible de la loi, je l'ignore. Cela arrive si rarement que vous ne voudriez peut-être pas le changer.

M. Macquarrie: Nous sommes sur le point de faire des recommandations qui vont mettre en lumière le concept même des partis politiques. Si cela se produit, je proposerai une modification de la loi qui va préciser davantage ce que c'est que le sectarisme politique, y compris l'élection par un parti reconnu, l'assistance aux réunions politiques qui devraient être défendues aux officiers rapporteurs.

[Texte]

The Chairman: I believe there is no objection that this should be done at some later date.

Mr. Macquarrie: Do we allow that part to stand?

The Chairman: No, we do not have to stand these. What we could define as political partisanship does not affect the main points.

Mr. Macquarrie: Yes, I am just serving notice.

Amendment agreed to.

Mr. Hamel: In that same Clause 2—Section 8, Section (a) I also suggest that a new subsection (5) be added and I believe one of the members touched upon this earlier. When appointments of returning officers have to be made, at times it takes quite a while before we get the whole complement of them for all kinds of reasons. I agree that following redistribution, when we had 258 to be appointed, it was done quite expeditiously, but still it took over a year to get the whole group of them appointed.

You may disagree with me regarding the timing I give in the proposed new subsection 5. I suggest, in other words, that where the office of a returning officer is vacant, an appointment be made within 30 days. Thirty days may be too short; it could be some other period. But I believe there should be a time period mentioned in the Act so that everybody involved in the process we realize there is an urgency in filling that office.

The Chairman: I believe the wording should be changed. You say, 30 days from the day on which the vacancy occurs. Perhaps you should mention 30 days from the day on which you know of the vacancy.

Mr. Hamel: Yes.

The Chairman: The man may have died three weeks ago but if you know of it only today, it would leave you only one week to nominate a successor.

Mr. Duquet: Make it 60 days. Yes. I would suggest 60 days.

Mr. Hamel: There are some other reasons. You may have some people suggested to you or you may have to find a new returning officer and before you find out if he is really qualified and this and that, you may have to exchange correspondence and everything. I do think that 30 days is quite a short period for all that. We should make it at least 60 days.

[Interprétation]

Le président: Personne ne s'oppose à ce que cette précision soit faite plus tard.

M. Macquarrie: Est-ce qu'on va réserver cela?

Le président: Non, on n'a pas besoin de le réserver, puisque cela ne touche pas à la question de la partialité.

M. Macquarrie: Plus tard, je le ferai.

L'amendement est adopté.

M. Hamel: Ensuite, sous le même article *a*), je propose avec un certain député qu'on ajoute un nouveau paragraphe 5. Lorsque la nomination des officiers rapporteurs doit être faite, on doit attendre longtemps avant qu'ils soient au nombre. A un moment donné, il fallait en nommer 258 et cela nous a pris plus d'un an pour nommer tout le groupe.

Ils se peut que vous ne soyez pas d'accord avec moi quant à la période que je propose sous cet article 5. En d'autres termes, si le poste est vacant, je propose qu'on fasse la nomination dans les trente jours. Ce délai n'est peut-être pas assez long; ce pourrait être une autre période. Il faut toutefois que ce délai soit précisé dans la loi pour que tous les intéressés se rendent compte de l'urgence qu'il y a à remplir le poste.

Le président: Il faudrait changer le libellé. Vous dites dans les 30 jours qui suivent la date du début de la vacance, mais cela devrait être dans les 30 jours à partir du moment où l'administrateur se rend compte qu'il n'y a plus d'officier rapporteur.

M. Hamel: Oui.

Le président: En cas de décès, si vous l'apprenez trois semaines après, vous courez le risque de n'avoir qu'une semaine pour nommer le successeur.

M. Duquet: Je proposerais un délai de 60 jours.

M. Hamel: Vous saurez peut-être où trouver un autre officier rapporteur, mais avant que vous soyez assuré de sa compétence, il vous faut échanger de la correspondance, et je vous assure que le délai est trop court; il faudrait au moins 60 jours.

[Text]

The Chairman: It is not a short period. You should mention 30 days from the date the vacancy has been mentioned to the Secretary of State, or 30 days following the knowledge of the vacancy. Mr. Trudel.

• 1030

Mr. Trudel: Mr. Chairman, I would like to suggest that the amendment be changed to read: "60 days after notification or notice has been received by the Chief Electoral Officer."

Mr. Lefebvre: What machinery exists at the present time, Mr. Hamel, for you to receive notification that in a certain constituency the returning officer has left his employment with you or has passed away, or whatever?

Mr. Hamel: When he resigns or when he wants to resign, he should do it in writing to me under Section 8(2). Where we have problems at times is when the man dies. Technically the election clerk must notify me of the election clerk is the wife of the man, or the vacancy thereby created. In many cases the husband, if the wife happens to be the returning officer, and it may be weeks before I hear about it. Just before the last general election, for instance, one returning officer was involved in a car accident with his wife, who was his election clerk. She was killed and he was in hospital in a deep coma for months. I heard about it only when I sent my telegram to him and did not get any acknowledgment. I began to try to find out what had happened, and I only found out in that way. The accident had occurred about three weeks before. So in some cases I do not hear about the vacancy until a few days or even a few weeks later. For that reason, I would be quite prepared to accept the amendments suggested.

Mr. Lefebvre: So, the 60 days would be more...

The Chairman: Mr. Trudel has already put a motion that the figure "30" be changed to "60" and the following not be the day on which the vacancy occurs but the day on which the Chief Electoral Officer has been notified.

Mr. Trudel: Notified or advised.

The Chairman: Is this amendment agreed to? Yes, Mr. Howe.

Mr. Howe: First, Mr. Chairman, I come back to the point I was trying to make originally. We have had minority governments and we have had elections called almost out of the blue, so to speak. Suppose that a situation like this arises. The boundaries have not

[Interpretation]

Le président: Ce n'est pas un délai court. Vous devriez dire 30 jours à partir du jour où la vacance a été mentionnée au secrétaire d'État ou 30 jours après la connaissance du fait d'une vacance.

Monsieur Trudel.

M. Trudel: Je propose que l'amendement dise 60 jours après réception par le directeur général des élections de la confirmation de cette vacance.

M. Lefebvre: De quels moyens disposez-vous pour recevoir la notification dans une circonscription donnée? Si l'officier rapporteur est mort ou s'il a quitté son emploi, comment l'apprendrez-vous?

M. Hamel: Quand il veut démissionner, il doit le faire par écrit et m'adresser cette lettre en vertu de l'article 8, paragraphe (2). La mort d'un homme nous cause parfois des problèmes. Techniquement parlant, le secrétaire d'élection doit m'informer de cette vacance du poste. C'est souvent la femme de l'officier rapporteur ou si le secrétaire est une femme, c'est le mari. Il se peut qu'on attende des semaines avant d'avoir des nouvelles. Par exemple, lors d'un accident de voiture, l'épouse a connu la mort et l'officier est demeuré dans le coma pendant très longtemps. Ce fut seulement quelques jours avant la date limite que je reçu cette nouvelle.

M. Lefebvre: Il me semble que 60 jours, ce serait...

Le président: M. Trudel propose que le mot «trente» soit remplacé par «soixante», et que la date du début du délai ne soit pas la date à laquelle la vacance se produit mais celle à laquelle le directeur général des élections reçoit un avis.

M. Trudel: Un avis.

Le président: L'amendement est-il adopté? Oui, monsieur Howe?

M. Howe: Nous avons eu des gouvernements minoritaires et nous avons eu des élections qui ont surgi à n'importe quel moment. Parfois les frontières électorales n'ont pas subi de modification et l'officier rapporteur est changé en plein processus électoral.

[Texte]

been changed and the electoral officer has to be removed from his office and you are right in the midst of an election campaign. The new man who comes in would have a very difficult job, would he not? Or, would you go by the boundaries that were set up in the previous election?

Mr. Hamel: That happens normally during every election, that you will have a number of returning officers who resign for some reason on the day or the day before the writs are issued. In the last election—I have a count here somewhere—I believe there were 14 returning officers who resigned or for some reason or another had to be replaced in the week prior to and the week after the issue of the writ. So, we bring these people to the office for a day or so to give them a very condensed course and they have to work in the polling divisions established by their predecessors. Normally we should not wait until the election is called to order revision of the boundaries. This should be done well in advance because it takes about two months to do it. The only problem is that in those cases the boundaries have been established by somebody else and the new returning officer may not completely agree with them. However, there is nothing he can do about it except make some very minor last-minute changes in the ten days prior to enumeration.

Mr. Forrestall: How serious is this in terms of your ability to function properly, the matter of having to replace returning officers at the last minute?

Mr. Hamel: I am sorry?

Mr. Forrestall: Is it serious from an administrative point of view? Do these last-minute changes that are brought about because of lack of adequate communication between yourself and the 264 electoral districts seriously impair your ability to function smoothly and adequately?

• 1035

Mr. Hamel: First of all, the last-minute changes are not necessarily caused by a lack of communications. It could be for all kinds of other reasons. A returning officer may, on his doctor's orders, for instance, have to resign because the job is too strenuous, and that kind of thing. To answer your first question, it definitely adds to our worries to have to replace and train a number of returning officers at the last minute, but there is not much we can do about it. This is the reason we insist on at least 9 to 10 days between the issue of the writ and the beginning of the enumeration. We absolutely need this period

[Interprétation]

Il n'aura certainement pas la tâche facile, est-ce que vous ne vous serviriez pas plutôt des limites antérieures?

M. Hamel: Normalement, à chaque élection, un certain nombre d'officiers rapporteurs vont démissionner pour toutes sortes de raisons un jour avant ou le jour même où l'on publie les brefs d'élection. Nous en avons eu 14 la dernière fois qui ont dû démissionner ou qui ont dû être remplacés, une semaine avant ou après la publication des brefs. Alors, nous donnons un cours très condensé aux nouveaux et ils doivent continuer d'après les normes établies par leurs prédécesseurs. Nous ne voulons pas attendre qu'une élection soit déclenchée pour modifier les limites; en effet, une période de deux mois est nécessaire à l'établissement de ces limites. Parfois, quand celles-ci ont été établies par quelqu'un d'autre, le nouvel officier rapporteur ne peut y faire que des changements mineurs.

M. Forrestall: De quelle manière le changement à la dernière minute d'un officier influe-t-il sur le bon fonctionnement électoral?

M. Hamel: Vous voulez répéter?

M. Forrestall: Les conséquences sont-elles graves du point de vue administratif? Le bon fonctionnement est-il mis en danger à cause des changements à la dernière minute qui surviennent parce qu'il n'y a pas de communication entre vous et les 264 districts électoraux.

M. Hamel: Ces modifications de dernière minute, ne sont pas nécessairement causées par l'absence de communications. On pourrait les attribuer à toutes sortes de raisons; un officier rapporteur, par exemple, sur avis du médecin doit démissionner parce que le travail est trop dur pour lui. C'est donc pour nous une préoccupation de plus si nous devons remplacer et former un nombre d'officiers rapporteurs à la dernière minute, mais il n'y a pas grand chose que l'on peut faire. C'est pour ça que nous insistons sur 9 à 10 jours entre la publication du bref et le début de l'énumération, vu que c'est le minimum de

[Text]

for these particular cases. Judging by the last general election, for instance, quite a few returning officers had to resign for reasons almost beyond their control. For instance, one returning officer was on a business trip to Europe and had a series of appointments lined up until the end of May. I reached him in England and he said, "I am sorry, but I cannot come back". So, he had no choice but to resign. I could not wait for him until the end of May. So, he resigned. Another one was in a car accident which I do not think was through any fault of his but, he still had to be replaced. Another one was in Italy on a vacation, but he came back in a hurry. There are all kinds of reasons like this.

Mr. Forrestall: You feel restricted in your freedom to maintain continuing contact with these people because they are paid from time to time to perform certain duties, and when they are not being paid you feel it is an imposition on them to ask them to conform to some form of regular reporting, which might give your office significant advance notice of changes in their ability to act. Is that correct?

Mr. Hamel: That is correct, yes, although I really do not know what kind of reports I could ask these people to give me on a regular basis unless it became mandatory that they review their polling division arrangements every year, as is done in one province. I may say that one province, namely, Alberta gives returning officers a sort of retainer fee. It is very nominal, I believe it is only \$25 a year. They give it to them even if they do not have to do anything. However, in our case, as I have said, the only thing we feel we can do is perhaps send one or two letters to them every year to find out whether they are still alive and willing to act should an election be called.

Mr. Forrestall: Do you do that? Do you go so far as to ask if they are still capable of acting?

Mr. Hamel: No, but if we send them a letter which is acknowledged quite soon we can quite safely assume that the person is still interested and is still willing to act should an election be called.

Mr. Forrestall: Would you feel less restricted in communicating with them if they were paid \$100 a year?

The Chairman: They could resign right after receiving the \$100.

Mr. Forrestall: Yes, of course. It is a rhetorical question, I will admit that, but what I am concerned about is the inhibition

[Interpretation]

temps qu'il nous faut. Lors de la dernière élection générale, un nombre d'officiers rapporteurs ont dû démissionner pour des raisons au-delà de leur contrôle. Par exemple, un officier se trouvait en Europe par affaires et il avait des rendez-vous fixés jusqu'au mois de mai. J'ai réussi à l'atteindre à Londres, mais il m'a dit: «Je suis désolé, je ne peux revenir». Il a donc dû démissionner. Un autre a été impliqué dans un accident d'auto et il fallait le remplacer. Il y en a un autre qui se trouvait en Italie en vacances. Ce dernier est revenu rapidement, mais vous voyez qu'il y a toutes sortes de raisons de ce genre.

M. Forrestall: Donc, vous vous sentez limité dans votre liberté de contacts avec les gens parce qu'ils sont payés à faire certaines fonctions et quand ils ne sont pas payés, vous pensez que c'est leur en imposer que de leur demander de se soumettre à un système qui permettrait un plus grand préavis. Est-ce exact?

M. Hamel: Oui, c'est juste. Je ne vois pas toutefois quel genre de rapports je pourrais exiger régulièrement de la part de ces gens, à moins que ce ne soit obligatoire de faire l'étude de l'arrondissement de votation. En Alberta ces officiers rapporteurs ont 25 dollars par an. C'est bien peu, même s'ils n'ont rien à faire. La seule chose que nous pouvons faire est peut-être leur envoyer une lettre ou deux et voir s'ils sont toujours en vie et prêts à agir en cas d'élection.

M. Forrestall: Dans la pratique, leur demandez-vous s'ils sont capables de remplir leur fonction?

M. Hamel: Non, mais si nous leur envoyons une lettre et que cette lettre déclenche une réponse rapide, alors, nous pouvons penser que ces gens sont encore intéressés et qu'ils le seront encore en cas d'élection.

M. Forrestall: Serait-il plus facile de communiquer avec ces gens si on les payait 100 dollars par an.

Le président: Ils pourraient toujours démissionner après avoir reçu les 100 dollars.

M. Forrestall: Un sujet de taille, bien sûr, c'est le fait qu'il y a une sorte d'inhibition qui est assez normale chez vous monsieur Hamel

[Texte]

that is natural on your part, Mr. Hamel, to maintain continuing contacts with these people.

Mr. Hamel: I would feel, of course, less restricted in a sense, but what can I ask them to do for \$100 a year? I certainly cannot ask them to revise or to review the boundaries of polling divisions because this is a fairly big job and \$100 return would not be commensurate with the time involved. There is also the danger which the Chairman just pointed out. If you give them a retainer fee that is attractive enough, it will more or less encourage them to wait until the last minute before resigning, even if they know darn well that they are not going to be able to act should an election be called. This is the other side of the coin, the other problem involved.

• 1040

Mr. Howe: Mr. Chairman, I wonder if Mr. Hamel would tell us how many returning officers were changed due to redistribution before the last election?

Mr. Hamel: There were 258 new districts. In other words, 258 districts to which appointments had to be made. Only six remained unchanged.

I do not have an exact figure for the number of people who were appointed, who were not acting as returning officers before. My executive assistant says that approximately 67 of those who were acting as returning officers prior to redistribution were re-appointed to the new districts.

The Chairman: Amendment, as amended, agreed to.

Mr. Hamel: Just to clarify this, it is being changed and instead of 30 days it is 60 days from the day the Chief Electoral Officer is officially notified of the vacancy.

Some hon. Members: Right.

Mr. Forest: Mr. Chairman, if he is not officially notified he could still appoint one if he knows that he will be notified.

The Chairman: It is 60 days after he has been notified.

Mr. Forest: Or knows, if no one notifies him.

The Chairman: Well I believe that the word "notification" means personal knowledge. If he knows then he has been notified.

Mr. Forrestall: I do not think there has to be any amendment to the words.

[Interprétation]

qui vous empêche d'entrer continuellement en contact avec ces personnes.

M. Hamel: Bien sûr, je me sentirais moins limité d'une certaine façon, mais que puis-je leur demander de faire pour 100 dollars, par an. Je ne puis pas leur demander d'examiner à nouveau leur limite d'arrondissement, car c'est une tâche importante. Cent dollars ne suffit pas pour justifier une telle demande. Si, en outre, vous leur donnez une somme qui est suffisamment attrayante, cela les encouragera à attendre à la dernière minute pour démissionner, même s'ils savent qu'ils ne pourront pas exercer leur fonction en cas d'élection. C'est le revers de la médaille.

M. Howe: Est-ce que M. Hamel pourrait nous dire combien d'officiers rapporteurs ont été changés lors de la redistribution de la dernière élection?

M. Hamel: Il y a eu 258 nouveaux districts. En d'autres termes, il fallait faire une nomination pour ces 258 districts. Seulement 6 districts n'ont pas fait l'objet d'un changement. Mon adjoint exécutif affirme qu'environ 67 de ces personnes qui étaient officiers rapporteurs ont été nommés encore pour ces nouveaux districts.

Le président: L'amendement tel qu'amendé est adopté.

M. Hamel: Donc, au lieu de 30 jours, on met 60 jours. C'est-à-dire depuis le jour où le directeur général des élections a été informé, de la vacance d'un poste.

Des voix: C'est juste.

M. Forest: S'il sait qu'on va le notifier sans qu'il le soit encore officiellement, il peut nommer un officier rapporteur.

Le président: C'est 60 jours après qu'il a été notifié.

M. Forest: Notifié ou s'il le sait sans que personne ne l'ait notifié.

Le président: Le mot notification implique une connaissance personnelle du fait. Donc, s'il le sait c'est qu'on l'a notifié.

M. Forrestall: Je ne crois pas qu'on doive modifier les mots.

[Text]

The Chairman: We do not quarrel with the way by which he could know it. I think the word "notified" has enough extension to cover this issue.

Mr. Duquet: We could change the word to "informed" rather than "notified." He is informed.

The Chairman: Has been informed or notified.

Mr. Forrestall: This will only occur until something physically is done in terms of a deliberate act on your part. All we are doing is changing words, we are not changing concepts or procedures.

Mr. Hamel: The following recommendation reads:

4. Section 9 of the said Act is amended by adding thereto the following subsections:

The Chairman: I am sorry, I just want to come back to this wording of the amendment. I believe that we should not omit the fact that the Chief Electoral Officer does not appoint, the appointment is made by the Governor in Council. So the notification has to be made to the Governor in Council or to the Secretary of State. These are the people who have to make the appointments.

Mr. Forrestall: That is what I was inferring, Mr. Chairman. It also has to be a deliberate act on the part of the Chief Electoral Officer to advise the Secretary of State which, I think, is very implicit and clear in what I was suggesting.

The Chairman: Yes, perfect.

Mr. Hamel: Section 9 of the Act is new subsection (8). In fact what I suggest here is that in electoral districts listed in Schedule III to the Act, which are the large districts such as the Northwest Territories, the Yukon, Manicouagan in Quebec, Churchill, Manitoba, Prince George-Peace River and so on, I be given the authority to authorize additional election clerks in the hinterland, more or less. This is already done at the moment, but it is done by invoking the discretionary powers under Section 5. I must admit that I belong to the same school as my predecessor. We do not like these discretionary powers, although this has never been questioned, as it is done quite regularly, I think it would be far better to have it spelled out in the Act.

Mr. Forrestall: For how long a period have you been appointing extra clerks?

[Interpretation]

Le président: Nous ne spécifions pas par quels moyens il doit être informé. La notification s'étend à tous les moyens de connaissance.

M. Duquet: On peut mettre a été informé, au lieu de a été notifié de. Il a été informé.

Le président: Il a été informé ou notifié.

M. Forrestall: Toute modification ne change que les mots, mais non le fond.

M. Hamel: La recommandation est libellée ainsi qu'il suit:

4. L'article 9 de ladite loi est modifié par l'adjonction des paragraphes suivants:

Le président: Je m'excuse mais je voudrais revenir au libellé de l'amendement. Nous ne devons pas oublier que le directeur général des élections ne fait pas de nomination, mais que celle-ci relève du gouverneur en conseil. Donc, il faut notifier le gouverneur en conseil, ou le secrétaire d'État. Ce sont les personnes qui font les nominations.

M. Forrestall: Il faut que le directeur général des élections veuille délibérément en informer le secrétaire d'État. Ce que je propose est tout à fait clair, n'est-ce pas?

Le président: Oui, en effet.

M. Hamel: L'article 9 est maintenant le nouveau paragraphe 8. Dans les districts électoraux figurant à la troisième annexe qui comprend des grandes régions, comme les Territoires du Nord-Ouest, le Yukon et bien d'autres, j'ai proposé qu'on me donne l'autorité d'engager des secrétaires d'élection supplémentaires. En fait, ceci se fait déjà dans le cadre des pouvoirs discrétionnaires décrits à l'Article 5, mais j'appartiens à l'école de mon prédécesseur. Je n'aime pas ces pouvoirs discrétionnaires, mais cela se fait de façon assez régulière. Je crois qu'on pourrait très bien inclure cela dans la loi.

M. Forrestall: Depuis quand avez-vous nommé des secrétaires d'élection supplémentaires?

[Texte]

Mr. Hamel: To my knowledge, at least in the last five or six elections and probably more. We consider this is absolutely essential in some places. To take the extreme example of the Northwest Territories which covers 1.3 million square miles there is not one human being who can cover the whole area, distribute ballot boxes and that kind of thing in a period of four weeks, let us say, following nominations.

Mr. Benjamin: But it is not a mandatory section; it says you may ...

Mr. Hamel: That is correct.

Mr. Benjamin: ... have an additional clerk.

Mr. Hamel: In fact it will not change the present practice, which as I said was done by virtue of the powers under Section 5.

Clause 4, proposed Section 9(8) agreed to.

• 1045

Subsection (9) which is also new is more or less consequential on what you just adopted. It will authorize the opening of an office where the additional election clerk has been appointed to cover the area to be served by that election clerk and also the delegation in writing to each election clerk some of the powers of the returning officers, such as the powers to select and appoint enumerators and deputy returning officers and to select polling stations.

An hon. Member: They go together.

Mr. Hamel: I think it is kind of a package. Perhaps we should also cover subsection (10) which is new and which excludes from the powers or the duties of these additional election clerks some of the duties of the regular election clerks. It deals primarily with the obligation to be in attendance in the office of the returning officer on nomination day, on polling day, on the advance polling day and to be there on official addition and some of these functions which should be carried out only by the regular election clerk and not by the additional election clerk.

The Chairman: The same consequence is mentioned in the previous amendments.

Mr. Hamel: Yes, that is correct. This is altogether. This applies only to the so-called additional election clerks.

Clause 4, proposed Section 9(9) and 9(10) agreed to.

The next one is an amendment to Section 11 of the Act. From time immemorial

[Interprétation]

M. Hamel: Au cours des cinq ou six dernières années, nous avons dû le faire. Nous pensons que c'est absolument essentiel dans certains cas. Prenons, par exemple, les Territoires du Nord-Ouest qui couvriraient 1,300,000 milles carrés. Il n'y a pas une seule personne qui puisse faire tout ce territoire, distribuer des boîtes de scrutin, etc. dans une période de quatre semaines.

M. Benjamin: L'article n'est pas obligatoire. Il stipule que vous pouvez ...

M. Hamel: C'est juste.

M. Benjamin: ... avoir un secrétaire d'élection supplémentaire.

M. Hamel: Cela ne modifiera en rien la pratique actuelle qui se fait dans le cadre des pouvoirs en vertu de l'article (5).

L'article (4) qui propose le paragraphe (8) de l'article (9) est adopté.

Le paragraphe 9 qui est aussi nouveau, découle un peu de ce que vous avez adopté. Cela autorise l'ouverture d'un bureau où l'on nomme un secrétaire d'élection supplémentaire pour couvrir la région desservie par ce secrétaire d'élection et pour déléguer certains des pouvoirs de l'officier-rapporteur en ce qui concerne le choix et une nomination des énumérateurs, des sous-officiers-rapporteurs, ainsi que le choix des bureaux de votation.

Une voix: Tout ça va ensemble.

M. Hamel: Nous pourrions aussi couvrir le paragraphe 10 qui exclut les pouvoirs de ces secrétaires supplémentaires. Il faut qu'ils soient au bureau de l'officier rapporteur le jour du scrutin. Certaines des fonctions ne doivent être remplies que par les secrétaires d'élection réguliers.

Le président: Les amendements antérieurs font mention de cette même conséquence.

M. Hamel: C'est exact. Cela ne s'applique qu'aux secrétaires d'élection supplémentaire.

L'article 4, c'est-à-dire l'article 9(9) et (10) proposé est adopté.

Ensuite, amendement à l'article 11 de la Loi. Depuis toujours, les révisions des li-

[Text]

the revision of the polling division boundaries have always been ordered more or less by the Chief Electoral Officer and very seldom, unless we deal with a by-election, will we instruct only a small group of returning officers to review their polling divisions. We will instruct them all to do it at the same time. This was always accepted, but a few years ago the staff of the Auditor General expressed some doubt whether such a thing was permitted under Section 11, subsection (1) as proposed.

On the other hand, although the returning officer may suggest that his polling divisions be reviewed, we believe that the instruction should emanate from my office and we should, at the same time, cover the whole of Canada, particularly when we are getting ready for a general election. As a result the proposed new subsection (1) which would not change anything to the practice that we have followed ever since 1920 or 1927, as far as I can see, is only to clarify and to make it crystal clear that the Chief Electoral Officer has the authority, when he finds it appropriate, to instruct a returning officer to proceed with a revision of the boundaries of the polling divisions.

The Chairman: This touches a very important point, the accuracy of the description of pools, more particularly in urban areas. I believe that if we can have a very up-to-date enumeration the day that the enumeration starts, then these descriptions of polls should be done in a very—most of the time, as I recall, some of the deputy returning officers do not do a very up-to-date job when they are requested—to adjust the description of their polls.

They take the older one. Sometimes they ask the secretary of one municipality if there is anything. I think we all must believe that very rapid changes are taking place in urban areas and after some enumerations we realize the necessity of making up two, three or sometimes four new polling districts in certain suburban areas. I believe this at least should be done if we want an up-to-date geographical description of the polls. And it should be done in such a way that it does represent, the day the enumeration starts, the exact situation existing in the urban areas.

And how could this be done? I believe that you, as Chief Electoral Officer, have the power to see that this is done. And it should be done in such a way that it represents the fact at the time the election starts. I think this will help much to avoid so many mistakes that have been made in the past. I do recall in my own area complete streets being

[Interpretation]

limites d'arrondissements électoraux ont été faites par le directeur général des élections. A moins d'avoir des élections partielles, on va demander à l'unanimité de ces rapporteurs de réviser leurs frontières électoraux. Cela a toujours été accepté mais le personnel de l'auditeur général, l'année dernière, a exprimé quelques doutes quant aux dispositions de l'article 11, paragraphe 1, proposé.

Donc, bien que l'officier-rapporteur peut suggérer que ces arrondissements de votation soient examinés à nouveau, il faut que les instructions viennent de mon bureau pour couvrir en même temps, tout le Canada, surtout lorsqu'on se prépare à une élection générale. Il en résulte que le nouveau paragraphe (1) ne modifie en rien la pratique suivie depuis 1920 ou 1927. Il doit simplement clarifier la situation, à savoir que le directeur général des élections a l'autorité de demander aux officiers rapporteurs de procéder à la révision des limites des arrondissements.

Le président: Surtout dans les régions urbaines, cela est très important. Si l'on peut avoir une énumération très à date quand on commence l'énumération, alors, ces descriptions des arrondissements de votation devraient être faites. Comme je l'ai dit très souvent, les sous-officiers rapporteurs ne font pas un travail très à jour lorsque l'on demande de réajuster leurs arrondissements de votation.

Ils prennent l'ancien; ils demandent au secrétaire d'une municipalité s'il y a eu des modifications. Les changements très rapides dans les régions urbaines où la plupart du temps, ne justifient plus l'énumération qui a été faite; on s'aperçoit qu'il faut refaire peut-être trois ou quatre nouveaux arrondissements de votation. Si nous voulons avoir une description géographique à jour de ces arrondissements, il faut que tout soit prêt pour le jour où commence l'énumération et que cela reflète bien la situation.

Comment y arriver? En tant que directeur général des élections, vous avez le pouvoir d'exiger qu'une surveillance supplémentaire ou une description supplémentaire soit faite. Il faut que l'on tienne compte des faits au moment où commence l'élection. Mais, je pense que cela nous aidera beaucoup à éviter toutes les erreurs que nous avons eues par le

[Texte]

overlooked by the enumeration because they were not mentioned in the poll description given to them by the Returning Officer. I believe this happens in many constituencies.

• 1050

Mr. Forrestall: How do you change the description of a poll that says it will end at the old pine tree in the corner of Sam Wilson's back 40 acres when it is all a subdivision now?

Mr. Howe: Mr. Chairman, is not this item being completely changed? I notice it previously read,

...shall give due consideration to the polling divisions established by municipal and provincial authorities, and to geographical and all other factors that may affect the convenience of the electors in casting their votes...

Is that all being changed?

Mr. Hamel: No, it is still in proposed Section 11 (2). And Subsection (2) says,

The returning officer, in carrying out a revision pursuant to instructions issued under subsection (1), shall

(a) give due consideration to the polling divisions established by municipal and provincial authorities and to geographical and all other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station...

So in that case nothing has changed in substance. The main changes are in the new proposed Subsection 11 (1) which would make it quite clear that the Chief Electoral Officer has the authority to instruct all the Returning Officers to proceed with a revision of the boundaries.

Mr. Chairman, if I may revert to your remarks, I quite agree that there is tremendous room for improvement in the descriptions—although the last general election was perhaps a bad example for a number of reasons. First of all, as I pointed out, many of the Returning Officers were new, we had very drastic changes in the boundaries of the electoral districts themselves and, furthermore, most of the descriptions had been prepared a year to a year and half before the election because the new boundaries were reviewed or established as soon as possible following the proclamation of the representation order, which was the summer of 1966.

[Interprétation]

passé. Dans ma propre région, on a oublié des rues entières, parce qu'on ne les mentionnait pas dans la description de l'arrondissement de votation. Et cela est arrivé dans bien des circonscriptions.

M. Forrestall: Comment toutefois changer se termine au vieux pin dans le coin de la ferme de Sam Wilson, 40 acres en arrière, quand il est entièrement une subdivision.

M. Howe (Wellington-Grey): Est-ce que l'on conviendrait de modifier complètement cet article?

...doit tenir compte des arrondissements de votation établis par les autorités municipales ou provinciales, ainsi que des particularités géographiques et autres qui peuvent influer sur la commodité des électeurs pour déposer leur vote ..

Est-ce que l'on modifie l'ancien article?

M. Hamel: Non cela se trouve encore à l'article 11(2) proposé et dans le paragraphe (2), de l'article 11, on dit:

«11. (2) L'officier rapporteur, lorsqu'il effectue une revision en conformité des instructions reçues en vertu du paragraphe (1), doit

a) tenir compte des arrondissements de votation établis par les autorités municipales et provinciales, ainsi que des particularités géographiques et de toutes les autres particularités qui peuvent influer sur la commodité des électeurs pour déposer leur vote au bureau de votation approprié, ...

Donc, c'est très clair. Le directeur général des élections peut demander à tous les officiers rapporteurs de modifier ou de reviser les limites des arrondissements de votation.

On peut vraiment beaucoup améliorer les descriptions bien que la dernière élection générale ait été un mauvais exemple, parce que beaucoup des officiers rapporteurs étaient nouveaux; il y a eu un changement radical dans les limites des arrondissements de votation eux-mêmes et, de plus, la plupart des descriptions avaient été préparées un an ou deux avant les élections, parce que les nouvelles limites ont été établies dès que possible après la proclamation de l'ordre de représentation.

[Text]

The Chairman: Because of the minority government.

Mr. Hamel: That is correct. I may say that my intention was to order a new revision in the summer or spring of 1968. The election came, so we had to work on the basis of the descriptions prepared by the Returning Officers 12, 15 and 18 months earlier. And you know what this means in urban areas with the changes and so on.

Now, first of all, the Returning Officer should discuss—at least that is what his instructions say—with the political organizations within his district the proposed descriptions he intends to establish. We assume that he conforms with the instructions he receives. When we get his descriptions we try to find out whether or not they make sense. Of course, I do not have the personnel for on-the-spot checking. Furthermore, I do not think my personnel would be qualified to actually ascertain whether or not the descriptions are accurate, because they do not have the local knowledge which is so important. And terminology may change from one province or region to another.

Now what is done in Quebec, if I may mention that province, is this. Returning Officers have, under the Act, statutory obligations to prepare descriptions every year. This is a very costly proposition, I agree, but normally it should lead to much better descriptions. So every spring Returning Officers have to review completely their descriptions. This may be a waste of money in rural areas but I do not think it would be a complete waste of money in such areas, because of the constant changes.

• 1055

Mr. Forrestall: I suggest that it is getting necessary in rural areas because most of our grandparents have now passed away and the old farm, the pine tree or the brook separating so and so's property has long since disappeared and this gives rise to considerable confusion. It has only been the familiar knowledge in respect of rural areas that has brought about successful enumeration and identification of polling divisions in which individuals will vote.

Mr. Duquet: Mr. Hamel, there is nothing in the Act making it obligatory to have one of those revisions yearly?

Mr. Hamel: No. This is left entirely to me and, in view of the cost, I do not feel, like in 1969 for instance, I had any justification in instructing my Returning Officers to make a complete revision.

[Interpretation]

Le président: A cause du gouvernement minoritaire.

M. Hamel: C'est juste. J'avais l'intention de demander une nouvelle revision au cours de l'été ou au printemps 1968. L'élection est toutefois arrivée et on a dû travailler d'après les descriptions qui avaient été préparées par les officiers rapporteurs de 12, 15 à 18 mois auparavant. Dans les régions urbaines, cela n'avait pas grand sens à cause des modifications qui s'y font constamment. Enfin, l'officier rapporteur devrait discuter ce que dit le règlement avec les organisations politiques de son district, les propositions de descriptions qu'il a l'intention de présenter. Lorsque nous obtenons ces descriptions, nous nous demandons si elles sont correctes ou non. Naturellement, je n'ai pas le personnel pour vérifier cela et je ne pense pas que mon personnel soit qualifié pour faire ce travail; il n'a pas la connaissance des lieux, qui est essentielle à mon avis ainsi que la terminologie qui peut modifier d'une région ou d'une province à l'autre. Au Québec, les officiers rapporteurs, d'après la loi, ont l'obligation statutaire de préparer des descriptions tous les ans. C'est coûteux, mais cela certainement donne des meilleures descriptions. Donc, chaque année, les officiers rapporteurs doivent préparer de nouvelles descriptions et examiner à nouveau au complet leur circonscription. C'est peut-être un gaspillage dans les régions rurales, mais je ne pense pas que ce sera une perte de temps dans les régions urbaines, à cause des changements constants.

M. Forrestall: Oui, la plupart de nos grands-parents sont morts dans les régions rurales, et la vieille ferme avec l'arbre et le ruisseau qui séparent les propriétés ont disparu depuis longtemps et donnent lieu à mainte confusion. C'est seulement la connaissance des éléments ayant trait à cette vie qui a permis une description à peu près réussie.

M. Duquet: N'y a-t-il rien dans la Loi qui rend obligatoire ces revisions annuelles?

M. Hamel: Non, c'est à moi de décider. Étant donné le coût élevé qui y est attaché, je n'ai pas cru bon de demander à mes rapporteurs de faire cette révision en 1969.

[Texte]

Mr. Benjamin: In the administration of this section would you feel it incumbent upon yourself to write to your Returning Officers and say, "How do you feel about your poll boundaries? Are there any you think should be changed? Please give me a report," and then this would help you to know whether or not to instruct him to make changes?

Mr. Hamel: We are trying to time the revision as close as possible to the next general election and, as you know, with a minority government it is not easy. With a minority government it is almost necessary to do it on a yearly basis. Otherwise we try, as I say, to wait as close as possible to the normal date of the next election.

The Chairman: We must vacate this room before 11 o'clock. I believe this amendment should stand, because there are some other comments. We will resume this afternoon after Orders of the Day.

Mr. Howe: In the same room?

The Chairman: The Clerk will notify us. This meeting is adjourned until this afternoon after Orders of the Day.

AFTERNOON SITTING

• 1538

The Chairman: Order, please. Gentlemen, this afternoon we have a quorum to hear evidence but not to pass motions. Perhaps we could begin with Mr. Hamel and leave the amendments and try to have motions passed when we have a quorum. Is it agreed?

Some hon. Members: Agreed.

The Chairman: At the adjournment this morning we were on Section 11. I will just ask Mr. Hamel if he has any more comments to make and if there are some questions. Mr. Hamel.

Mr. Hamel: Thank you, Mr. Chairman. I believe we are still on Clause 5 and only subsection (1) of Section 11. We have not yet touched subsection (2) of Section 11. Regarding Subsection (1) of Section 11, I do not have anything to add to what I said this morning.

One point raised is what can be done to improve the quality of the descriptions prepared by the returning officer. I agree it is a real problem and at the moment we are trying to do our best by giving him some criteria, by giving him as precise instructions as possible. I really do not see what can be

[Interprétation]

M. Benjamin: Ne pensez-vous pas que vous pourriez écrire aux officiers rapporteurs leur demandant s'ils pensent que leurs descriptions doivent être modifiées? Est-ce que cela ne vous aiderait pas à procéder à ces changements?

M. Hamel: Nous essayons de prévoir les revisions aussi près que possible de la prochaine élection générale, et avec un gouvernement minoritaire, c'est difficile. Il faut le faire annuellement. Autrement, on essaie d'attendre et de nous rapprocher le plus possible de la prochaine élection.

Le président: Nous devons lever la séance avant 11 heures, et je pense que cet amendement devra être déposé. Il semble y avoir pas mal de discussion. Nous devrions reprendre nos travaux cet après-midi, dans la même pièce après l'ordre du jour.

M. Howe (Wellington-Grey): Dans la même pièce?

Le président: Le greffier nous informera.

La séance est levée jusqu'à cet après-midi après l'ordre du jour.

SÉANCE DE L'APRÈS-MIDI

Le président: A l'ordre s'il vous plaît. Nous sommes suffisamment nombreux pour écouter des témoignages mais non pour adopter des motions. Nous pourrions commencer par interroger M. Hamel et attendre d'atteindre le quorum pour discuter des amendements et présenter des motions. D'accord?

Des voix: D'accord.

Le président: A l'ajournement, ce matin, nous étions en train d'étudier l'article 11. Je vais demander à M. Hamel s'il a d'autres commentaires à faire et si vous avez des questions à poser. Monsieur Hamel.

M. Hamel: Merci, monsieur le président. Nous en étions toujours à l'article 5 du projet et au paragraphe (1) de l'article 11. Nous n'avons pas encore touché au paragraphe (2) de l'article 11. En ce qui concerne le paragraphe (1) de l'article 11, je n'ai rien à ajouter à mes commentaires de ce matin.

Quant à ce qu'on pourrait faire afin d'améliorer la qualité des descriptions faites par les officiers rapporteurs, j'avoue que c'est un véritable problème. En ce moment, nous faisons de notre mieux en lui donnant des critères, des normes aussi précises que possible. Je ne vois pas ce qu'on peut faire de plus. Ce

[Text]

done to improve this. To check their descriptions afterwards is not always easy for my staff simply because, as I pointed out this morning, there is a question of terminology which may mean something in some areas and is almost meaningless in other areas. We are always short of time because we try to do that as close as possible to the election. We want them as up to date as possible.

The only amendment which I suggest may improve the situation, perhaps not in the quality of the descriptions but in restricting

• 1540

the number of electors in each polling division, is included in subsection (3) of Section 11. I do not know, Mr. Chairman, if you want me to speak about this now, but this is an attempt to try to avoid as far as possible these so-called split polls. I know you do not like them and I do not like them either, so if it is agreeable to you, gentlemen, I would like perhaps to say a few words about this subsection (3) of section 11 on page 5 of the series of amendments.

At the moment when the returning officers prepare their descriptions they try to estimate the number of electors in each polling division at approximately 350. Then, when the election is called and when the enumeration is completed, if the returning officer finds more than 350 electors in a polling division he has to establish two polls. That is what we call split polls. If a year before the election he estimated the number of electors at 350 and really did a good job, the chances are that by the time the election comes around he will have far more than 350. The purpose of reducing the estimated number of electors at the time of the revision to 250, is to leave some room for the population to increase between the time the revision is made and the time the election is called. So if the number of electors is appropriately and quite accurately estimated at 250, even if there is an increase in population in that area, the chances are that it will not exceed 350 at the time the election comes, and as a result, I hope by doing this, to reduce the number of so-called split polls. So this is the gist of the recommendation in the latter part of subsections (2) and (3).

M. Lefebvre: J'aurais une question. Quelles sont les objections à ces divisions des bureaux de votation?

M. Hamel: Si ma mémoire est bonne, deux choses ont été précisées ce matin, dont l'une par le président. L'une est le fait que les descriptions ne sont pas toujours claires et

[Interpretation]

n'est pas toujours facile pour mon personnel de vérifier leurs descriptions parce que la terminologie utilisée peut être valable dans certaines circonscriptions et n'avoir aucun sens dans d'autres. Nous sommes toujours plus ou moins à court de temps, car on essaie de faire ce travail aussi près que possible de la date des élections.

La seule modification que je puisse suggérer, qui pourrait améliorer la situation, peut-être pas du point de vue de la qualité des

descriptions, serait de restreindre le nombre des électeurs dans chaque division de votation et elle est fondée sur le paragraphe (3) de l'article 11. Je ne sais, monsieur le président, si vous voulez que je parle de cela maintenant, mais c'est notre désir d'éviter, autant que possible, d'avoir des arrondissements de votation dont la division est douteuse. Si vous êtes d'accord, j'ai quelques commentaires à faire au sujet du paragraphe (3) de l'article 11 à la page 5 des projets de modification de la présente loi.

En ce moment, lorsque les officiers rapporteurs préparent leur description, ils devraient essayer de fixer le nombre d'électeurs dans chaque arrondissement de votation à 350. Lorsque l'énumération est complétée, s'ils trouvent plus de 350 électeurs dans un arrondissement de votation, ils doivent établir deux bureaux de votation. Voilà ce qu'on appelle des arrondissements de votation divisés. Si l'officier rapporteur a bien fait son travail l'année précédente il est fort possible qu'au moment des élections il y ait plus que 350 électeurs. En réduisant le nombre approximatif des électeurs à 250, on laisse une certaine marge pour toute augmentation de population entre le temps où on fait des calculs et la date des élections. Si le nombre d'électeurs est évalué précisément à 250, même s'il y a une augmentation de population dans la région, il y a des chances que cela ne dépasse pas 350 au moment de l'élection. Donc, ce faisant, on espère réduire le nombre de soi-disant arrondissements de votation mal divisés. C'est là la teneur des recommandations qui se trouvent dans la dernière partie des paragraphes (2) et (3).

Mr. Lefebvre: I have a question. What objections are there to the division of the polling stations?

Mr. Hamel: If I remember correctly, two things were mentioned this morning, and one of them by the Chairman. First, the fact that the descriptions are not always clear and

[Texte]

précises. Et je crois qu'un autre membre du Comité a dit également qu'il était très souvent nécessaire d'établir plus d'un bureau de votation par arrondissement de votation. Cette recommandation, que je soumets aux paragraphes 2 et 3 de l'article 11, améliorerait le deuxième problème, c'est-à-dire réduirait l'incidence du nombre d'arrondissements de votation où il nous faudrait établir plus d'un bureau de votation, mais ne réglerait pas tellement l'autre problème, c'est-à-dire l'inexactitude des descriptions des arrondissements.

M. Lefebvre: Merci.

The Chairman: Are there some comments on this? Mr. Forest?

M. Forest: Est-ce que l'officier rapporteur d'un comté, dans certains cas particuliers, peut fixer cela plus bas qu'à 250?

M. Hamel: Oui. Présentement, pour obvier aux problèmes dont je vous ai parlé tout à l'heure, on leur dit de l'établir à un peu moins. La loi dit 350, mais nous savons fort bien que dans certaines parties urbaines, où la population augmente très rapidement, ce n'est pas réaliste de l'établir à 350, alors que l'élection n'aura pas lieu avant six ou huit mois ou même un an. De plus, dans les arrondissements ruraux, si c'est établi à 250 ou 300, les gens seront trop éloignés du bureau de votation.

Enfin, nous demandons aux officiers rapporteurs de prendre en considération le caractère de la population. L'expérience a démontré que dans les villes où il y a une population ouvrière le vote se fait surtout entre 4 heures et 7 heures le soir, c'est-à-dire pendant les heures données obligatoirement par l'employeur à toute personne pour aller voter. Peut-être 60 p. 100 des votants se présentent entre 4 heures et 7 heures le soir. Si vous avez un très grand nombre de personnes sur la liste, il va se créer des embouteillages, des retards, et même des gens ne pourront pas entrer dans le bureau de votation avant sa fermeture.

Ainsi, dans les arrondissements urbains, le caractère de la population doit être pris en considération. Si vous avez une population assez aisée, où l'homme peut voter le matin avant d'aller travailler, où la femme peut avoir quelqu'un pour garder les enfants ou a une bonne pour garder la maison, le vote est alors beaucoup plus réparti tout au long de la journée, c'est-à-dire de 8 heures le matin jusqu'à 7 heures le soir.

Dans d'autres secteurs de la même ville, la plupart des gens vont plutôt voter vers la fin

[Interprétation]

accurate. And I think that another member of the Committee also mentioned that, very often, it is necessary to establish more than one polling station per polling district.

This recommendation which I submit in subsection 2 and 3 of Section 11, would improve the second problem, i.e., it would reduce the occurrence of the number of polls where we would have to establish more than one polling station. It would not do much for the other problem, of course, by which I mean the lack of accuracy in the delineating of polling districts.

Mr. Lefebvre: Thank you.

Le président: Avez-vous des commentaires à ce sujet? Monsieur Forest?

Mr. Forest: In some particular cases, could the returning officer for a riding not set this lower than 250?

Mr. Hamel: Yes. To obviate the problems I mentioned to you earlier we tell them, at the present time, to set it somewhat lower. The Act says 350, but we know quite well that in certain urban areas where the population increases very quickly, it is not realistic to set it at 350 when the election is six or eight months or even a year, a year away. Moreover, if you set it at 250 or 300 in the rural districts the people will be too far from the polling station.

Finally, we ask the returning officers to consider the nature of the population. In the towns where you have a working class population, experience has shown that voting occurs mainly between four and six in the evening. In other words, between the hours which employers are required to give to all persons in order to vote. Perhaps 60 per cent of the vote usually takes place between four and seven in the evening. If there are a great many people on the list this will cause bottlenecks, delays and some people will not be able to enter the polling station before closing time.

Hence, in the urban districts, the nature of the population has to be taken into account. If you have a population which is rather well off, where a man can vote in the morning before he goes to work and the woman can have a babysitter or has a maid to take care of the house, the vote then is usually much better distributed throughout the day, i.e. between eight o'clock in the morning until seven in the evening.

In other sectors of the same town people try to vote at the end of the day. In view of

[Text]

de la journée. A ce moment-là, il faut réduire un petit peu le nombre d'électeurs sur la liste.

Il y a également un autre facteur dont il faut tenir compte. Je pense que nous en parlons dans une de nos modifications. Il s'agit des accidents géographiques. Si les gens ont un long détour à faire à cause d'une rivière ou d'un chemin de fer à traverser, on va alors accepter un arrondissement plus petit qui restera quand même accessible à tous ceux qui veulent se rendre au bureau de votation.

Ce sont des facteurs qui, je pense, peuvent être considérés dans les instructions que nous envoyons aux officiers rapporteurs en temps et lieu.

M. Forest: En général, on aura beaucoup plus d'arrondissements de votation dans les comtés, si on établit la norme à 250.

M. Hamel: Oui et non, parce que dans nos instructions, nous demandions aux officiers rapporteurs de ne pas dépasser le chiffre de 300 autant que possible, à cause du problème qui survenait par la suite. Dans l'ensemble, je pense que nos arrondissements s'établissent actuellement entre 250 et 300. C'est possible que nous en ayons un peu plus, mais pas tellement.

Mr. Howe: Mr. Hamel the original figure was 350 and now you are suggesting 250?

Mr. Hamel: This is correct, at the time we prepare the so-called polling divisions arrangements, at the time of the revision. In the present legislation it says that the estimated number of electors shall not exceed 350. By directives, or by instructions to the returning officers, we usually suggest to them not to exceed 300, so as to keep some room for any increase in population and to avoid, if at all possible, the so-called split polls. At the moment, what I suggest is that right in the Act the returning officer be asked to try to estimate the number of electors in each polling division to approximately 250 so as to keep some room for the increase in population.

Mr. Howe: So you would allow a leeway of up to 300? It would not make so much difference, but it is making these more compact?

Mr. Hamel: This is correct. I may say while we are on this subject that one of our biggest problems in many areas is to convince the returning officers to have polling divisions with as many as 250. Quite often you will find very small polling divisions. Prior to the

[Interpretation]

this we have to cut down to some extent the number of voters on the list.

There is also another factor which comes in and I think it is mentioned in one of the amendments here, namely geographical accidents. If people have to make a long detour because of a river or a railroad track, a smaller district will be accepted which will nevertheless remain accessible to all those who wish to go to the polling station.

These are factors which, I think, can be taken into consideration in the instructions we issue to the returning officers at the appropriate time.

Mr. Forest: In general, we shall have a great many more polling districts in the ridings if we set the norm at 250.

Mr. Hamel: Yes and no, because in our instructions, we asked the returning officers not to exceed 300 in so far as possible, because of the ensuing problem. On the whole, I think that our districts are now between 250 and 300. It is possible that there might be a few more, but not very many.

M. Howe: Le premier chiffre cité était de 350 et maintenant vous parlez de 250?

M. Hamel: Oui, c'était le chiffre exact lorsque nous avons établi les arrondissements de votation, au moment de la revision. Dans la loi actuelle, on dit que le nombre d'électeurs ne doit pas dépasser 350. Mais dans les directives données aux officiers rapporteurs nous leur donnons habituellement de ne pas dépasser 300 de façon à ce qu'on puisse tenir compte de l'augmentation de la population et de façon à éviter, dans la mesure du possible la trop grande division des arrondissements de votation. En ce moment, ce que je propose c'est d'insérer dans la loi que l'officier rapporteur fixe le nombre d'électeurs dans chaque arrondissement de votation à environ 250 de façon à ce qu'on puisse tenir compte de l'augmentation de la population.

M. Howe: En somme vous allouez jusqu'à 300 électeurs? Cela ne fait pas tant de différence, mais cela rapproche les bureaux de votation les uns des autres, n'est-ce pas?

M. Hamel: Oui. Tandis que j'y suis, on pourrait ajouter peut-être que l'un de nos problèmes importants dans plusieurs régions, c'est de convaincre l'officier rapporteur d'établir des bureaux de 250 électeurs, parce qu'on trouve parfois des arrondissements de vota-

[Texte]

election in 1968, we made tremendous efforts to try to reduce the number of polling divisions. There is a cost factor, not only for the election machinery, but I also understand for the political organizations.

I may say also that following a redistribution such as we had, is the best time to try to reduce the number of polling divisions without causing any inconvenience to the electors.

The Chairman: If there are no more questions on this, Mr. Hamel, we can pass on to the next one.

Mr. Hamel: We are up to 6 now?

The Chairman: Clause 6.

On Clause 6—*Exceptions in certain cases.*

Mr. Hamel: Clause 6 on page 5, in subsection (2) there is a recommendation which, in fact, is only to put in the Act what has been the practice from time immemorial, as far as I can determine.

This is to give the Chief Electoral Officer the authority to declare areas near big cities urban. This was done in the past, as you probably all know, under the discretionary power of Section 5 because the character of the population is much more urban than rural. One thing that we have noticed is the fact that it is not always easy for a group of people to switch from urban to rural or vice versa. Particularly in big cities you have people moving from the heart of the city to the suburbs and all of a sudden if they were to be treated as rural electors they would be completely lost.

So with the agreement of everybody involved, we have always in the past, by virtue of these discretionary powers in Section 5, declared those areas as urban—in spite of the fact that they do not meet the urban requirements under Subsection (1) of Section 12. The requirements are that a place be incorporated as a city or town if it has a population of 5,000 or more. So as soon as you have a place with a population of 5,000 or more and it is incorporated as a city or town, it is automatically urban. But you have a number of towns or villages in the area immediately surrounding a big city that do not have 5,000 population, yet the character of the population is urban as the heart of the city itself. This is only to put in the Act what has been the accepted practice by, to my

[Interprétation]

tion où il y a très peu d'électeurs. Avant les élections de 1968, nous avons fait des efforts considérables en vue de réduire le nombre d'arrondissements de votation. Il y a un facteur coût, non seulement pour le rouage électoral, mais aussi pour les organisations politiques.

Je puis ajouter qu'à la suite du remaniement de la carte électorale que nous avons fait récemment, le moment est venu de réduire les arrondissements de votation sans causer d'ennuis aux électeurs.

Le président: S'il n'y a pas d'autres questions là-dessus, monsieur Hamel, nous pourrions peut-être passer à autre chose.

M. Hamel: Nous en sommes à l'article 6?

Le président: Oui, l'article 6 du projet.—*Exceptions en certains cas.*

M. Hamel: A l'article 6 du projet 5, au paragraphe (2) il s'agit, à mon avis, d'une recommandation, où en réalité, on veut insérer dans la Loi ce qui est l'usage depuis une époque immémoriale.

Il s'agit de donner au directeur général des élections l'autorité de déclarer comme étant «urbaines», des régions qui se trouvent à la périphérie des grandes villes. Cela se faisait dans le passé, comme vous le savez sans doute, car l'article 5 donne une certaine latitude à ce sujet parce que la population est beaucoup plus urbaine que rurale dans ces régions. Nous avons constaté le fait que ce n'est pas toujours facile pour un groupe de gens de passer d'un milieu urbain à un milieu rural ou vice versa. Notamment dans les grandes villes, vous avez des gens qui se déplacent du centre de la ville pour habiter la banlieue. Donc si tout à coup on traitait ces gens comme des ruraux, ils se sentiraient tout à fait perdus.

Donc, avec l'assentiment de tous les gens concernés, nous avons toujours, dans le passé, en vertu des pouvoirs discrétionnaires de l'article 5, déclaré que ces régions étaient des régions urbaines, en dépit du fait qu'elles ne répondent pas aux exigences du paragraphe (1) de l'article 12. En vertu de cet article, l'endroit doit être considéré comme ville ou village si on y compte 5,000 habitants ou plus. Mais en tous cas dès qu'on a une population de 5,000 habitants ou plus constituée comme ville, cela devient automatiquement un secteur urbain. Mais vous avez toutefois des villes ou des villages à la périphérie des grandes villes qui n'ont pas une population de 5,000 habitants mais dont le caractère des gens qui y habitent est tout aussi «urbain» que le cœur de la ville lui-même. Nous allons

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knowledge anyway, all concerned for quite a number of years.

Mr. Howe: Maybe I am not as wise as I should be but I would like a definition of an urban and a rural elector. I thought the main difference was that in urban centres you have two enumerators and in rural centres you have only one. What else makes up the difference?

The Chairman: Population.

Mr. Levebvre: If an urban voter appears and his name is not on the list he cannot be sworn in.

Mr. Howe: Yes, I see.

Mr. Hamel: This is the main difference.

Mr. Howe: He cannot be sworn in even at a general election or on election day?

Mr. Hamel: This is the main difference and this is the reason I am always very leery to declare urban an old town or village which may all of a sudden exceed 5,000 in population. We have no choice but we have to be extremely careful because the older population particularly has been used to voting under the rural system. In other words, if they are not on the list they do not have to make sure that their name is on the list because they can go to the poll with any friend who is on the list and they can be vouched for and vote. But in urban polling divisions this would not be the case, and at times this creates a few problems.

Mr. Howe: In other words, you do not trust the city slickers the same as you do the others?

Mr. Hamel: You are right.

An hon. Member: The same applies to (2a) in the reverse.

Mr. Hamel: Yes, that is correct.

Mr. Duquet: Is there anything else?

The Chairman: No, I do not believe there is any problem in this connection. That has been the practice in the past and it has been accepted.

M. Lefebvre: Les gens de la région rurale se connaissent très bien, ils peuvent dire tout de suite, quand une personne se présente, si son nom n'est pas sur la liste. Il y a toujours quelqu'un qui peut dire «Oui je le connais, il réside ici depuis longtemps». Mais, à la ville, c'est très très difficile.

[Interpretation]

donc insérer dans la loi un usage accepté par tous depuis fort longtemps.

M. Howe: J'aimerais avoir une définition des expressions, «électeur urbain» et «électeur rural». Je croyais que la principale différence était que dans les centres urbains vous aviez deux énumérateurs et que dans les zones rurales vous n'en aviez qu'un seul. Y a-t-il une autre différence?

Le président: Le nombre d'habitants.

M. Lefebvre: Si quelqu'un fait partie d'une zone urbaine et que son nom n'apparaît pas sur la liste électorale, il ne peut pas être assermenté.

M. Howe: Oui, je vois.

M. Hamel: Voilà la différence principale.

M. Howe: Il ne peut pas être assermenté même lors d'une élection générale ou le jour des élections?

M. Hamel: C'est de fait la principale différence. Et voilà pourquoi j'hésite toujours à déclarer «zone urbaine», une vieille ville ou un vieux village dont la population dépasse à un moment donné 5,000 habitants. Nous hésitons toujours à le faire parce que la population qui habitait ces petits villages était habituée au système rural. Ces gens n'ont pas à s'assurer que leur nom est sur la liste électorale car ils peuvent aller au bureau de votation avec un ami, dont le nom est sur la liste, qui se portera garant pour eux; ils pourront alors voter. Mais dans les arrondissements de votation urbains, il n'en est pas ainsi et cela peut créer des problèmes.

M. Howe: Autrement dit, vous ne traitez pas l'électeur urbain de la même façon que l'électeur rural?

M. Hamel: C'est cela.

Une voix: La même chose s'applique inversement dans les termes du paragraphe (2a).

M. Hamel: Oui, c'est exact.

M. Duquet: Y a-t-il autre chose?

Le président: Non, il n'y a pas de problèmes à ce sujet. Donc c'est simplement un usage accepté, une tradition quoi.

Mr. Lefebvre: People in rural areas know each other very well, and when someone appears they can tell right away whether the name is missing on the list. There is always someone there who can say, "I know him, he is an old time resident." But in town, of course, this is very difficult.

[Texte]

M. Hamel: Dans un arrondissement urbain, nous envoyons par la poste une copie de la liste à toutes les maisons, alors que dans une région rurale, nous ne le faisons pas étant donné que les électeurs se connaissent tous.

Maintenant, j'aimerais ajouter quelque chose ici. Quand on parle d'urbain, ceci s'applique à une ville relativement petite si vous voulez, une ville de 8,000 ou 10,000 de population où il y a quand même une certaine connaissance des personnes. Mais il ne faut pas oublier également qu'il y a des villes comme Montréal, Toronto, Vancouver, Winnipeg et Ottawa ou Québec, enfin, des villes dont la population est de plus de 35, 40, 45,000 et où le caractère est complètement différent. Alors, ce serait difficile, je pense d'établir deux catégories de régions «urbaines».

Mr. Howe: Mr. Chairman, in what form do you send that notice through the mails to these people? The reason I ask is that people are getting so much different type of mail that they just do not even open up some of it and read it.

Mr. Hamel: Are you referring to the list of electors?

Mr. Howe: Yes. Do you send a list of electors to every individual in the urban...

Mr. Hamel: Not quite. This is sent to every householder, in other words to the head of the household. If there are three electors in a certain household by the same name we will send only one copy because, otherwise, it would be a waste of money. This is sent as soon as the lists have been printed and before the revision. So that if somebody's attention is directed to the fact that his name is not on the list he can take the necessary steps to have his name added to the list. The same applies if a name should not be on the list—people could take the necessary steps to have the name removed from the list.

The Chairman: I believe that (2a) is the reverse?

Mr. Hamel: Well, (2a), if I may, Mr. Chairman, is something new and has never been done in the past. But we had a number of problems at the last election and I thought of submitting this for your consideration. It is, as you pointed out, the reverse. At the moment the Act says that everything that forms part of an incorporated city or town of 5,000 or more is urban. But at times you have areas that were recently annexed to cities and are not urban at all... just bare fields more or less. The best example is perhaps the city

[Interprétation]

Mr. Hamel: In an urban area, we send through the mails a copy of the list to all houses, whereas in rural areas this is not done because the voters know one another.

I would like to add something here. When we refer to an urban area, this applies to a small town with a population of 8,000 or 10,000 where there is a certain amount of acquaintanceship. But you must not forget too that there are towns like Montreal, Toronto, Winnipeg and Ottawa or Quebec City where the population is over 35, 40 or 45,000 and where the nature of the town is totally different. So, I think that it would be rather difficult to establish two categories of "urban" areas.

M. Howe: Monsieur le président, sous quelle forme envoyez-vous cet avis par la poste à ces gens-là? Les gens reçoivent tellement de lettres différentes qu'ils ne prennent même pas le temps d'ouvrir et de lire celle-là.

M. Hamel: Vous parlez de la liste des électeurs?

M. Howe: Oui. Envoyez-vous une liste des électeurs à chaque individu d'une zone urbaine?

M. Hamel: Non, pas tout à fait. Je pense que c'est envoyé à tous les maîtres de maison, si l'on veut à tous les pères de famille. Par exemple s'il y a trois électeurs du même nom dans une maison, alors on n'en envoie qu'une seule copie car autrement ce serait un gaspillage d'argent. Donc cet avis est envoyé dès que la liste électorale a été imprimée et avant la révision, de telle sorte que si quelqu'un constate que son nom ne figure pas sur la liste il peut demander qu'on l'y ajoute. Et si un nom ne doit pas figurer sur la liste, les gens peuvent prendre les mesures nécessaires pour faire supprimer ce nom de la liste.

Le président: Je suppose que le paragraphe (2) (a) dit le contraire, n'est-ce pas?

M. Hamel: Non, le paragraphe (2a) est nouveau et cela n'a jamais été fait auparavant. Mais nous avons eu plusieurs problèmes à la dernière élection et je puis vous dire ceci: comme vous l'avez signalé c'est le contraire. En ce moment selon la Loi tout ce qui fait partie d'une ville de 5,000 habitants ou plus est considéré comme une zone urbaine. Mais nous avons eu plusieurs problèmes annexés à des villes et qui ne sont pas des zones urbaines; ce ne sont que des champs déserts, plus ou moins. Le meilleur exemple

[Text]

of North Bay which, a few months before the last election, annexed huge pieces of land. You find almost anything there, resort areas and so on, and the character is not urban. In urban areas enumerators have to go from door to door while in rural they do not have to do so. But in one certain polling division the enumerators had to cover 60 miles to enumerate 15 electors. If I may say so, this was an absolute waste of time and money, because it was far more expensive. We had a similar case in Rocky Mountain, Alberta. One polling division in Rocky Mountain was part of the City of Calgary and it was an almost empty piece of land, yet we had to do the enumeration with two enumerators.

Furthermore, there had to be a revising officer appointed for that polling division because it was the only urban area of the whole electoral district. So this would be very exceptional. In fact, had this been in the Act in the last election it would have been invoked at three places—to cover one polling division in Rocky Mountain, one near Winnipeg, and around the City of North Bay. I may add that this is always done in consultation with political parties or local candidates.

The Chairman: Through the returning officer?

Mr. Hamel: Yes.

Mr. Lefebvre: Did you leave these outlying areas around the City of North Bay on a rural poll? Did I understand you correctly?

Mr. Hamel: If the character of the population is rural, and if this were adopted by the Committee, I would then have the power to declare rural what I have at the moment to consider urban, although the character of the population is rural.

Mr. Lefebvre: But at the last election all the area of the new City of North Bay had to be urban?

Mr. Hamel: That is correct. And we had many polling divisions with 12, 15, and 20 electors—and covering very wide areas.

Mr. Howe: Mr. Chairman, where does that item "transient or floating character" come in?

• 1600

Mr. Hamel: Well, this was in the Act before and was meant to cover those mushrooming towns or cities, particularly up in the Yukon and perhaps Northwest Territories. To my

[Interpretation]

c'est peut-être la ville de North-Bay, où à la dernière élection, par exemple, elle avait annexé de grands territoires. Il y a de tout à cet endroit et pourtant il ne s'agit pas d'une zone à caractère urbain. Dans les régions urbaines, les énumérateurs doivent aller de porte en porte, tandis que dans les zones rurales les énumérateurs n'ont pas à le faire. Dans un certain arrondissement de votation, les énumérateurs devaient faire 60 milles pour énumérer 15 électeurs et à mon avis, cela était une perte de temps et d'argent considérables car ce système était beaucoup trop cher. Donc nous avons le même cas dans la région de Rocky Mountain en Alberta où un arrondissement de votation faisait partie de la ville de Calgary et c'était un territoire à peu près vide. Toutefois, nous avons dû faire l'énumération avec 2 énumérateurs.

Ensuite il a fallu nommer un officier revisseur pour cet arrondissement, parce que c'était le seul secteur urbain de tout le district électoral. Donc ce cas était très exceptionnel. En fait, si ces dispositions avaient figuré dans la Loi au cours des dernières élections, il y aurait eu trois arrondissements de votation dans ce cas: un à Rocky Mountain, un près de Winnipeg et un près de la ville de North Bay. Et je pourrais ajouter que cela se fait toujours en consultation avec les partis politiques ou avec les candidats locaux.

Le président: Par l'entremise de l'officier rapporteur?

M. Hamel: Oui.

M. Lefebvre: Autour de North Bay, est-ce que ça restera un bureau de votation rural? Est-ce là ce que vous avez dit?

M. Hamel: Si le caractère de la population est rural et si cela avait été adopté par le Comité j'aurais le droit de déclarer «rural», un arrondissement que j'estime en ce moment être «urbain» bien que le caractère de la population soit «rural».

M. Lefebvre: Mais à la dernière élection toute la ville de North Bay devait être considérée comme «urbaine»?

M. Hamel: Oui. Il y avait parfois des arrondissements de votation de 10, 12, 15 électeurs et il fallait parcourir de grandes distances.

M. Howe: Monsieur le président, où parle-t-on de ce caractère «transitoire et flottant»?

M. Hamel: C'était dans la Loi précédemment et cela devait tenir compte des villes champignons, notamment dans le Nord, au Yukon et dans les Territoires du Nord-Ouest.

[Texte]

knowledge, this very seldom applies now. The main problem at the moment is primarily near big cities because of the exodus of people from the heart of the cities to the suburbs, where you have new towns being created and the population is not always up to 5,000.

Mr. Howe: It never has been used in an election campaign where places like Delhi have a tremendous influx of foreign labour for six weeks, two months, in the tobacco fields?

Mr. Hamel: It might have been, but I really do not know of any instance where it was declared urban because of the floating character of the population. It could happen, perhaps, if there were a big building project, for instance, the building of a dam or bridge and for a short period of time there would be a large number of workers. Even if they were temporary workers, if they happened to live in an incorporated city or town and adding these people the total population exceeded 5,000.

I could perhaps give an example very close to Ottawa. The municipality of the Village of Lucerne has a population well in excess of 5,000 and the character of the population for those who know the area is certainly urban but it is not incorporated as a city or town. As it does not meet one of the criteria to become urban it has to be declared urban by the Chief Electoral Officer.

On clause 7—Qualifications

Mr. Forest: Mr. Chairman, on clause 7 we come to a very important article on the qualities to have a vote, the question of age comes in, the question of qualification as a British subject. I wonder if we could stand that article and come back when we have a quorum.

The Chairman: Not the question of age.

Mr. Hamel: Well, it is in clause 8. Well, section 14 is perhaps one of the key sections in the whole Canada Elections Act because it gives the qualifications of the electors and specifies the date on which the residence of the elector is to be considered for the purpose of putting his name on the list. This is something discussed briefly this morning. At the moment the residence of an elector has to be considered as of the date of the issue of the writ. My recommendation here is that it be shifted to the beginning of the enumeration.

[Interprétation]

Aujourd'hui, cela s'applique très rarement. Le principal problème en ce moment c'est à la périphérie des grandes villes qu'il se pose, à cause de l'exode des personnes qui se déplacent du centre des villes vers la banlieue, où vous avez de nouvelles villes qui se créent et dont la population n'atteint pas toujours 5,000 habitants.

M. Howe: Cela n'a jamais été utilisé dans une campagne électorale, alors que des villes comme Delhi reçoivent énormément d'ouvriers étrangers pendant six semaines ou deux mois, dans les champs de tabac?

M. Hamel: C'est possible, mais je ne connais pas d'exemple où on a déclaré une zone urbaine à cause du caractère flottant de la population. Ceci peut arriver, peut-être, s'il y a un projet de construction considérable, par exemple, la construction d'un barrage ou d'un pont et, pendant une courte période, il pourrait y avoir un grand nombre d'ouvriers. Même si ce sont des ouvriers qui travaillent à titre temporaire, s'il se trouve qu'ils vivent dans une ville constituée et qu'on les ajoute, la population totale dépasserait 5,000.

Je pourrais peut-être vous citer un exemple tout près d'Ottawa. La municipalité du Village de Lucerne a une population qui dépasse largement 5,000 habitants et le caractère de la population, pour ceux qui connaissent la région, est certainement urbain, mais elle n'est pas constituée en ville. Comme elle ne satisfait pas à un des critères pour être déclarée urbaine, elle doit être déclarée urbaine par le Directeur général des élections.

Article 7 du projet—Qualités requises.

M. Forest: Monsieur le président, nous arrivons à un article très important, l'article 7, qui porte sur les qualités donnant droit au vote, la question d'âge intervient ainsi que celle du sujet britannique. Nous pourrions peut-être réserver cet article et y revenir quand nous aurons le quorum.

Le président: Pas la question de l'âge.

M. Hamel: Cela se trouve à l'article 8 du projet. L'article 14 est peut-être un des articles clés de toute la Loi électorale du Canada, car il cite les qualités requises des électeurs et précise la date à laquelle la résidence de l'électeur doit être considérée pour ce qui est d'inscrire son nom sur la liste, nous en avons d'ailleurs discuté brièvement ce matin. En ce moment, la résidence d'un électeur doit être envisagée à la date où l'on émet le bref. Je recommande ici que ce soit placé au début de l'enregistrement.

[Text]

The Chairman: This has already been accepted.

Mr. Forest: There is no objection to that but on this article there is the question of a British subject.

Mr. Hamel: That is correct.

Mr. Forest: It is a question which was discussed in Toronto so maybe we could look at that evidence and I suggest that we stand this article until we have a quorum.

The Chairman: This is a good suggestion. I believe, this article 7 with its subsections should stand for the moment.

Mr. Forest: I suggest we stand section 7.

On clause 8—*Residence at a general election*

Mr. Hamel: Subsection 6 of section 16 which is the first part of clause 8 is strictly consequential upon clause 7 which is just to change the residence from the issue of the writ to the enumeration. In section 7 though there is another change. There is that change, changing the residence but there is also another change which covers only two groups of electors; namely, ministers, priests or ecclesiastics, teachers and their dependents. At the moment, if they move after the issue of the writ and before the revision, of course, it is urban. If they move to another electoral district they may get some sort of a transfer of qualifications by virtue of subsection 7 of section 16. This, I suspect, was adopted at a time when we envisaged urban areas only as part of metropolitan areas or big centres. As a result it creates all kinds of rather awkward situations and I brought a map here to give an example.

• 1605

Perhaps the best example is one electoral district in Quebec. I said that a minister, a priest, or a teacher if he moves to another electoral district may transfer his qualifications, but he has to move to another electoral district. In other words, if he crosses the street from Ottawa East to Ottawa Centre he may apply to the returning officer to vote in Ottawa Centre but if he moves from one end of the district in Ottawa East to the other end in the same electoral district he cannot obtain the same transfer. So long as you are in a condensed urban area it does not create too many problems.

[Interpretation]

Le président: Cela a déjà été accepté.

M. Forest: Il n'y a pas d'objection, mais pour cet article, il s'agit de savoir si la personne est sujet britannique.

M. Hamel: C'est exact.

M. Forest: Cette question a été débattue à Toronto et nous pourrions donc nous pencher sur ce témoignage. Je suppose que nous réserverions cet article jusqu'à ce que nous ayons le quorum.

Le président: C'est une proposition judiciaire. Je crois que provisoirement cet article 7 et ses subdivisions soient réservés.

M. Forest: Je propose de réserver l'article 7.

Article 8 du projet. *Résidence lors d'une élection générale.*

M. Hamel: Le paragraphe 6 de l'article 16 qui constitue la première partie de l'article 8 du projet découle strictement de l'article 6 du bill qui modifie simplement la résidence de l'émission du bref à l'enregistrement. Au paragraphe 7 pourtant, il y a un autre changement. Il modifie la résidence, mais il y a également un autre changement qui ne vise que deux groupes d'électeurs: les ministres, les prêtres ou les ecclésiastiques, les instituteurs et les personnes à leur charge. Actuellement, si ces personnes déménagent après l'émission du bref et avant la revision, naturellement, la question est urbaine. Si elles s'installent dans un autre district électoral, elles peuvent avoir une sorte de transfert des qualités requises aux termes du paragraphe 7 de l'article 16. Ceci, je crois, a été adopté à un moment où nous considérions les districts urbains comme parties de grands centres. Il s'est ensuivi toutes sortes de situations bizarres, et j'ai une carte ici pour vous donner un exemple.

Le meilleur exemple est peut-être un district électoral au Québec. J'ai dit qu'un ministre, un prêtre ou un instituteur, qui déménageait dans un autre district électoral pouvait transférer ses qualités requises, mais il doit s'installer dans un autre district électoral. Autrement dit, s'il traverse la rue d'Ottawa-est à Ottawa-centre, il peut demander à l'officier rapporteur de voter à Ottawa-centre, mais s'il part d'un bout du district dans Ottawa-est à l'autre bout d'un même district électoral, il ne peut obtenir le même transfert. Aussi longtemps que vous êtes dans un secteur urbain dense, ça ne crée pas trop de problèmes.

[Texte]

Where you have problems is where you have a mixed electoral district, where you have mainly rural and one or two towns within the district. The best example perhaps is Manicouagan in Quebec where you have two urban areas, namely Baie Comeau and Seven Islands which are about 150 miles apart. If a priest or a teacher moves from Baie Comeau to Seven Islands he has to come back to Baie Comeau to vote. On the other hand, if he moves from the odd numbers on the one street within the City of Montreal, Quebec or Ottawa to the other side of the street, to the even numbers, if this happens to be in the other electoral district he may transfer his eligibility to vote in the other district. So I suggest this be extended for movement within the electoral district.

We had a few problems in the electoral district of Waterloo at the last election. If an elector lives in the City of Kitchener in that part of the city which forms part of the electoral district of Kitchener and he moves just across the street in that part of Kitchener which is in the electoral district of Waterloo, he may apply to the returning officer to vote in the electoral district of Waterloo. However, if he moves from Galt, which is at one end of the electoral district of Waterloo, to Kitchener but in that part of the City of Kitchener that is part of Waterloo he cannot; he has to go back to Galt to vote. This is the effect of the Act as it reads at the moment. What I suggest here is that if he moves within the district or to another electoral district he may apply to the returning officer to vote in that poll.

The Chairman: To change his poll.

Mr. Hamel: That is right, to vote in another poll. This is restricted to ministers, priests, ecclesiastics and teachers and their dependents, but not their households. I mean not their maids and servants.

Mr. Howe: In this day and age when people are moving so much from one area to another should we consider enlarging the scope of this type of change?

The Chairman: I believe these people are already mentioned are precisely those who have this privilege to vote even if they move. The Chief Electoral Officer recommends that even if they move from one end of a constituency to another, then they could apply to be registered...

Mr. Howe: Where they went.

[Interprétation]

Les problèmes se posent quand vous avez un district électoral hybride où vous avez surtout des zones rurales et une ou deux villes dans le district. Le meilleur exemple peut-être est Manicouagan, au Québec, où vous avez deux zones urbaines, en l'occurrence Baie Comeau et Sept-îles, qui sont à environ 150 milles l'une de l'autre. Si un ministre ou un prêtre déménage de Baie Comeau à Sept-îles, il doit revenir à Baie Comeau pour voter. D'autre part, s'il déménage des chiffres impairs d'une rue à Montréal, Ottawa ou Québec, de l'autre côté de la rue aux chiffres pairs, si cela se trouve dans l'autre district électoral, il peut faire transférer son droit de vote. Je propose que l'on étende ceci à l'intérieur du district électoral.

Nous avons eu quelques problèmes dans le district électoral de Waterloo aux dernières élections. Si un électeur habite Kitchener dans la partie de la ville qui fait partie du district électoral de Kitchener et qu'il déménage de l'autre côté de la rue dans cette partie de Kitchener sise dans le district électoral de Waterloo, il peut demander à l'officier rapporteur de voter dans le district de Waterloo. Toutefois, s'il part de Galt, qui est à une extrémité du district de Waterloo, pour s'installer à Kitchener, mais dans cette partie de la ville de Kitchener qui fait partie de Waterloo, il ne peut pas voter, il doit retourner à Galt. Voilà les conséquences de la Loi sous sa forme actuelle. Ce que je propose ici, c'est que si une personne déménage à l'intérieur d'un district, ou vers un autre district électoral, elle puisse demander à l'officier rapporteur de voter dans ce bureau de votation.

Le président: Pour changer de bureau.

M. Hamel: Voilà. Cela s'applique aux ministres, prêtres, ecclésiastiques et instituteurs, et aux personnes à leur charge; mais pas à leur foyer. Je veux dire: pas leurs bonnes, leurs domestiques.

M. Howe: A notre époque, alors que les gens déménagent tellement d'une région à l'autre, devrions-nous songer à élargir la portée de ces dispositions?

Le président: Je crois que ceux qu'on a déjà mentionnés sont précisément ceux qui ont ce privilège de voter même s'ils se déplacent. Le Directeur général des élections recommande que même s'ils déménagent d'une extrémité de la circonscription à une autre, ils devraient pouvoir demander à être enregistrés...

M. Howe: Où ils sont allés.

[Text]

The Chairman:...in a different poll from the one they were registered in first.

Mr. Howe: There are a lot of bankers that move from one place to another. There are a lot of other people who because of their way of life, are shifted from one area to another these days.

The Chairman: We have a private bill on this. It does not apply to many people; it applies only to priests, ecclesiastics, teachers and so on.

Mr. Howe: As I inferring, there are quite a few other classes of people these days that this might involve. It might even involve some civil servants who are moved from Ottawa to some other area in Canada.

• 1610

The Chairman: When we adopt the proxy system then we could deal with these matters, but for the time being it is just to enable a certain category of people, very few people, to vote in other places than the first one in which they have been enumerated.

Mr. Richard: I thought we had been through all this before.

The Chairman: I beg your pardon.

Mr. Richard: We discussed all this before, the complications of allowing everybody to transfer like that.

The Chairman: Are there any more comments on clause 8?

Some hon. Members: Carried.

The Chairman: We cannot say "carried" until we have a quorum, but we can go on to the next one.

Mr. Hamel: Subsection (9) on page 8, applies to students: this is strictly to change the date of issue of the writ at the beginning of the enumeration. Incidentally, with this amendment, I am hopeful that in the case of a fall election the kind of problem encountered in 1965 would be very drastically reduced. In 1965, the problem would not have occurred as most students were in residence at university when enumeration started.

The Chairman: I believe we do not have to discuss it, because we have already passed a motion on it, this morning. Since we have changed the place of residence from the day of issuing of the writ to the day enumeration starts, these are the consequences which have to...

[Interpretation]

Le président: ...dans un autre bureau.

M. Howe: Il y a beaucoup de banquiers qui se déplacent. Il y a beaucoup d'autres gens qui, en raison de leur façon de vivre, sont appelés à faire de tels déplacements.

Le président: Nous avons, à ce sujet, un bill privé qui s'applique à peu de gens, il vise seulement les prêtres, les ecclésiastiques, les professeurs et ainsi de suite.

M. Howe: Comme je le prétends, il y a beaucoup d'autres catégories de gens aujourd'hui qui pourraient être dans la même situation, même certains fonctionnaires qui sont mutés d'Ottawa à une autre région du Canada.

Le président: Lorsque nous adopterons le système de procuration, nous pourrions traiter de ces questions, mais pour l'instant, il s'agit simplement de permettre à une certaine catégorie fort restreinte d'individus de voter dans un endroit autre que celui dans lequel ils ont été enregistrés.

M. Richard: Je croyais que nous avions déjà abordé cela auparavant.

Le président: Comment?

M. Richard: Nous en avons déjà discuté, des complications de permettre à tout le monde de changer ainsi.

Le président: Y a-t-il d'autres commentaires au sujet de l'article 8 du projet.

Des voix: Adopté.

Le président: Nous ne pouvons dire qu'il est adopté avant d'avoir le quorum, mais nous pouvons passer au prochain.

M. Hamel: Le paragraphe (9), à la page 8, s'applique aux étudiants. Il vise strictement à changer la date d'émission du bref au début de l'enregistrement. En passant, grâce à cette modification, j'espère qu'au cas d'une élection en automne, on évitera le problème qu'on a rencontré en 1965. En 1965, le problème ne se serait pas présenté, car la plupart des étudiants résidaient à l'université lorsque l'enregistrement a débuté.

Le président: Je ne crois pas qu'il faille y revenir car on a déjà adopté une proposition à ce sujet ce matin. Puisqu'on a changé l'endroit de résidence à partir du jour d'émission du bref au jour où l'enregistrement débute, ce sont les conséquences qui doivent...

[Texte]

Mr. Richard: Mr. Chairman.

The Chairman: Yes.

Mr. Richard: Do I understand this article correctly: a student is registered in two polling divisions now? He has a choice of two places?

Mr. Hamel: He always had that choice: this is nothing new. He always had the option, not only the option, but he could always be registered at his parents' place and, if already registered and in attendance at university, he could be registered there. He could vote at only one of these places, but could be registered at two places.

Mr. Duquet: This is the toughest part of it, where they vote. Parents register their boys or girls where they live, and the student registers himself where he studies; this is why we have trouble. If they are not too scrupulous, they try to vote at two places. This has always been a very difficult part of the Act.

Mr. Forest: That problem arose in 1965 when the election was on November 8, especially when enumeration started in September. At Bishop' University, at that election, they were enumerated, say, in Montreal, and on election day they were living in Lennoxville, so they could not vote: they had to go back to their home city to vote.

The Chairman: That happens only when the election is called in the fall.

Mr. Duquet: It is quite significant at the time.

The Chairman: Yes.

Mr. Duquet: This disfranchises a lot of people, by not permitting them to be registered at the place of their choice. Let us suppose that the issuing of the writ is in the middle of summer, and the election takes place in September, most of these people would be at university, then.

Mr. Richard: I cannot see yet how we should allow people to be registered in two places. I can understand they should have a choice of being registered wherever they want; but to be registered in two places, they are the only ones who have that.

Mr. Duquet: I agree with that.

Mr. Richard: I cannot see it at all; they are no more trustworthy than I am, or someone else.

[Interprétation]

M. Richard: Monsieur le président.

Le président: Oui.

M. Richard: Si je comprends bien l'article, un étudiant est maintenant enregistré dans deux arrondissements de votation? Il peut choisir entre deux endroits?

M. Hamel: Il a toujours eu ce choix, cela n'a rien de neuf. Il avait toujours le choix d'être enregistré chez ses parents et, s'il avait déjà suivi des cours à l'université, dans la ville de l'université. Il ne pouvait voter qu'à un seul endroit, mais il pouvait être enregistré à deux endroits.

M. Duquet: Voilà la difficulté, l'endroit où ils votent. Les parents enregistrent leurs enfants à l'endroit où ils vivent, et l'étudiant s'inscrit lui-même à l'endroit où il poursuit ses études. C'est pour cette raison que nous éprouvons des difficultés. S'il s'agit de gens peu scrupuleux, ils essaient de voter à deux endroits. Cela a toujours été une partie très complexe de la Loi.

M. Forest: Le problème s'est présenté en 1965, alors que les élections étaient le 8 novembre, surtout si l'on considère que l'enregistrement avait commencé en septembre. Lors de ces élections, à l'université Bishop, ils ont été enregistrés, mettons à Montréal et, le jour des élections, ils vivaient à Lennoxville, de sorte qu'ils ne pouvaient voter. Ils ont donc dû revenir dans leurs foyers pour voter.

Le président: Cela ne se produit que lorsque les élections ont lieu à l'automne.

M. Duquet: C'est très important à ce moment-là.

Le président: Oui.

M. Duquet: Cela lèse beaucoup de gens, en ne leur permettant pas d'être enregistrés à l'endroit de leur choix. Supposons que l'émission du bref se fasse au milieu de l'été et que les élections aient lieu en septembre, la plupart de ces individus se trouveraient alors à l'université.

M. Richard: Je ne vois toujours pas comment nous pouvons permettre à des gens d'être inscrits à deux endroits à la fois. Je conçois qu'ils aient le choix de se faire enregistrer où ils le désirent, mais être enregistrés à deux endroits, ils sont les seuls à avoir ce privilège.

M. Duquet: Je suis bien d'accord.

M. Richard: Je n'en reviens pas. Ils ne sont pas plus dignes de foi que moi ou quiconque autre.

[Text]

The Chairman: I think the problem may arise only when the election is in the middle of summer.

Mr. Duquet: Yes, but Mr. Chairman, it does not change anything because if they have the right to register at one place of their choice only, and supposing the election is at the end of September, or the middle of September, at enumeration time, they know very well where they will be on the date of the election; that is the time for them to decide where they want to be registered. If they are honest, they will register wherever they know they will be on voting day.

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The Chairman: Well, then you can ..

Mr. Duquet: If it is their choice to be registered either at their home address, or at university, or school address, wherever they are, it is up to them to judge by election date where they will be on voting day, and register accordingly, if they want to vote.

Mr. Richard: I have always been surprised about this, because I thought the section would read that they would have the choice. The discussion in the past was whether a student had a right at all to be registered in the polling division at the university he attended, because he was not ordinarily a resident at university. I can understand that he was given the choice to be registered either at home or at the place where he resides at university; but to be in two places, why this discrimination against me?

Mr. Code: Mr. Chairman, is there not a penalty, under the Canada Elections Act, if a person votes at two places? A person can only vote at one place.

The Chairman: Oh, yes, definitely.

Mr. Duquet: There is a penalty which takes care of that. It is up to the electoral employees to see that they do not vote at two places: this is quite a job. If a guy lives some 30 or 70 miles away from school, how can you find out where he will be, except by being in constant communication with the people in the riding where he lives? How can you know that he will not be there on the day of the vote? How can you check?

Mr. Code: I think I have run into cases where...

Mr. Duquet: Somebody else may vote for him too, you know. He may live in Sherbrooke and be a student in Quebec City, and

[Interpretation]

Le président: Je crois que le problème ne se pose que lorsque les élections ont lieu au milieu de l'été.

M. Duquet: Oui, mais, monsieur le président, cela ne change rien, car s'ils ont le droit de s'enregistrer à un endroit de leur choix seulement, et à supposer que les élections tombent à la fin ou au milieu de septembre, lors de l'enregistrement, ils savent fort bien où ils seront à la date des élections; c'est alors qu'ils devront décider de l'endroit où ils veulent être enregistrés. S'ils sont honnêtes, ils se feront enregistrer à l'endroit où ils savent qu'ils seront le jour du scrutin.

Le président: Vous pouvez alors...

M. Duquet: Si c'est leur choix de s'enregistrer à domicile, ou à l'endroit où ils fréquentent l'université ou l'école, quel que soit l'endroit, il leur appartient de juger, d'ici le jour des élections, de l'endroit où ils seront et de se faire enregistrer en conséquence, s'ils désirent voter.

M. Richard: Cela m'a toujours étonné, car je croyais que l'article stipulerait qu'ils auraient le choix. Les discussions passées visaient à déterminer si l'étudiant avait le droit de s'enregistrer à l'arrondissement de votation à l'université qu'il fréquentait, car il ne résidait habituellement pas dans cet établissement. Je conçois qu'on lui ait accordé le choix de s'enregistrer chez lui ou à son endroit de résidence à l'université, mais à deux endroits, ma foi, c'est de l'injustice envers moi.

M. Code: Monsieur le président, la Loi électorale du Canada ne prévoit-elle pas une peine en cas de double vote? Une personne ne peut voter qu'à un endroit.

Le président: Certainement.

M. Duquet: On prévoit une peine. Il incombe aux employés des élections de veiller à ce qu'ils ne votent pas à deux endroits. C'est un gros travail. Si quelqu'un vote à 70 ou 30 milles de son école, comment pouvez-vous savoir où il sera, à moins de rester en rapport constant avec les gens de sa circonscription? Comment savoir qu'il ne sera pas là le jour du vote? Comment vérifier?

M. Code: Je crois avoir rencontré des cas où... on peut voter pour lui aussi, vous savez.

M. Duquet: Il peut vivre à Sherbrooke et étudier à Québec, être enregistré à Sherbrooke par ses parents et à Québec par lui-même.

[Texte]

be registered in Sherbrooke by his parents and in Quebec City by himself. How do you know if he votes, or someone else votes for him in Sherbrooke, or in Quebec City, or vice versa. This is the tough part of it. I agree with Mr. ...

Mr. Forest: I do not agree. I think we had better run the risk of two people voting twice than disfranchising many people who do not care. They do not have their names put on the list. We found that out in 1965. Suddenly, on election day, many university students found they could not vote because they did not happen to be at university when the enumerators came, so they were not put on the list.

Mr. Duquet: That may have been all right 10 years ago; but, now, students do vote.

Mr. Code: I believe the election date was November 8 and the enumeration was done—I do not know exactly when—but a number of students did not know, if I remember correctly, when their home was enumerated, that they were going to be accepted at university. They would not know until August whether they passed their examinations and would be admitted to university. At the last election, students did not know whether they would be away at university or at home.

The Chairman: This will be more important if we reduce the voting age to 18. It will involve many people.

Mr. Howe: This will complicate it.

The Chairman: Yes, Mr. Hamel.

Mr. Hamel: On Mr. Code's point: there are three conditions that must be met. Not only should the student know that he is going to university he must be registered and in attendance. In 1965, most students knew where they were going to be on election day and were registered but were not yet in attendance on September 8. But, on the day enumeration began, they were in attendance; I think enumeration started around September 19. We had a reverse situation in the spring of 1968. I would suspect that most students were enumerated at their parents' place and at university, because, at the time of enumeration on May 6, some of them, or many of them, were still registered and in attendance at university. By the time polling day came around on June 25, they were neither at their parents' place, nor at university: they were on summer employment, and

[Interprétation]

Comment peut-on savoir s'il vote, ou qu'on vote pour lui à Sherbrooke ou à Québec, ou vice versa. C'est là la difficulté du problème, je suis d'accord avec M. ...

M. Forest: Je ne suis pas d'accord. Je crois qu'il vaut mieux risquer que deux personnes votent deux fois que de léser beaucoup de gens à qui la chose est indifférente. Ils n'ont pas leur nom sur la liste. C'est ce que nous avons découvert en 1965. Tout à coup, le jour des élections, beaucoup d'étudiants d'université ont trouvé qu'ils ne pouvaient voter car ils ne se trouvaient pas à l'université lorsque les énumérateurs se sont présentés, si bien qu'ils n'ont pas été inscrits sur la liste.

M. Duquet: Cela valait peut-être il y a dix ans, mais, de nos jours, les étudiants votent.

M. Code: Je crois que les élections étaient le 8 novembre et que l'enregistrement a été fait—je ne sais quand au juste—mais plusieurs étudiants ignoraient, si ma mémoire m'est fidèle, lorsque leur domicile a été visité, que l'université allait les accepter. Ils n'ont pas su avant août s'ils avaient réussi leurs examens et s'ils allaient être admis à l'université. Lors des dernières élections, les étudiants ne savaient pas s'ils seraient chez eux ou à l'université.

Le président: Cela sera plus important si nous réduisons l'âge du vote à 18 ans. Beaucoup de gens seront en cause.

M. Howe: La situation en sera compliquée.

Le président: Oui, monsieur Hamel.

M. Hamel: Pour revenir à ce que M. Code disait, il faut remplir trois conditions. L'étudiant doit non seulement savoir qu'il va à l'université, mais il doit encore être inscrit et assister aux cours. En 1965, la plupart des étudiants savaient où ils seraient le jour des élections et ils étaient inscrits mais, le 8 septembre, ils n'assistaient pas encore aux cours. Toutefois, le jour où l'énumération a commencé, ils y assistaient. Je crois que l'énumération a commencé aux environs du 19 septembre. La situation contraire s'est produite au printemps de 1968. Je serais porté à croire que la plupart des étudiants ont été enregistrés à la résidence de leurs parents et à l'université car, lors de l'énumération du 6 mai, certains d'entre eux, ou un bon nombre d'entre eux, étaient toujours inscrits et suivaient des cours à l'université. Lorsque le jour du vote est arrivé le 25 juin, ils n'étaient

[Text]

we had some complaints. It may help the Committee—you may recall that there was a private bill on this and...

The Chairman: Even if there is a private bill, Mr. Hamel, while it is likely that we are going to reduce the voting age, I believe this mention of "at a recognized educational institution" has to be changed because, at this time, many students will be attending high school and be registered in some other city or other place. I would say probably 25 per cent of people would be registered in two places.

Mr. Hamel: I was going to point out, Mr. Chairman, that the gist of the private bill is to treat the students exactly as ministers and teachers. Now, you restrict...

The Chairman: I would not go along with that. They are not teachers yet.

Mr. Hamel: It is still more restrictive than the way they are treated at the moment, though.

The Chairman: Yes. I believe that Mr. Duquet...

Mr. Richard: Mr. Chairman, it is my suggestion, as long as they have the privilege of registering wherever they want, at either place, that they are still getting quite a privilege. It may not mean a great deal, but I do not like the idea of people being on two lists. There is no purpose in it. Why should they be on two lists? Why should they have the choice of voting in two places?

The Chairman: I believe, Mr. Richard...

Mr. Forest: The way it turns out is that they are not at their place of residence. They may be 200 miles away.

Mr. Richard: There are an awful lot of people like that.

Mr. Forest: Oh, there are. I know of a case in 1965 when people from the University of Sherbrooke began their course on the 8th of November and they were registered in Montreal. They did not want to go to Montreal to vote, so they just did not vote.

The Chairman: Yes, but what Mr. Richard and Mr. Duquet have stated is that they had the choice of being registered at the place

[Interpretation]

ni chez eux, ni à l'université: ils occupaient un emploi d'été, et nous avons reçu des plaintes. Il pourrait être utile au Comité—vous vous souviendrez qu'il y a eu un bill privé à ce sujet et...

Le président: Même s'il y a un bill privé, monsieur Hamel, même s'il est vraisemblable que nous réduirons l'âge du vote, je crois que cette mention d'une «institution d'enseignement reconnue» doit être changée car, actuellement, beaucoup d'étudiants fréquenteront l'école secondaire et seront inscrits dans une autre ville ou à un autre endroit. Je dirais qu'environ 25 p. 100 des gens seraient enregistrés à deux endroits.

M. Hamel: Monsieur le président, je voulais souligner que ce bill consiste à mettre les étudiants dans la même situation que les pasteurs et les instituteurs. Vous limitez actuellement...

Le président: Je n'approuve pas cette façon de procéder. Ils ne sont pas encore instituteurs.

M. Hamel: Toutefois, on leur imposerait encore plus de restrictions qu'ils en ont actuellement.

Le président: Oui. Je crois que M. Duquet...

M. Richard: Monsieur le président, à mon avis, pourvu qu'ils aient le droit de s'inscrire où ils le désirent, à l'un des deux endroits, ils jouissent encore d'un privilège tout à fait spécial. Cela ne représente peut-être pas un grand avantage, mais je ne suis pas d'accord avec le fait que les gens soient inscrits sur deux listes. Il n'y a pas de raison à cela. Pourquoi seraient-ils inscrits sur deux listes? Pourquoi auraient-ils le choix de voter à deux endroits?

Le président: A mon avis, monsieur Richard...

M. Forest: Il en résulte qu'ils ne sont pas à leur lieu de résidence. Ils peuvent se trouver à 200 milles de là.

M. Richard: Il y a bien des gens dans cette situation.

M. Forest: Vraiment. En 1965, par exemple, on a inscrit à Montréal des étudiants dont les cours avaient commencé le 8 novembre à l'Université de Sherbrooke. Ils ne voulaient pas aller voter à Montréal, ils ne l'ont donc pas fait.

Le président: Oui, mais messieurs Richard et Duquet ont dit qu'ils avaient le choix de s'inscrire à l'endroit où ils le voulaient, soit à

[Texte]

they wished, either at their parents' home or at a university, if they were attending one. So, after they make their choice they would not be allowed to be on two lists on voting day, and there are a lot of them, and this is especially true if we are going to reduce the voting age and if there is no change in what is meant by "at the recognized educational institution". I think we should give some thought to what an institution is according to this section.

Mr. Howe: I think, Mr. Chairman, this arises when you have a summer election. I remember my first election was on August 10, 1953, and an awful lot of people were at their summer homes. They might have been 50 or 100 miles away from home, but they could only be registered in one place and they had to go back home if they wanted to vote.

Mr. Duquet: It is the only honest way we can do it. I cannot see any other possible way.

Mr. Howe: An awful lot of these students who are 100 miles away still manage to get home some way each weekend.

Mr. Duquet: Sure.

The Chairman: And the vote usually takes place on a Monday.

Mr. Howe: On Monday, yes. I was wondering about why they have their elections in Toronto on Thursdays. Did you notice that? That is one of the things that bothered me about their election. Was that not in...

Mr. Forest: That is in Ontario, yes. I have not had time to question that, but I know it is on Thursdays.

Mr. Howe: I did not get around to asking about that and I wondered why that was so.

Mr. Duquet: It is the same in Quebec. A provincial election is always held on a Wednesday in Quebec.

The Chairman: It gives them the weekend to celebrate!

Mr. Duquet: No, it is a tradition that Mr. Duplessis established in honour of St. Joseph!

Mr. Forest: One of the reasons, I think, is that it brings the provisional poll closer to the date of the election. They hold the provisional poll on the Saturday and the Monday preceding, and the election is on the following Thursday, so it brings the two dates closer together. That would be one of the reasons.

[Interprétation]

la maison de leurs parents, soit à l'université qu'ils fréquentaient. Après avoir choisi l'endroit où ils allaient voter, ils ne pouvaient pas se trouver sur deux listes le jour de l'élection, et il y en a beaucoup dans ce cas, et cela est vrai surtout si l'on va réduire l'âge du vote et si l'on ne change pas la nature d'une «institution d'enseignement reconnue». A mon avis, il faudrait étudier en quoi consiste une institution d'après cet article.

M. Howe: A mon avis, monsieur le président, le cas se présente lorsqu'une élection a lieu au cours de l'été. Je me souviens de ma première élection qui a eu lieu le 10 août 1953, et bien des gens se trouvaient à leur chalet d'été. Ils étaient à 50 ou 100 milles de chez eux, mais ils ne pouvaient s'inscrire qu'à un seul endroit et ils devaient retourner à leur maison en ville pour voter.

M. Duquet: C'est la seule façon honnête de procéder. Je ne vois pas d'autre solution.

M. Howe: Un grand nombre de ces étudiants qui sont à 100 milles de chez eux trouvent moyen de retourner à la maison toutes les fins de semaine.

M. Duquet: Certainement.

Le président: Le vote se tient ordinairement le lundi.

M. Howe: Oui, le lundi. Je me demande pourquoi à Toronto les élections ont lieu le jeudi. L'avez-vous remarqué? Je me posais cette question au sujet de leurs élections. Cela n'était-il pas...

M. Forest: Oui, c'est en Ontario. Je n'ai pas eu le temps d'étudier cette question, mais je sais qu'elles ont lieu le jeudi.

M. Howe: Je ne me suis pas renseigné à ce sujet, et je me demandais pourquoi elles se tenaient le jeudi.

M. Duquet: La même situation se retrouve au Québec. Une élection provinciale au Québec a toujours lieu le mercredi.

Le président: Ils ont la fin de semaine pour célébrer l'événement.

M. Duquet: Non, M. Duplessis a établi cette tradition en l'honneur de saint Joseph.

M. Forest: A mon avis, une des raisons est que cela rapproche le jour du scrutin provisoire de la date des élections. Le vote provisoire a lieu le samedi, et le lundi avant, et les élections se tiennent le jeudi suivant, ce qui rapprochent les deux jours de vote.

[Text]

Mr. Richard: Mr. Chairman, I think Mr. Hamel made a good point when he mentioned all these cottagers who are far away from their polls in the summer and who are only registered in the city or town where they usually live. This amounts to thousands of people.

Mr. Howe: Do you remember the 1953 election?

The Chairman: I believe, Mr. Richard, that a slight amendment would have to be made to change the word "and" to "or".

Mr. Richard: I suggest that be done.

The Chairman: We will keep it in mind and as soon as we have a quorum I will put the motion and hear other comments, if there are any. Thank you for raising this very valid point. It will involve a lot of people.

Mr. Duquet: I think you are right.

The Chairman: Mr. Hamel.

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Mr. Hamel: Subsections 10 and 11. This is strictly consequential upon a change of residence, so there is absolutely nothing new there. It is the question of cottagers, which you mentioned earlier, and Subsection 11 deals with the so-called temporary workers.

Mr. Duquet: People at summer residences, and all those things?

Mr. Hamel: That is right. Subsection 10 deals with people who are at their summer residence or at a residence that is only occupied part of the year. However, I must point out that in that case they could vote there if this were their only residence.

The Chairman: It simply means that the other place is not their regular place of residence. It is not a place where they can be registered, that is all.

Mr. Hamel: Yes. There is nothing changed on this. Subsection 11 deals with the so-called temporary workers on non-public works, on private works.

The Chairman: What do you mean?

Mr. Hamel: Any person who is temporarily residing at a certain place in the pursuit of his normal occupation, if this is a privately-financed project he comes under Subsection 11

[Interpretation]

M. Richard: Monsieur le président, à mon avis, monsieur Hamel a bien souligné le cas des gens qui se trouvent à leur chalet d'été, qui sont très loin de leur lieu de résidence et qu'ils ne sont pas inscrits dans la ville ou le village où ils demeurent ordinairement. Cela représente des milliers de personnes.

M. Howe: Vous souvenez-vous des élections de 1953?

Le président: A mon avis, monsieur Richard, il faudrait apporter une légère modification afin de remplacer le mot «et» par «ou».

M. Richard: Je propose qu'on fasse ce changement.

Le président: Nous nous en souviendrons, et dès que nous aurons le quorum, je présenterai une motion à cette fin et s'il y a des commentaires à ce sujet, nous les entendrons. Je vous remercie d'avoir soulevé cet argument très valable. Cela concernera un grand nombre des personnes.

M. Duquet: Vous avez sans doute raison.

Le président: Monsieur Hamel.

M. Hamel: Passons aux paragraphes 10 et 11. Ils découlent de la question du changement de lieu de résidence. Il n'y a donc rien de nouveau. Il s'agit du cas des estivants dont vous avez parlé plus tôt et l'article 11 traite du cas des travailleurs dits temporaires.

M. Duquet: Cela concerne les estivants et tous les autres cas semblables?

M. Hamel: C'est exact. L'article 10 traite du cas des personnes qui sont à leur chalet d'été ou dans une maison qu'elles habitent que pendant une partie de l'année. Toutefois, dans ce dernier cas, ces personnes pourraient voter là si c'était leur seul lieu de résidence.

Le président: Cela veut dire tout simplement que la personne ne réside pas ordinairement à l'autre endroit. Elle ne peut pas être inscrite à cet endroit, c'est tout.

M. Hamel: Oui. Je n'ai rien changé à ce sujet. L'article 11 concerne le cas des travailleurs dits temporaires qui effectuent des travaux privés et non publics.

Le président: Qu'entendez-vous par là?

M. Hamel: Toute personne qui réside temporairement à un endroit pour effectuer son travail régulier, s'il s'agit d'une entreprise financée par des capitaux privés, cela relève

[Texte]

but if it is a government project he comes under Subsection 13.

The Chairman: Why?

Mr. Hamel: In my opinion this is probably a remnant of the past. There is something that I intended to bring to your attention. On the one hand, temporary workers on government projects receive a certain preference in by-elections but not in general elections. Temporary workers on privately-financed projects can be enumerated at the place where they temporarily reside in the pursuit of their occupation provided they are there at the beginning of the enumeration for a general election, but they cannot vote at a by-election. If they are on a government project they must be there 30 days before the beginning of the enumeration for a general election, but they can vote at a by-election if they are there 30 days beforehand. I do not know if I have expressed myself clearly enough. On the one hand, there is a minimum residence requirement with respect to people on government projects for a general election but, on the other hand, if they meet the minimum residence requirements they can vote at by-elections. On privately financed projects the same temporary worker could not vote.

Mr. Howe: Why is this?

Mr. Hamel: This would probably be at a time—I do not know—when some government may have started a project just before an election.

The Chairman: To avoid including political workers. However, I do not see, Mr. Hamel, what the difference would be between a private project and a government project.

Mr. Howe: I cannot see that either. A vote in a by-election is just as important, and sometimes more important, than a vote in a general election.

Mr. Hamel: If, for example, CIL were to build a big plant in your district and there was a by-election, none of the temporary workers would be eligible to vote, even if they have been there a year or a year and a half, if they are still there temporarily. In other words, if their families are still in Ottawa or somewhere else. On the other hand, if the Government of Ontario were to build a bridge or a road, or something, under

[Interprétation]

de l'article 11 mais s'il s'agit d'une entreprise du gouvernement, cela fait partie de l'article 13.

Le président: Pourquoi cette distinction?

M. Hamel: À mon avis, cela constitue probablement un vestige du passé. J'avais l'intention de vous signaler un fait. Les travailleurs temporaires au sein d'entreprises gouvernementales jouissent d'un certain avantage aux élections partielles, mais non aux élections générales. On peut énumérer les travailleurs temporaires qui travaillent pour des entreprises privées à l'endroit où ils résident temporairement afin d'effectuer leur travail pourvu qu'il soient là le jour où commence l'énumération en vue d'une élection générale, mais lorsqu'il s'agit d'une élection partielle, ces gens ne peuvent pas voter. S'ils travaillent pour une entreprise du gouvernement, ils doivent être là 30 jours avant le début de l'énumération dans le cas d'une élection générale, mais ils ne peuvent pas encore voter lors d'une élection partielle, s'ils sont là 30 jours avant. Je ne sais pas si je me suis bien fait comprendre. Il y a un temps minimum de séjour en ce qui concerne le lieu de résidence pour les travailleurs au sein d'entreprises gouvernementales dans le cas d'élections générales, mais ils peuvent voter s'ils répondent à cette exigence pour ce qui est des élections partielles. Quand il s'agit d'entreprises privées, les travailleurs temporaires ne peuvent pas voter.

M. Howe: Pourquoi cette distinction?

M. Hamel: Je ne sais pas, il s'agit probablement de cas où un gouvernement peut avoir commencé un travail avant les élections...

Le président: Pour éviter d'inclure des travailleurs politiques. Toutefois, monsieur Hamel, je ne comprends pas pourquoi il y a une différence entre les travaux du gouvernement et ceux d'une entreprise privée.

M. Howe: Je ne comprends pas non plus. Le vote au cours d'une élection partielle est aussi important et peut-être parfois plus que le vote lors d'une élection générale.

M. Hamel: Si, par exemple, la CIL construisait une vaste usine dans votre circonscription et si une élection partielle avait lieu, aucun des travailleurs temporaires n'aurait le droit de vote, même s'ils étaient là depuis un an ou un an et demi, s'ils ne travaillaient qu'à titre temporaire; en d'autres mots, sa famille se trouvait encore à Ottawa ou ailleurs. D'autre part, si le gouvernement d'Ontario construit un pont ou une route, en vertu de la Loi

[Text]

the present Act, or as we propose to amend it, if the temporary workers have been there 30 days before the issue of the writ, 30 days before the beginning of the enumeration, then they could vote at that by-election. However, in a general election the same temporary workers, if they work on a CIL project, will be able to vote even if they arrive the day before the beginning of the enumeration, but they would have to be there 30 days beforehand if they were to work on a Government of Ontario project.

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I must admit that at times it is not easy because you may have big construction projects which are financed by hydro commissions, for instance, in Ontario or Quebec and they may be under contract with a private firm. So, it is not easy at times to differentiate between the two groups of workers.

The Chairman: Why not scratch out the difference then?

Mr. Richard: I do not think that even...

Mr. Howe: I do not think so. A vote is a vote.

Mr. Duquet: Would it be possible, Mr. Hamel, to...

The Chairman: Mr. Duquet.

Mr. Duquet: Would that 30-day thing in subsection 11...

The Chairman: Do you mean the proposed subsection 11?

Mr. Duquet: If you amend the proposed subsection 11 to include that 30 days, that is all. Proposed subsection 13 disappears.

Mr. Hamel: Will you give them the right to vote at by-elections?

Mr. Duquet: Yes, sure, why not? We are not supposed to disfranchise people at a by-election any more than at an election.

The Chairman: But the problem arises if you have, let us say, 200 people who have never stayed in a constituency where there happens to be a by-election. They come there to work and during this by-election they vote, but two weeks later they go back home.

Mr. Duquet: Yet there is always an electoral campaign. You are going to have the by-election and they have to make a choice.

[Interpretation]

actuelle ou des modifications proposées si les travailleurs temporaires sont là depuis 30 jours avant l'émission du bref d'élection ou le début de l'énumération, ils pourront voter lors de cette élection partielle. Toutefois, dans le cas d'une élection générale, ces mêmes travailleurs temporaires pourront voter même s'ils arrivent le jour précédant la date de l'énumération, s'ils travaillent pour la CIL, mais ils devraient être là 30 jours avant, s'ils travaillent pour le gouvernement de l'Ontario.

Je dois reconnaître qu'il est parfois très difficile de se comprendre, car il peut y avoir de vastes projets de construction financés par des commissions, par exemple, en Ontario ou au Québec, et, ces entreprises peuvent détenir un contrat d'une société privée. Par conséquent, parfois il n'est pas très facile de différencier ces deux catégories de travailleurs.

Le président: Pourquoi ne pas éliminer cette distinction?

M. Richard: A mon avis, même...

M. Howe: Je ne crois pas. Un vote est un vote.

M. Duquet: Serait-il possible, monsieur Hamel, de...

Le président: Monsieur Duquet.

M. Duquet: Le cas des 30 jours qui figure au paragraphe (11)...

Le président: Voulez-vous dire le paragraphe (11) que l'on a proposé?

M. Duquet: Si vous modifiez le paragraphe (11) afin d'inclure les 30 jours, c'est tout. Vous éliminez le paragraphe (13) proposé.

M. Hamel: Vous leur donneriez le droit de vote lors d'une élection partielle?

M. Duquet: Oui, certainement, pourquoi pas. Nous ne sommes pas supposés enlever le droit de vote aux gens lors d'élections partielles pas plus que dans le cas d'élections générales.

Le président: Toutefois, le problème se pose si vous avez, par exemple, 200 personnes qui n'ont jamais habité une circonscription où a lieu une élection partielle. Elles viennent travailler dans ce district, et au cours de l'élection partielle, elles votent, mais deux semaines plus tard, elles retournent chez elles.

M. Duquet: Toutefois, il y a toujours une campagne électorale. Une élection partielle a lieu et ces personnes doivent faire leur choix.

[Texte]

Those people who are working there for 15 or 30 days have judgment as well as anybody else. They can make up their minds which candidate is the best one and vote accordingly.

Mr. Howe: This is a federal election, it is not a municipal election.

Mr. Duquet: This is a federal law.

Mr. Howe: So he is a citizen of the nation. He might influence some local election once in awhile, but I do not think it would be that often. Do not think both political parties are not going to be working to...

Mr. Duquet: Well, sure.

The Chairman: Do we agree to principle that we will scratch out this difference between the general and the by-election?

Mr. Richard: I would suggest the reverse.

Mr. Duquet: Without consideration. If a person were with public works, government works, or anyone who is working on a temporary basis.

The Chairman: Scratch out the words "private" and "public".

Mr. Hamel: In other words, delete the proposed subsection 11 and include in the proposed subsection 13 all temporary workers, be they on privately financed projects or on government projects.

An hon. Member: All right.

Mr. Duquet: That is only fair. I think the purpose of the law, Mr. Hamel, we are working on is to disfranchise as few people as possible, so why would it not work when we act this way on this proposed subsection.

Mr. Hamel: The proposed subsection 11a is something new. This may interest primarily those near the port areas, such as the Maritimes and the West Coast. This proposed amendment is to take care of the problems which occur periodically with crew and officers of, particularly, Department of Transport vessels which are attached to a port in the Maritimes. This was more or less copied or extracted from the New Zealand legislation. They would be considered as temporary workers and for the purpose of casting their votes the polling division around the wharf would be their polling division. This was done in 1963 and 1965. The problem did not occur in 1968. This was done by virtue of an inter-

[Interprétation]

Ces gens qui travaillent dans une circonscription pour une période de 15 ou 30 jours, possèdent autant de jugement que les autres. Ils peuvent se décider et choisir le meilleur candidat, et voter en conséquence.

M. Howe: Il s'agit d'une élection fédérale ici et non municipale.

M. Duquet: C'est une loi du gouvernement fédéral.

M. Howe: Ils sont citoyens de la nation. Ils peuvent de temps en temps influencer les élections locales, mais, à mon avis, le cas ne se présente pas si souvent que cela. Ne croyez pas que les deux partis politiques ne vont pas essayer de...

M. Duquet: Sûrement.

Le président: Êtes-vous d'accord qu'on élimine cette distinction entre les élections générales et les élections partielles?

M. Richard: Je proposerais le contraire.

M. Duquet: Sans y penser. S'il s'agit d'un travailleur qui s'occupe de travaux publics ou gouvernementaux ou toute personne qui travaille à titre temporaire.

Le président: Il faudrait biffer les mots «privés» et «publics».

M. Hamel: En d'autres termes, il faudrait supprimer le paragraphe 11 proposé et inclure dans le paragraphe (13) proposé tous les travailleurs temporaires qu'ils soient au service d'entreprises privées ou gouvernementales.

Une voix: Très bien.

M. Duquet: Cela serait juste. À mon avis, monsieur Hamel, la Loi que nous étudions vise à priver le moins de gens possible de leur droit de vote, pourquoi ne pas le faire ici alors que nous étudions le paragraphe proposé.

M. Hamel: En ce qui concerne le paragraphe proposé, il s'agit de quelque chose de nouveau. Cela pourra intéresser surtout ceux qui habitent les régions portuaires, notamment les Maritimes et la Côte ouest. Cet amendement proposé vise à tenir compte des problèmes qui se posent périodiquement au sujet des équipages, particulièrement des navires du ministère des Transports dont le port d'attache se trouve dans les Maritimes. On a extrait ou copié cela dans la Loi de la Nouvelle-Zélande. On considérerait ces gens comme travailleurs temporaires aux fins de la votation et l'arrondissement autour du port constituerait leur circonscription. On a procédé ainsi en 1963 et 1965. Le problème ne

[Text]

pretation of subsection 13 and 11 of this section of the Act. It is to make it clear. On the other hand, if the Committee accepts more or less the proxy voting system of Nova Scotia...

The Chairman: This will have very minor significance.

Mr. Hamel: ...this would, in fact, have to be dropped because then...

The Chairman: I believe we should stand this proposed subsection without discussion unless we have made up our minds about the acceptance of a proxy voting system which would solve this problem. We then would have this proposed subsection withdrawn.

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Mr. Hamel: Subsections 12, 13, 14, 15 and 16 of the proposed Clause 8 are strictly consequential upon this change in the residence from the issue of the writ to the beginning of the enumeration. There is absolutely nothing changed from the present legislation, except that consequential amendment.

Mr. Duquet: Then the proposed subsection 13 will stand with the proposed subsection 11?

Mr. Hamel: I am sorry, yes. Thank you. Clause 9, on page 11 was redrafted to read a little bit better. The only change is in paragraph (b) on page 12 which would allow the returning officer discretion which he does not have at the moment, to correct some clerical errors in the names or particulars of the electors appearing on the copy of the list that he has to furnish to the printers for the printing of the list. It says "correct any errors of a clerical nature". Just to give an example, we had one case of a pretty irate citizen at the last election who gave his occupation as "writer", but through a spelling error it came out "waiter". He was not very happy as you can imagine, and yet the returning officer could not do anything to change this. So this would give some discretion to the returning officer to correct slight typographical errors or that kind of thing.

Mr. Richard: Would it give him any right to change some of the horrible changes of name that are made sometimes?

Mr. Hamel: Do you mean misspellings?

Mr. Richard: Yes, misspellings.

[Interpretation]

s'est pas posé en 1968. On s'est fondé sur l'interprétation du paragraphe 13 et 11 de cet article de la loi. Il s'agit de préciser la Loi. D'autre part, si le Comité accepte plus ou moins le système de vote par procuration employé en Nouvelle-Écosse...

Le président: Cela n'aura pas beaucoup d'importance.

M. Hamel: De fait, il faudrait l'éliminer, car...

Le président: A mon avis, il faudrait réserver cet article proposé à moins d'avoir pris une décision au sujet de l'acceptation du système de vote par procuration ce qui résoudrait ce problème. On pourrait retrancher cet article proposé.

M. Hamel: Les paragraphes 12, 13, 14, 15, et 16 de l'article 8 proposé découlent strictement de la question du changement du lieu de résidence à partir de l'émission du bref d'élection jusqu'au début de l'énumération. Il n'y a absolument rien de changé au sujet de la Loi actuelle à l'exception de cet amendement indirect.

M. Duquet: Les paragraphes 11 et 13 proposés sont réservés?

M. Hamel: Oui, je m'excuse. Je vous remercie. On a rédigé de nouveau l'article 9 à la page 11 afin de le rendre plus clair. Le seul changement se trouve à la page 12 à l'alinéa (b), ce qui permettra à un officier rapporteur de jouir d'une certaine latitude, qu'il n'a pas actuellement, dans la correction de certaines erreurs d'écriture, relativement aux détails concernant les électeurs qui se trouvent sur la copie de la liste qu'il doit fournir à l'imprimeur pour la publication de la liste. On dit «corriger toutes les erreurs d'écriture». Par exemple, lors des dernières élections, on a eu le cas d'un citoyen qui était très fâché, parce qu'il avait dit qu'il était «writer» à savoir «écrivain» et on a écrit «waiter» c'est-à-dire «garçon de table». Comme vous pouvez l'imaginer, cet électeur n'était pas très content, et l'officier rapporteur ne pouvait pas corriger cette erreur. Cette disposition permettrait à l'officier rapporteur de corriger les petites erreurs d'écriture de ce genre.

M. Richard: Aurait-il le droit de corriger les erreurs d'écriture dans les noms des personnes, qu'on retrouve parfois dans les listes?

M. Hamel: Vous voulez dire les fautes d'orthographe?

M. Richard: Oui—les fautes d'orthographe.

[Texte]

Mr. Hamel: Yes, this is exactly the intent of the redraft. There will be another suggestion that will come later which will give the revising officer the same authority to correct those kinds of error that might have happened through the printing process. These are minor things, but believe me they cause problems at times.

Proposed Clause 9(1) agreed to.

The Chairman: Mr. Hamel, is there anything in the Act which will allow a deputy returning officer when faced with the real misspelling of a name to give the elector a chance to vote?

Mr. Hamel: If there is a slight typographical error or misspelling and if the deputy returning officer is reasonably sure that the person appearing in front of him is the same as the person whose name is on the list, he effect that he is one and the same person.

The Chairman: You know, sometimes it is quite an insult to many electors to be requested to take the oath.

Mr. Hamel: This is what I mentioned a couple of minutes ago when I said that there will be another recommendation to permit the revising officer to correct that kind of spelling error on the lists that will be used at the poll. At the moment, unless the elector himself or the revising agents ask for a correction on the lists nothing can be done. Under the new recommendation if it were brought to his attention the revising officer could make the change, but at the moment the only thing the elector can do is to take the oath on Form No. 43.

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Mr. Richard: Mr. Chairman, everyone of us, I guess, have knowledge of such cases on election day where people have horrible names instead of their own names and, of course, I have told the people just to go there and say you are so and so. Some of them object. They do not like to represent themselves as being that person because they are not that person at all. Their name has been completely misspelled and it is a very embarrassing situation, of course. Usually I have been able to force them to say, "Well, I am so and so", but they did not like it. I suppose there is nothing else that can be done, but the note...

[Interprétation]

M. Hamel: Oui—c'est la raison pour laquelle on fait une nouvelle rédaction. On verra plus loin une autre proposition concernant l'officier reviseur afin qu'il ait le même pouvoir de corriger des erreurs qui auraient pu se glisser lors de l'impression de la liste. Il s'agit de choses sans importance, mais elles peuvent parfois créer des problèmes.

Le président: Le paragraphe (1) de l'article 9 proposé est adopté. Monsieur Hamel—la loi comprend-elle une disposition qui permettra à l'officier rapporteur adjoint, lorsqu'il constatera que le nom d'un électeur est mal épilé, d'accorder le droit de vote à cet électeur?

M. Hamel: S'il s'agit tout simplement d'une erreur typographique ou d'une faute d'orthographe et si l'officier rapporteur adjoint est certain que la personne qui se présente devant lui pour voter est bien la personne dont le nom figure sur la liste, il peut demander à l'électeur d'affirmer sous serment qu'il est bien cette personne dont le nom se trouve sur la liste.

Le président: Parfois, on insulte bien des électeurs en leur demandant de prêter serment.

M. Hamel: Comme je l'ai mentionné il y a quelques minutes, on présentera une autre recommandation afin de permettre à l'officier reviseur de corriger ces fautes d'orthographe sur les listes utilisées dans les bureaux de votation. Actuellement, à moins que l'électeur lui-même ou l'officier reviseur demande de corriger une erreur dans les listes, on ne peut rien faire. En vertu de la nouvelle recommandation, l'officier rapporteur pourrait corriger les erreurs sur les listes, mais actuellement, la seule chose que l'électeur puisse faire, c'est de prêter serment en remplissant la formule no. 43.

M. Richard: Monsieur le président, nous sommes tous au courant que le jour des élections, certaines personnes ne sont pas contentes parce que leur nom est mal épilé, et bien entendu je leur ai dit d'aller au bureau de votation et de donner leur vrai nom. Certains s'y opposent. Ils ne veulent pas se présenter au bureau de votation, car leur nom véritable n'apparaît pas sur la liste. On a mal épilé leur nom, et bien entendu, cela est embarrassant.

[Text]

Mr. Duquet: Well, do you not think with this new article about the corrections this will decrease 60 to 70 per cent, I am sure.

The Chairman: It will help solve the problem though.

Mr. Hamel: Well, what I hope to achieve is that these errors could be picked up at two stages, before the lists of the enumerators go to the printer and then when they get back for the revision process.

The Chairman: Perfect; no problem.

Mr. Hamel: Subsection (12) of Section 17 on page 12 of your series of amendments is only to delete the requirement that an elector whose name has been omitted from the list has to produce his copy of Form No. 7. Form No. 7 is the sheet which the enumerators leave at the home of the elector. At the moment, if a person has been enumerated but his name is not on the list he may go to the returning officer and if he produces his Form No. 7, which is then matched with the copy the returning officer has on file his name may be added to the list. Our experience has indicated that many people misplace their copy of Form No. 7. Furthermore we really do not see what safeguard it actually adds to the whole process provided the returning officer has his copy which is the official copy of Form No. 7. It would mean that anybody whose name has been left off the list, but who has been duly enumerated, could go to the returning officer and if the returning officer can find his copy of Form No. 7, without going through the revision process, he will add his name to the list. It is to cut more or less the so-called red tape.

Mr. Duquet: That is something similar to the certificate that the Quebec provincial government gives out. The only difference is that it could be used to have their name put on the list, while in Quebec they have to show it to vote.

Mr. Hamel: Yes.

Mr. Duquet: This is quite a difference but it is a big amelioration.

Mr. Hamel: Subsection 12(a) of course, is just a limitation. It is.

(12a) A returning officer shall not issue the certificate referred to in subsection (12)

which is the certificate whereby the name of the person is added to the list, certificate in Form No. 20.

[Interpretation]

M. Duquet: Ne croyez-vous pas que grâce à ce nouvel article concernant les corrections, les erreurs diminueront de 60 à 70 p. 100?

Le président: Cela permettrait en tout cas de nous aider à résoudre le problème.

M. Hamel: On pourrait, je l'espère, relever ces erreurs en deux étapes; d'abord, avant l'arrivée chez l'imprimeur de la liste des énumérateurs et ensuite à la révision.

Le président: Voilà; il n'y a donc pas de problème.

M. Hamel: A la page 12 de la série d'amendements, le paragraphe 12 de l'article 17 explique simplement que la condition qui impose à un électeur dont le nom a été omis de la liste de présenter sa copie de la formule no 7 n'existera plus. La formule no 7 est la feuille que l'énumérateur laisse à la maison de l'électeur. Actuellement, si une personne a été énumérée et si son nom ne figure pas sur la liste, elle peut s'adresser à l'officier rapporteur. De plus, si cette personne fournit cette formule n° 7 qui coïncide avec celle que l'officier rapporteur a dans ses dossiers, son nom peut être ajouté à la liste. Nombre de gens perdent leur copie et en outre, le système n'est pas mieux protégé pour autant; il suffit en effet, que l'officier rapporteur ait la copie officielle de la formule n° 7. Donc, quiconque a été énuméré mais, dont le nom ne paraît pas sur la liste peut s'adresser à l'officier rapporteur et si celui-ci retrace la formule n° 7 sans passer par le processus de révision, il pourra ajouter le nom de cette personne sur la liste. De cette façon, on aura éliminé les complications administratives.

M. Duquet: Cette formule ressemble beaucoup au certificat que donne le gouvernement provincial québécois. Au Québec il faut le produire le jour du vote et nous ne pourrions nous en servir que pour faire paraître notre nom sur la liste.

M. Hamel: Oui.

M. Duquet: C'est toute une différence, mais ça constitue une amélioration.

M. Hamel: Le paragraphe (12a) ne présente qu'une restriction:

Un officier rapporteur ne doit pas émettre le certificat mentionné au paragraphe 12...

certificat établi sur la formule n° 20 grâce auquel le nom de la personne est ajouté sur la liste

[Texte]

in the case of a name struck off the printed preliminary list of electors by the revising officer during his sittings for revision.

In other words, the returning officer should not be given the right to do something which the revising officer has decided upon. It is strictly a limitation.

Mr. Duquet: I agree.

The Chairman: Continue.

Mr. Hamel: Subsection (14) I believe should stand because this is consequential on the amendment proposed in Clause 37, which is the re-arrangement of all the penalties and offences sections.

Some hon. Member: Right.
Amendment stood.

Mr. Hamel: Clause 9, subclause (4) which are subsections (17) (18) and (19), or rather (17) and (18) are also consequential on the amendments proposed in Clause 37. I would suggest that they stand. Subsections (19) and (20) are new. This is to give the returning officer the authority to amalgamate two polling divisions where the number of electors is very small. If he finds after the enumeration or after the revision or the enumeration, as the case may be, that the number of electors in two adjacent polling divisions is very small, he could amalgamate the two polling divisions to make only one. This was done in the past but with prior consultation with me and in most cases I say, yes, because it is quite evident. At times we had cases where there were no more than 3 or 10 or 15 or 20 electors in one polling division. It is a waste of money to establish a poll for that polling division.

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Mr. Howe: It is a waste of money to establish a poll when only 5 per cent of the people in that poll vote, too, is it not?

Mr. Duquet: It is the same as the other way around, I think, to divide the poll in two. This time he should make two polls one.

The Chairman: It is a possibility he may.

Mr. Hamel: Subsection (20) is more or less consequential upon the other amendment. It says that the two lists shall also be amalgamated. Pardon me, Mr. Chairman, I would like to get back to (c). I mean subsection (17), paragraph (c).

The Chairman: Page?

[Interprétation]

lorsque l'officier reviseur, au cours de ses séances de revision, a rayé le nom du requérant des listes préliminaires imprimées.

Autrement dit, l'officier rapporteur ne devrait pas avoir le droit de s'immiscer dans les affaires de l'officier reviseur. Il s'agit simplement d'une restriction.

M. Duquet: Je vois.

Le président: Poursuivez.

M. Hamel: Il faudrait réserver le paragraphe (14) parce qu'il découle de l'amendement proposé à l'article 37 qui constitue un nouvel arrangement de toutes les sanctions prévues par l'article.

Une voix: C'est exact.
L'amendement a été réservé.

M. Hamel: Le paragraphe (4) de l'article (9) qui sont les paragraphes (17) et (18), découlent aussi des modifications proposées à l'article 37 du projet. Je propose qu'ils soient réservés. Les paragraphes (19) et (20) sont nouveaux. Cela donne à l'officier rapporteur le droit de faire la fusion de deux arrondissements là où le nombre d'électeurs est très réduit. S'il se rend compte à la suite de l'énumération que le nombre des électeurs dans deux arrondissements de votation est très restreint, il pourrait les fusionner pour n'en faire qu'un. C'est ce qu'on a fait par le passé, mais après m'avoir d'abord consulté. Parfois, on a eu des cas où il n'y avait que 20 électeurs ou moins dans un arrondissement de votation. C'est une perte d'argent que d'ouvrir un bureau de votation pour ce petit nombre.

M. Howe: Surtout s'il n'y a que 5 p. 100 de cette population qui vote.

M. Duquet: C'est l'inverse de la division en deux d'un arrondissement. Ici il faut pensionner deux arrondissements.

Le président: Il est possible qu'il le fasse.

M. Hamel: Le paragraphe (20) découle de l'autre amendement. Il est prévu que les deux listes soient fusionnées. Monsieur le président, j'aimerais revenir à l'alinéa c) du paragraphe (17).

Le président: A quelle page?

[Text]

Mr. Hamel: On page 14; at the top of page 14. I said that subsections (17) and (18) were consequential upon the amendments proposed in Clause 37 although in subsection (17) there is something new in paragraph (c). I quote:

(c) gives, delivers or issues a notice in Form No. 7, duly signed by two enumerators, in the name of a person who he has good reason to believe is not qualified or competent to vote at the election.

At the moment this is to cover the case of padding by enumerators who try to pad the list. This is discovered before the lists are printed. There was a case a few years ago which was thrown out of court because it was discovered before the lists were printed and many Forms No. 7 had disappeared so there was no evidence to show there was an attempt to pad the list. So this was put in at the suggestion of counsel that was retained at that time to make it an offence even before the lists are printed.

Rule (3) of Schedule A—we are now in the schedule of Section 17 which deals with the mechanics of the enumeration in urban areas, in urban polling divisions. In Rule 3 there are in fact two things covered. First, it was redrafted to clarify the whole situation and then it is an up-dating of the procedure. Perhaps we should read the present text which is on the righthand side.

What we wish to do here is to make it much more precise in the case of the returning officer when dealing with the candidates or the persons who are entitled to nominate enumerators in the urban polling divisions in his electoral district. At the moment it says within five days before he intends to appoint. In this case we would like to make it much more specific that the names have to be in I mean by a certain date.

The main amendment, though, is on the definition of or—how could I explain this—on when the sitting member and the candidate who received the highest number of votes at the previous election shall nominate urban enumerators and when it will be somebody designated by the returning officer or the Chief Electoral Officer. The present interpretation of Rule 3 is rather embarrassing because it reads,

(a) in an electoral district the urban areas of which have not been altered since the last preceding election,...

• 1650

You have many cases where the urban areas of an electoral district have not changed but have simply become part of another electoral

[Interpretation]

M. Hamel: Au haut de la page 14. Les paragraphes (17) et (18) découlent des modifications proposées à l'article 37 du projet, bien que le paragraphe (17) apporte un élément nouveau à l'alinéa c) et je cite:

c) donne, délivre ou émet un avis selon la formule n° 7, dûment signé par deux énumérateurs, au nom d'une personne, alors qu'il a des motifs valables de croire qu'elle n'a pas qualité ou titre à voter à l'élection.

C'est pour éviter que les énumérateurs ajoutent des noms à la liste. Un tel cas s'est présenté il y a plusieurs années et n'a pas passé en cour parce qu'on a découvert avant la publication de la liste. On avait trouvé que plusieurs formules n° 7 avaient disparu, mais il n'y avait pas la preuve qu'on avait tenté d'allonger la liste. On a donc ajouté cette disposition pour que toute tentative d'allonger la liste devienne une infraction, même avant l'impression des listes.

La règle (3) de l'annexe A de l'article 17, traite de l'énumération dans les régions urbaines et dans les arrondissements de votation. La règle (3) prévoit deux points. En premier lieu, elle a été rédigée à nouveau afin de tout clarifier et on a essayé de mettre la procédure à jour. Il faut lire le texte de la loi.

On essaie ici de clarifier la question, lorsque l'officier rapporteur traite avec les candidats ou les personnes autorisées à nommer les énumérateurs des arrondissements urbains de leur district électoral. En ce moment on dit cinq jours avant qu'il entreprenne de faire les nominations. Ici les noms devront être donnés avant une certaine date.

La modification principale a trait à la définition. Lorsque le député actuel qui a reçu le plus grand nombre de votes au cours de l'élection précédente, nommera des énumérateurs urbains ou lorsqu'il s'agira d'une personne nommée par l'officier rapporteur ou du directeur général des élections. L'interprétation actuelle de la règle (3) est un peu gênante car on y lit ce qui suit:

(a) dans un district électoral dont les limites de zones urbaines n'ont pas été changées depuis l'élection précédente,...

Parfois les zones urbaines n'ont pas subi de changement mais elles font maintenant partie d'un autre district électoral. Lorsque les zones

[Texte]

district. So when the urban areas have not been altered we should get the names of the enumerators from the member or the candidate who at the previous election in that electoral district received the highest number of votes and the second enumerators from the runner-up. But following a redistribution this is almost impossible because you have two districts that are amalgamated, the boundaries have been completely altered. So in fact the practice for many years has been what we suggest here—and this is in consultation with all the parties. What we do is more or less take the votes received by each party within the boundaries of the new district and then we ask the parties that came first and second to nominate the enumerators. This applies only following each redistribution. In fact this is always the way it has been done by the two Castonguays and it was the way we did it before the 1968 election. It was never challenged up to 1968, but there was one case in 1968 where it was challenged.

As I say, in many cases the urban areas of the electoral district may not have changed—if this happens to be a town within a predominantly urban electoral district—but it may have been shifted from one electoral district to another. So what is being suggested here, which has been the practice for at least 30 years, is that when the boundaries of the district have not been changed the enumerators are appointed by the candidate who received the highest number of votes—in other words the member representing that district in the previous Parliament, and the second enumerator is nominated by the candidate who was second at the previous election. Now if the boundaries have been changed—this is in Rule (3)(b)—we suggest that it be done as it is now, left to the Returning Officer with the approval of the Chief Electoral Officer. As I said, what we do is always go to the two parties which received the highest number of votes within the boundaries of the new electoral district at the previous election.

Mr. Duquet: The only thing I see there, Mr. Hamel, is this,

...give notice...to the candidate who, at the last preceding election in the electoral district, received the highest number of votes...

There is no question there because usually that person is an M.P.

Mr. Hamel: Right.

Mr. Duquet: All right.

...and also to the candidate representing at that election a different and

[Interprétation]

urbaines n'ont pas changé, il faut qu'on obtienne le nom des énumérateurs du candidat qui a reçu le plus grand nombre de votes au cours de l'élection précédente. En raison d'une nouvelle distribution, cette demande est presque impossible vu qu'il y a deux districts qui ont été fusionnés. On a changé la frontière des limites, mais après s'être mis d'accord avec tous les partis, on prend les votes reçus par chacun d'eux dans les nouvelles limites du nouveau district en ensuite on leur demande de nommer les énumérateurs. Ceci s'applique seulement après les nouvelles répartitions de la carte électorale. On n'a jamais mis en cause ce procédé avant 1968.

Dans bien des cas, on n'a peut-être pas changé les limites des zones urbaines s'il s'agissait d'une ville qui contenait surtout des districts électoraux urbains, mais on a pu passer d'un district électoral à un autre. Donc, ce que l'on propose ici et qui est tout à fait conforme à l'usage des trente dernières années, c'est que, lorsque les limites d'un district n'ont pas été modifiées, les énumérateurs soient nommés par le candidat qui a mérité le plus grand nombre de votes, soit par le député qui représentait ce district dans le Parlement précédent. Le deuxième énumérateur est nommé par le candidat qui est arrivé deuxième à l'élection précédente. Si toutefois les limites ont été changées et c'est au paragraphe (b) de la règle (3), nous proposons qu'on s'en remette à l'officier rapporteur, qui reçoit l'assentiment du directeur général des élections.

M. Duquet: Tout ce que je vois ici monsieur Hamel, c'est que:

c) ...donner un avis—au candidat qui, lors de la dernière élection dans le district général a obtenu le plus grand nombre de votes...

Je ne vois pas de problème parce qu'en général, il s'agit d'un député.

M. Hamel: C'est exact.

M. Duquet: Oui.

c) ...et aussi au candidat représentant, à ladite élection, un parti politique diffé-

[Text]

opposed political interest, who received the next highest number of votes...

This is where the difficulty comes, in my humble opinion. Suppose that person who was candidate at that election, as written there, is dead? A fight starts over who is going to be assigned to give the Returning Officer that list of names, because the candidate does not exist any more. Or, in another case, Mr. So and So was the candidate at the last election who got the second highest number of votes but he is not a candidate any more and a new candidate comes in for that specific party. Then their candidate who was not elected but got the highest number of votes at the last election starts a fight with the new candidate of the same party. Which of the two is going to assign to the Returning Officer the list of those people that are to be enumerators? There you have trouble and a fight, the Returning Officer is caught with the problem, and what does he do? He calls Mr. Hamel and starts an argument, asks what he is going to do, whom he is going to give it to, and who is going to designate the list of enumerators?

I wonder if we should study that a little further and try to find another way to designate the second person who is going to give that list. You know, you had trouble during the last election in many, many ridings because of a change of candidates.

Mr. Hamel: There are two things that we perhaps should point out here. First of all, in the way I suggest that the section be reworded, if the boundaries of the electoral district have not been changed since the last election we do not have any choice, it has to be the candidate that was elected at the previous election and, if he is still alive, the candidate who was the runner-up at the previous election—even if he is not a candidate any more.

Mr. Duquet: All right. I will not name any parties but suppose the person that was a candidate for the second party who got the highest votes has changed his attitude and has become part of another party. What happens? Suppose I was a Creditiste candidate at the last election, I got the highest number of votes, the same situation that you mentioned still exists, nothing has changed. I am supposed to give the names for a second list of enumerators, but in the meantime, in the throes of three years, I have changed my allegiance and I have become a Liberal or a Conservative.

[Interpretation]

rent et opposé, qui a obtenu le plus grand nombre de votes après le premier...

Supposons toutefois que celui qui était candidat à cette élection précédente soit mort. Il s'agirait de savoir alors qui sera nommé pour donner à l'officier rapporteur... cette liste de noms. Si un candidat aux dernières élections a obtenu certain nombre de votes, mais s'il n'est plus candidat à la nouvelle élection, et s'il y a un nouveau candidat qui se présente, le premier candidat non élu ferait naître une querelle avec le nouveau candidat du même parti. Qui donc donnera à l'officier rapporteur la liste des électeurs? Cette situation posera une difficulté à ce dernier. Il demandera des renseignements à M. Hamel afin de recevoir des lumières sur la meilleure ligne de conduite à suivre pour savoir qui dressera la liste.

Je sais que vous avez eu des problèmes à la dernière élection dans nombre de circonscriptions à cause du changement de candidat.

Mr. Hamel: Eh bien, il y a deux choses ici qu'il faut retenir. D'abord, si les limites du district électoral n'ont pas été changées depuis les dernières élections, nous n'avons pas de choix. Il faut que ce soit le candidat qui a été élu à l'élection précédente et, ensuite, celui qui, s'il vit encore, est arrivé deuxième à l'élection précédente et cela même s'il n'est plus candidat.

Mr. Duquet: Je ne nommerai pas de parti. Supposons, par exemple, qu'une personne qui était candidate pour le deuxième parti et qui a obtenu le plus grand nombre de votes, ait changé d'attitude et soit devenue partisane d'un autre parti. Supposons que de candidat créditiste, je suis devenu candidat libéral. Que se passera-t-il? Je suis censé donner le nom des énumérateurs, mais si j'ai changé de parti et que je suis devenu libéral ou conservateur, que se produira-t-il?

The Chairman: There is no problem.

Le président: Je n'y vois aucune difficulté.

[Texte]

Mr. Duquet: Do you know what the Creditiste Party is going to say about those nominations of enumerators, and do you see the fight you will have there?

Mr. Hamel: Even if the candidate has changed to another party, if he still represents under the Act as it reads now and as we suggest it continue to read, because we did not change the substance of the whole thing, political interests different and opposed to the other candidate who is going to nominate the other enumerators he is still entitled to nominate the urban enumerators—if the boundaries have not been changed. Now if the boundaries in the meantime were changed or if the second candidate died, then it is a different story.

The Chairman: Mr. Hamel, the point raised by Mr. Duquet was not specifically that. It can happen only when the second candidate at the election has changed his political affiliation.

Mr. Duquet: Not exactly. Mr. Chairman, he might still be in the same party, he might still have wanted to be a candidate and has been rejected as a candidate by his party but still remains a member of the party and another man has been designated candidate by the party.

Mr. Forrestall: Or run as an independent.

Mr. Duquet: Or wants to run as an independent.

The Chairman: No. If he runs...

Mr. Duquet: Even if he does not run, Mr. Chairman.

The Chairman: Well, if he does not run surely he will not be interested and he will ask someone else to do it for him. But if he has the authority to do it within the law and if he is interested, and if he runs, he is entitled to appoint the enumerators.

Mr. Howe: Well, why use the word "candidate", why not use the words "political interest"?

The Chairman: I was going to suggest this, but does it make any difference?

Mr. Duquet: If we said "a person belonging or designated by the party who has received the highest number of votes"...

Mr. Howe: And has a "political interest", because "political interest" is used down here.

Mr. Richard: I do not think that the Act recognizes parties, it recognizes candidates,

[Interprétation]

M. Duquet: Vous pouvez sans doute prévoir quelle querelle va soulever le parti créditiste à propos de la nomination des énumérateurs?

M. Hamel: Même si le candidat a changé de parti, s'il est encore représentant d'un parti politique différent et opposé à celui de l'autre candidat qui va nommer les autres énumérateurs, il a quand même droit de nommer les énumérateurs urbains si les frontières n'ont pas été changées. S'il y a eu changement de limite, ou si le deuxième candidat est décédé, alors c'est une autre histoire.

Le président: Ce n'est pas tout à fait la question qu'a soulevée M. Duquet. Cette situation ne peut se produire que si le deuxième candidat à l'élection a changé d'appartenance politique.

M. Duquet: Pas tout à fait. Il se peut qu'il appartienne au même parti et qu'il ait voulu être candidat; il a été rejeté par son parti tout en y restant membre et un autre homme a été nommé.

M. Forrestall: Il se présente en tant qu'indépendant, par exemple?

M. Duquet: Il voudrait se présenter comme indépendant.

Le président: Non, s'il se présente. . .

M. Duquet: Même s'il ne se présente pas, monsieur le président.

Le président: La loi lui confère le droit de nommer les énumérateurs. S'il ne se présente pas, il demandera sûrement à un autre de le faire pour lui.

M. Howe: Alors, pourquoi ne dit-on pas «parti politique» au lieu de «candidat»?

Le président: J'allais proposer cela.

M. Duquet: Si l'on disait: quelqu'un qui serait désigné par le parti qui a reçu le plus grand nombre de votes.

M. Howe: . . .et a un «parti politique».

M. Richard: Je ne crois pas que la loi reconnaisse les partis; ce sont plutôt les can-

[Text]

and I think we would be going off the beam completely. If we start delving into the question of introducing parties into the Act instead of candidates, we are going to get into quite a mess. I mean you would have to change the whole principle of the Act. The premise that this is based on is not the political affiliation so much of a person, it is that the person has been elected and received the largest number of votes at the last election. He could be an independent who got elected, he does not need to have a political affiliation. He could be an independent and not belong to any party but if he was elected as an independent he still should have the choice of naming enumerators too.

• 1700

Mr. Duquet: This is the first part of the article; this is not the part we are talking about.

Mr. Howe: And still, the political interest that he represented should have the right to appoint enumerators, should it not?

The Chairman: Its being five o'clock, I think we should adjourn and think about it further to be able to discuss this article on Thursday at 9.30 a.m. in Room 253D, the Railway Committee Room.

[Interpretation]

didats qu'elle reconnaît. Si l'on commence à sonder cette question et si l'on prend le mot parti, on risque de créer un labyrinthe de confusions; il faudrait changer tout le principe de la loi. Le principe essentiel, c'est que quelqu'un a été élu et a obtenu le plus grand nombre de votes à la dernière élection. Il pourrait bien être indépendant. Il n'a pas forcément d'appartenance politique précise, mais s'il a été élu en tant qu'indépendant, il devrait avoir le droit de nommer les énumérateurs aussi.

M. Duquet: C'est la première partie de l'article; ce n'est pas ce que nous discutons à présent.

M. Howe: Alors, le parti politique qu'il représente devrait avoir le droit de nommer les énumérateurs, n'est-ce pas?

Le président: Puisqu'il est cinq heures, il y aurait lieu peut-être d'y réfléchir davantage et de lever la séance. Vous pourriez retourner, jeudi à 9 h. 30 du matin à la salle 253-D, salle de comité des chemins de fer.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969-70

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 9

THURSDAY, JANUARY 22, 1970

LE JEUDI 22 JANVIER 1970

Canada Elections Act

Loi électorale du Canada

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir le procès-verbal)

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman
Vice-Chairman
and Messrs.

Alkenbrack,
Benjamin,
Code,
Duquet,
Forest,
Forrestall,

M. Ovide Laflamme
Mr. Steve Paproski

Fortin,
Guay (*Lévis*),
Howard (*Skeena*),
Howe,
Jerome,
Lefebvre,

(Quorum 11)

Le greffier du Comité,
R. V. VIRR,
Clerk of the Committee.

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Président
Vice-président
et MM.

Macquarrie,
Marceau,
Murphy,
Richard,
Stafford,
Trudel—20.

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, January 22, 1970.
(12)

The Standing Committee on Privileges and Elections met this day at 9.40 a.m. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Alkenbrack, Duquet, Forest, Forrestall, Howe, Jerome, Laflamme, Lefebvre, Marceau, Richard, Trudel—(11).

Also present: Mr. Deachman, M.P.

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The members had for consideration the subject matter of Bill C-97, An Act to amend the Canada Elections Act (Students' Franchise).

Mr. Deachman explained the purpose of the bill.

After debate thereon, it was agreed that the Subcommittee on Agenda and Procedure would draft an amendment relating to the recommendations contained in Bill C-97 and present it to the main Committee for approval.

The Committee resumed its study of the Draft amendments to the Canada Elections Act.

The Committee unanimously agreed that:

Section 8

Section 8 of the said Act be further amended by adding thereto the following subsection:

"(5) Where the office of returning officer for an electoral district becomes vacant, the appointment of a returning officer for that electoral district pursuant to subsection (1) shall be made within sixty days from the date on which the Chief Electoral Officer has been informed of the vacancy."

[Traduction]

PROCÈS-VERBAL

Le JEUDI 22 janvier 1970
(12)

Le Comité permanent des privilèges et Élections se réunit ce matin à 9h 40. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Alkenbrack, Duquet, Forest, Forrestall, Howe, Jérôme, Laflamme, Lefebvre, Marceau, Richard, Trudel—(11)

Autre député présent: M. Deachman.

Témoin: M. J.-M. Hamel, Directeur général des élections.

Les députés ont à étudier le Bill C-97, Loi modifiant la Loi électorale du Canada (Droit de vote des étudiants).

M. Deachman explique l'objet du projet de loi.

Après discussion, il est convenu que le Sous-comité du Programme et de la Procédure préparera un projet de modification sur les recommandations contenues dans le bill C-97 et le soumettra à l'approbation du Comité.

Le comité reprend son étude des projets de modification à la Loi électorale du Canada.

Le Comité s'entend à l'unanimité sur les questions suivantes:

Article 8

L'article 8 de ladite loi soit en outre modifié par l'insertion du paragraphe suivant:

«(5) Lorsque la charge d'officier rapporteur d'un district électoral devient vacante, la nomination d'un officier rapporteur pour ce district électoral en conformité du paragraphe (1) doit être faite dans les soixante jours qui suivent la date où le directeur général des élections a été informé de la vacance.»

Section 11

Section 11 of the said Act be repealed and the following substituted therefor:

"11. (1) The polling divisions of an electoral district shall be those established for the last general election, unless the Chief Electoral Officer at any time considers that a revision of the boundaries thereof is necessary, in which case he shall instruct the returning officer for the electoral district to carry out such a revision before a date to be fixed by the Chief Electoral Officer.

(2) The returning officers, in carrying out a revision pursuant to instructions issued under subsection (1), shall

(a) give due consideration to the polling divisions established by municipal and provincial authorities and to geographical and all other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division, or as prescribed in subsection (6), (7), (8) or (9) of section 31; and

(b) subject to paragraph (a), reallocate and define the boundaries of the polling divisions of his electoral district so that each polling division, wherever practicable, contains approximately two hundred and fifty electors.

(3) Where by reason of a practice locally established, or other special circumstance, it is more convenient to constitute a polling division including substantially more than two hundred and fifty electors, the returning officer may, with the approval of the Chief Electoral Officer and notwithstanding anything in this section, constitute a polling division including as nearly as possible some multiple of two hundred and fifty electors."

L'article 11 de ladite loi soit abrogé et remplacé par ce qui suit:

«11. (1) Les arrondissements de votation d'un district électoral doivent être ceux qui avaient été établis lors de la dernière élection générale, à moins que le directeur général des élections ne soit d'avis à l'occasion qu'une revision de leurs limites est nécessaire, auquel cas il doit ordonner à l'officier rapporteur du district électoral d'effectuer cette revision avant une date qui devra être fixée par le directeur général des élections.

(2) L'officier rapporteur, lorsqu'il effectue une revision en conformité des instructions reçues en vertu du paragraphe (1), doit

a) dûment tenir compte des arrondissements de votation établis par les autorités municipales et provinciales, ainsi que des particularités géographiques et de toutes les autres particularités qui peuvent influer sur la commodité avec laquelle les électeurs peuvent exercer leur droit de vote au bureau de votation approprié, lequel doit être établi par l'officier rapporteur en un local convenable dans l'arrondissement de votation, ou comme le prescrit le paragraphe (6), (7), (8) ou (9) de l'article 31; et

b) sous réserve de l'alinéa a), réassigner et définir les limites des arrondissements de votation de son district électoral afin que chaque arrondissement de votation contienne, lorsque la chose est possible, environ deux cent cinquante électeurs.

(3) Lorsque, par suite d'une coutume locale ou d'une autre circonstance particulière, il est plus avantageux de créer un arrondissement de votation comprenant beaucoup plus que deux cent cinquante électeurs, l'officier rapporteur peut, avec l'approbation du directeur général des élections et nonobstant toute autre disposition du présent article, créer un arrondissement de votation comprenant d'aussi près que possible un multiple de deux cent cinquante électeurs.»

Section 12

Subsection (2) of section 12 of the said Act be repealed and the following substituted therefor:

“(2) Whenever it has been represented to the Chief Electoral Officer that

(a) the population of any place other than a place referred to in subsection (1) is of a transient or floating character, or

(b) that any rural polling divisions situated near an incorporated city or town of five thousand population or more have acquired the urban characteristics of the polling divisions comprised in that city or town, he has power, when requested not later than the date of the issue of the writ ordering an election in the electoral district in which that place or those rural polling divisions are located, to declare, and he shall so declare if he deems it expedient, any of the polling divisions in that place or any of those rural polling divisions to be urban polling divisions.

(2a) Whenever it has been represented to the Chief Electoral Officer that part of an incorporated city or town of five thousand population or more is rural in nature, he has power, when requested not later than the date of the issue of the writ ordering an election in the electoral district in which that part of such city or town is located, to declare, and he shall so declare if he deems it expedient, any or all of the polling divisions comprised in that part of such city or town to be rural polling divisions.”

Section 16

(1) Subsections (6) and (7) of section 16 of the said Act be repealed and the following substituted therefor:

“(6) For the purpose of a general election every person shall be deemed to continue until polling day to ordinarily reside in the electoral district in

Article 12

Le paragraphe (2) de l'article 12 de ladite loi soit abrogé et remplacé par ce qui suit:

«(2) Lorsqu'il a été exposé au directeur général des élections

a) que la population d'un lieu autre qu'un lieu mentionné au paragraphe (1) est une population flottante ou passagère, ou

b) qu'un arrondissement rural, situé près d'une cité ou ville constituée en corporation qui a une population de cinq mille ou plus, a acquis le caractère urbain des arrondissements de votation compris dans cette cité ou ville,

il a, quand il en est requis au plus tard à la date de l'émission du bref ordonnant la tenue d'une élection dans le district électoral où sont situés ce lieu ou ces arrondissements ruraux, le pouvoir de déclarer, et il doit le déclarer s'il le juge à propos, que l'un, plusieurs ou la totalité des arrondissements de votation situés en ce lieu ou que l'un, plusieurs ou la totalité de ces arrondissements ruraux sont des arrondissements urbains.

(2a) Lorsqu'il a été exposé au directeur général des élections qu'une partie d'une cité ou ville, constituée en corporation et ayant une population de cinq mille ou plus, est de caractère rural, il a, quand il en est requis au plus tard à la date de l'émission du bref ordonnant la tenue d'une élection dans le district électoral où est située cette partie de cette cité ou ville, le pouvoir de déclarer, et il doit le déclarer s'il le juge à propos, que l'un, plusieurs ou la totalité des arrondissements de votation compris dans cette partie de cette cité ou ville sont des arrondissements ruraux.»

Article 16

(1) Les paragraphes (6) et (7) de l'article 16 de ladite loi soient abrogés et remplacés par ce qui suit:

«(6) Aux fins d'une élection générale, toute personne est censée continuer, jusqu'au jour du scrutin, de résider ordinairement dans le district électoral où

which he was ordinarily resident on the enumeration date, and no actual change of residence during the intervening period shall deprive him of his right to vote in such electoral district or entitle him to vote in any other electoral district unless he is one of the persons described in subsection (7) or (8) and exercises his rights thereunder, in which event he is not entitled to vote in the polling division in which he was ordinarily resident on the enumeration date.

(7) For the purpose of a general election and notwithstanding anything in this Act, any of the following persons who, in the interval between the enumeration date and polling day, changes his place of ordinary residence from one polling division to another polling division in the same or another electoral district is, if otherwise qualified as an elector, entitled, if he so elects, to be included in the list of electors for the polling division in which he is ordinarily resident at the time of his application, and to vote at the polling station established therein, if

(a) being a minister, priest or ecclesiastic of any religious faith or denomination, he is in charge of or permanently attached to an established place of worship or recognized mission of his church situated in or near the polling division to which he has removed; or

(b) being a teacher, he is employed under a contract with the appropriate educational authority and is engaged in teaching at a school situated in or near the polling division to which he has removed."

Subsections (11) to (16) of section 16 of the said Act be repealed and the following substituted therefor:

"(11) A person shall be deemed to be ordinary resident, on the enumeration date for an election, in a polling divi-

elle résidait ordinairement à la date de l'énumération et aucun changement réel de résidence pendant cet intervalle ne la prive de son droit de voter dans ce district électoral ou ne lui donne le droit de voter dans un autre district électoral, à moins qu'elle ne soit l'une des personnes visées au paragraphe (7) ou (8) et qu'elle n'exerce ses droits sous son régime, auquel cas elle n'a pas le droit de voter dans l'arrondissement de votation où elle résidait ordinairement à la date de l'énumération.

(7) Aux fins d'une élection générale et nonobstant toute autre disposition de la présente loi, l'une quelconque des personnes suivantes qui, dans l'intervalle entre la date de l'énumération et le jour du scrutin, change son lieu de résidence ordinaire d'un arrondissement de votation à un autre arrondissement de votation situé dans le même ou dans un autre district électoral a le droit, si elle possède par ailleurs les qualités requises d'un électeur et si elle choisit de le faire, d'être inscrite sur la liste électorale de l'arrondissement de votation où elle résidait ordinairement au moment de sa demande, et de voter au bureau de votation qui y est établi, pourvu que,

a) s'il s'agit d'un ministre, prêtre ou ecclésiastique de quelque confession religieuse, il soit préposé à la direction d'un lieu cultuel établi ou d'une mission reconnue de son église, situés dans l'arrondissement de votation où il a déménagé, ou près de celui-ci, ou affecté en permanence à ce lieu cultuel ou à cette mission; ou

b) s'il s'agit d'un instituteur, il soit employé en vertu d'un contrat avec l'autorité compétente en matière d'éducation et s'occupe de l'enseignement dans une école située dans l'arrondissement de votation où il a déménagé ou près de celui-ci.»

Les paragraphes (11) à (16) de l'article 16 de ladite loi soient abrogés et remplacés par ce qui suit:

«(11) Une personne est censée résider ordinairement, à la date de l'énumération pour une élection générale, dans

sion in which he is temporarily residing while temporarily employed in the pursuit of his ordinary gainful occupation and is entitled to have his name included in the list of electors prepared for that polling division and is qualified to vote therein at the election, if he

(a) is otherwise qualified as an elector;

(b) has been in continuous residence therein for at least thirty days immediately preceding the enumeration date; and

(c) is on polling day still temporarily residing therein while temporarily employed in the pursuit of his ordinary gainful occupation."

(12) A person who is the wife or dependant of a member of the Canadian Forces shall be deemed to be ordinarily resident on the enumeration date for a general election in the polling division in which that person is occupying residential quarters during the course and as a result of the services performed by the member in the Canadian Forces and, if otherwise qualified as an elector, is entitled to have his or her name included in the list of electors prepared for such polling division and is qualified to vote therein at the general election.

(13) The wife or dependant of a person mentioned in subsection (11) who has come to an electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by that person, shall not be deemed to be ordinarily resident on the enumeration date in such electoral district, unless that wife or dependant has been in continuous residence therein for at least thirty days immediately preceding the enumeration date.

(14) No person shall, for the purpose of this Act, be deemed to be ordinarily resident on the enumeration date in lodgings, or a hostel, refuge or similar institution conducted for charitable or

un arrondissement de votation où elle réside temporairement pendant qu'elle est provisoirement employée à la poursuite de son occupation rémunérée ordinaire et elle a droit à l'inscription de son nom sur la liste électorale dressée pour cet arrondissement de votation et est habile à y voter à l'élection générale

a) si elle possède par ailleurs les qualités requises d'un électeur;

b) si elle y a résidé de façon continue pendant au moins les trente jours qui ont précédé immédiatement la date de l'énumération; et

c) si, le jour du scrutin, elle y réside encore temporairement pendant qu'elle est provisoirement employée à la poursuite de son occupation rémunérée ordinaire.

(12) Une personne qui est l'épouse ou une personne à charge d'un membre des Forces canadiennes est censée résider ordinairement, à la date de l'énumération pour une élection générale, dans l'arrondissement de votation où cette personne occupe un logement pendant la durée et par suite des services effectués par ce membre dans les Forces canadiennes. Cette personne, si elle possède par ailleurs les qualités requises d'un électeur, a droit à l'inscription de son nom sur la liste électorale dressée pour cet arrondissement de votation et est habile à voter dans cet arrondissement à l'élection générale.

(13) L'épouse ou la personne à charge d'une personne dont fait mention le paragraphe (11), venue dans un district électoral pour occuper une maison d'habitation au cours et en conséquence des services accomplis par cette personne, n'est pas censée résider ordinairement, à la date de l'énumération, dans ce district électoral, sauf si cette épouse ou cette personne à charge y a résidé de façon continue pendant au moins les trente jours qui ont précédé immédiatement la date de l'énumération.

(14) Aux fins de la présente loi, nulle personne n'est censée résider ordinairement, à la date de l'énumération, dans un district électoral où elle est venue afin de travailler temporairement à l'exécution

semi-charitable purposes, unless that person has been in continuous residence in such lodgings or such hostel, refuge or similar institution for at least ten days immediately preceding the enumeration date.

(15) A person shall, for the purpose of this Act, be deemed to be ordinarily resident on the enumeration date in a sanatorium, a home for the aged, a chronic hospital or similar institution for the treatment of tuberculosis or other chronic diseases if that person has been in continuous residence therein for at least ten days immediately preceding the enumeration date."

Section 17

Subsection (4) of section 17 of the said Act be repealed and the following substituted therefor:

"(4) The returning officer shall, upon receipt of the two copies of the preliminary list of electors from each pair of urban enumerators, pursuant to Rule (15) of Schedule A to this section, and of the preliminary list of electors from every rural enumerator, pursuant to Rule (11) of Schedule B to this section,

(a) use one copy of each, respectively, for the printing of the preliminary lists;

(b) correct any errors of a clerical nature in the name and particulars of any elector appearing on the copy of the list that he furnishes to the printer and initial each correction; and

(c) retain the second copy of each such list and keep it available for public inspection at all reasonable hours until the close of the poll on polling day."

Subsection (12) of section 17 of the said Act be repealed and the following substituted therefor:

d'un ouvrage public fédéral ou provincial, ou à titre de résident dans un camp établi temporairement relativement à cet ouvrage public sous le contrôle du gouvernement fédéral ou provincial dans ce district électoral, sauf si cette personne y a résidé de façon continue pendant au moins les trente jours qui ont précédé immédiatement la date de l'énumération.

(15) Aux fins de la présente loi, une personne est censée résider ordinairement, à la date de l'énumération, dans un sanatorium, un asile pour les vieillards, un hôpital pour malades chroniques, ou une institution de ce genre pour le traitement de la tuberculose ou autres affections chroniques, si cette personne y a résidé de façon continue pendant au moins les dix jours qui ont précédé immédiatement la date de l'énumération."

Article 17

Le paragraphe (4) de l'article 17 de ladite loi soit abrogé et remplacé par ce qui suit:

"(4) Sur réception des deux copies de la liste préliminaire des électeurs dressée par chaque paire d'énumérateurs urbains, en conformité de la règle (15) de l'annexe A du présent article et sur réception de la liste préliminaire des électeurs dressée par chaque énumérateur rural, en conformité de la règle (11) de l'annexe B du présent article, l'officier rapporteur doit

a) utiliser une copie de chacune, pour l'impression des listes préliminaires;

b) corriger toutes les erreurs d'écriture relatives au nom d'un électeur et aux renseignements concernant un électeur lesquels figurent sur la copie de la liste qu'il fournit à l'imprimeur et parapher chaque correction; et

c) conserver la seconde copie de chacune de ces listes et la tenir à la disposition du public pour examen à toute heure raisonnable jusqu'à la fermeture des bureaux de votation le jour du scrutin."

Le paragraphe (12) de l'article 17 de ladite loi est abrogé et remplacé par ce qui suit:

“(12) If, after the sittings of the revising officer, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the official list for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the carbon copy of the notice in Form No. 7 contained in the enumerators' record books in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 20 entitling him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with such certificate.

(12a) A returning officer shall not issue the certificate referred to in subsection (12) in the case of a name struck off the printed preliminary list of electors by the revising officer during his sittings for revision.”

Subsection (19) and (20) of section 17 of the said Act be repealed and the following substituted therefor:

(19) After the completion of the enumeration or of the revision of the lists of electors, as the case may be, a returning officer may, upon the prior approval of the Chief Electoral Officer, where there appears on the list of electors of a polling division in his electoral district less than two hundred names whether by reason of a mistake or miscalculation in the number of electors estimated by him when establishing the polling division or for any other reason whatever, amalgamate the polling division with one or more adjacent polling divisions in the electoral district.

«(12) Si, après les séances de l'officier reviseur, l'on s'aperçoit que le nom d'un électeur auquel les énumérateurs ont dûment délivré un avis selon la formule n° 7, a, par inadvertence, été omis de la liste officielle d'un arrondissement urbain, l'officier rapporteur doit, à la demande personnelle formulée par l'électeur intéressé, et après avoir établi, d'après la copie au carbone de l'avis, selon la formule n° 7, contenue dans les registres des énumérateurs en sa possession, que cette omission a réellement été commise, délivrer à cet électeur un certificat, selon la formule n° 20, l'autorisant à voter au bureau de votation pour lequel son nom aurait dû être inscrit sur la liste officielle. L'officier rapporteur doit au même moment expédier une copie de ce certificat au sous-officier rapporteur intéressé et à chacun des candidats officiellement mis en présentation à l'élection en cours dans le district électoral ou à son représentant, et la liste électorale officielle est, à tous égards, censée avoir été modifiée en conformité de ce certificat.

(12a) Un officier rapporteur ne doit pas émettre le certificat mentionné au paragraphe (12) lorsque l'officier reviseur, au cours de ses séances de révision, a rayé le nom du requérant des listes préliminaires imprimées.»

Les paragraphes (19) et (20) de l'article 17 de ladite loi soient abrogés et remplacés par ce qui suit:

(19) Une fois terminé le travail d'énumération ou de révision des listes électorales, selon le cas, un officier rapporteur peut, avec l'approbation préalable du directeur général des élections, lorsqu'il apparaît sur la liste électorale d'un arrondissement de votation de son district électoral moins de deux cents noms, soit par suite d'une erreur ou d'un calcul erroné dans l'estimation qu'il a faite du nombre d'électeurs lorsqu'il a établi l'arrondissement de votation, soit pour toute autre raison, fusionner l'arrondissement de votation avec un ou plusieurs arrondissements de votation adjacents dans le district électoral.

(20) The lists of electors for the two or more amalgamated polling divisions referred to in subsection (19) shall be deemed to be the official list for the new polling division created by the amalgamation."

Rule (3) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

"Rule (3). When instructed by the Chief Electoral Officer at any time prior to the issue of the writ ordering an election in his electoral district or, if he is not so instructed prior to the issue of the writ, on the date of the issue of the writ,

(a) the returning officer shall, in an electoral district the boundaries of which have not been altered since the last preceding election,

(i) give notice to the candidate who, at the last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes, to nominate a fit and proper person for appointment as an enumerator for every urban polling division comprised in the electoral district, whereupon each such candidate or his designated representative shall, not later than twelve o'clock noon on the fifty-fourth day before polling day, nominate such persons and furnish to the returning officer a list of the names of the persons so nominated for all urban polling divisions, and

(ii) except as provided in Rule (4), appoint the persons nominated pursuant to his notice to be enumerators for the polling divisions for which they have been nominated; and

(b) the returning officer shall, with the concurrence of the Chief Electoral Officer

(20) Les listes électorales pour deux ou plusieurs arrondissements de votation fusionnés dont il est fait mention au paragraphe (19) sont censées être la liste officielle pour le nouvel arrondissement de votation créé par la fusion.»

La règle (3) de l'annexe A de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (3). Lorsqu'il en reçoit l'ordre du directeur général des élections, à tout moment avant l'émission du bref ordonnant la tenue d'une élection dans son district électoral ou, s'il ne reçoit pas cet ordre avant l'émission du bref, le jour de l'émission du bref,

a) l'officier rapporteur doit, dans un district électoral dont les limites n'ont pas été changées depuis l'élection précédente

(i) donner un avis au candidat qui, lors de la dernière élection dans le district électoral, a obtenu le plus grand nombre de votes, et aussi au candidat représentant, à cette élection, une tendance politique différente et opposée, qui a obtenu le plus grand nombre de votes après le premier, afin que ceux-ci désignent une personne apte et qualifiée en vue du poste d'énumérateur pour chaque arrondissement urbain compris dans le district électoral, et alors chacun de ces candidats ou le représentant qu'il choisit doit, au plus tard à midi le cinquante-quatrième jour avant le jour du scrutin, désigner ces personnes et fournir à l'officier rapporteur une liste des noms des personnes ainsi désignées pour tous les arrondissements urbains, et

(ii) sauf les dispositions de la règle (4), nommer les personnes désignées en conformité de son avis comme énumérateurs des arrondissements de votation pour lesquels elles ont été désignées; et

b) l'officier rapporteur doit, avec l'assentiment du directeur général des élections

(i) in an electoral district the boundaries of which have been altered since the last preceding election,

(ii) in an electoral district where at the last preceding election there was opposed to the candidate elected no candidate representing a different and opposed political interest, and

(iii) where, for any reason, either of the candidates mentioned in clause (a) is not available to nominate enumerators or to designate a representative to nominate enumerators, determine which candidates or persons are entitled to nominate urban enumerators and proceed to give notice and make appointments of enumerators as directed by clause (a)."

At 11:10 a.m., the Committee adjourned until 9:30 a.m., January 27, 1970.

(i) dans un district électoral dont les limites ont été changées depuis l'élection précédente,

(ii) dans un district électoral où, à la dernière élection, le candidat élu n'avait pour adversaire aucun candidat représentant une tendance politique différente et opposée, et

(iii) lorsque, pour quelque raison, l'un ou l'autre des candidats mentionnés à l'alinéa a) n'est pas disponible pour désigner les énumérateurs ou choisir un représentant pour désigner les énumérateurs, décider quels candidats ou personnes ont le droit de désigner des énumérateurs urbains, et procéder à donner avis et à faire les nominations d'énumérateurs comme le prescrit l'alinéa a).»

A 11 h. 10, le comité suspend ses travaux jusqu'au 27 janvier 1970, à 9 h. 30 du matin.

*Le greffier du comité,
R. W. Virr,
Clerk of the Committee.*

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, January 22, 1970

• 0945

The Chairman: Order, please. I see that we have a quorum to hear evidence.

I would just like to remind members to speak as close as possible to the nearest microphone beside them. This is for the purpose of better recording.

We do not have a quorum presently to pass motions but I believe that we should continue to hear evidence and have discussion on the amendments proposed by Mr. Hamel. At adjournment the other day we were discussing Section 16, subsection (9), the section regarding students. Would you, Mr. Hamel, give me the precise subsection?

Mr. J. M. Hamel (Chief Electoral Officer): It is proposed subsection (9).

Mr. Lefebvre: What page?

Mr. Hamel: It is on page 8 of the "Proposed Draft Amendments to the Canada Elections Act." It is subsection (9), Section 16.

The Chairman: We already have had some discussion on this particular subject. I believe that our colleague, Grant Deachman, has already presented a private Bill on one of the particular aspects that he believes could arise in respect of votes of students. Maybe we could allow Mr. Deachman to express his point to us and then have discussion on this point.

Mr. Deachman: Mr. Chairman, I want to thank you very much for extending an invitation to me to come and express my views in connection with the Canada Elections Act as it affects the student franchise under certain conditions. I am most grateful to you for making this opportunity available to me this morning.

I first want to set the background for what I have to say by referring to a letter which I wrote to Mr. Nelson Castonguay on November 23, 1965, in which I said in part:

Vancouver-Quadra is the seat of the University of British Columbia. An estimated 2,000 U.B.C. students lost their votes in this election...

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le jeudi, 22 janvier 1970

Le président: A l'ordre, s'il vous plaît. Je constate que nous sommes en nombre pour entendre les témoignages.

Je vous demande de parler le plus près possible du microphone afin que l'enregistrement soit meilleur.

Le quorum n'est pas encore atteint et nous ne pouvons adopter les motions, mais nous pouvons continuer d'entendre les témoignages et de discuter des amendements proposés par M. Hamel. Juste avant d'ajourner l'autre jour, nous en étions à l'article 16, paragraphe 9, concernant les étudiants. M. Hamel pourrait-il nous lire le paragraphe?

M. J.-M. Hamel (directeur général des élections): Il s'agit du paragraphe 9.

M. Lefebvre: Quelle page?

M. Hamel: A la page 8 de la brochure «Projet de modification à la Loi électorale du Canada.» Au paragraphe 9 de l'article 16.

Le président: Nous avons déjà discuté de cette question. Notre collègue, M. Grant Deachman, a présenté un bill privé sur un des aspects particuliers du vote des étudiants. Peut-être pourrions-nous permettre à M. Deachman d'exprimer ses idées à ce sujet, et nous pourrions en discuter.

M. Deachman: Monsieur le président, je tiens à vous remercier de m'avoir invité à venir ici pour faire connaître mes opinions au sujet de la loi électorale en ce qui concerne le droit de vote des étudiants dans certaines situations. Je vous suis reconnaissant de m'avoir fourni l'occasion de faire connaître mes commentaires ce matin.

Tout d'abord, je voudrais vous faire un exposé de base. J'avais écrit une lettre à M. Nelson Castonguay le 23 novembre 1965, dans laquelle je disais:

Le comté de Vancouver Quadra est le siège de l'Université de la Colombie-Britannique et environ 2,000 étudiants de l'université de la Colombie-Britannique n'ont pas eu le droit de vote au cours de cette élection...

[Text]

This was the election of 1965.

...under the provisions of Paragraph 16(9) of the Canada Elections Act because they were not duly registered and in attendance at university when the election writ was issued on September 8, although most were here when the enumerators called during the week of September 20 to register the voters.

Unless this section of the Act is amended students at U.B.C. and other educational institutions will continue to be in danger of losing their franchise whenever a September election is called.

Then I went on to point out that:

Ministers and teachers now have the special privilege of moving into a new constituency at any time during an election and registering as voters under the provisions of 16(7)(a) and 16(7)(b). I suggest that students be accorded the same privilege...

I then went on to explain how this might be done.

I then proceeded to the drafting of a Bill. I put that Bill before the House of Commons as a Private Member's Bill in every subsequent session of Parliament right up to the present and nothing has been done about the Bill to amend the Act except that I believe the subject matter of this Bill and all other Bills dealing with the Canada Elections Act by private members have been referred to your Committee to be dealt with.

I then had a letter about a year later from Mr. Hamel—I am glad to see him here this morning—in which he said:

From the file which I have on hand,...

We were beginning to build up quite a bit of paper by this time because this was disturbing me.

...I gather that the matter raised in your letter of October 14 caused quite a lot of dissatisfaction among the student population,...

Well, that is a mild way of putting it.

...when a large number of university students could not vote at the last general election. ...

He continued:

...To my knowledge, however, nothing has been done to amend the Act since, as you undoubtedly recall, the Canada Elections Act was last referred to the Stand-

[Interpretation]

Il s'agissait de l'élection de 1965.

...aux termes du paragraphe 9 de l'article 16 de la Loi électorale du Canada, parce qu'ils n'étaient pas dûment inscrits à l'université, lorsque les mandats électoraux ont été émis le 8 septembre bien que la plupart d'entre eux étaient présents lorsque les énumérateurs sont venus pendant la semaine du 20 septembre pour inscrire les électeurs.

A moins que cet article ne soit modifié, les étudiants de nos universités et des autres maisons d'éducation risqueront de perdre leur droit de vote si une autre élection est tenue en septembre.

Puis je poursuivais:

Les ministres et les professeurs peuvent maintenant déménager dans une autre circonscription à n'importe quel moment pendant l'élection et s'inscrire comme électeurs aux termes de l'article 16(7)(a) et b). Je propose que les étudiants jouissent du même privilège...

J'expliquais ensuite la façon dont on pouvait procéder.

J'ai alors rédigé un projet de loi que j'ai présenté comme bill privé lors de chaque session subséquente à la Chambre des communes et rien n'a été fait au sujet de ce bill en vue de modifier la Loi, sauf que comme tous les bills privés qui traitent de la Loi électorale du Canada, le mien a été renvoyé à votre Comité afin que vous puissiez l'étudier.

Ensuite, je suis heureux de le voir ici ce matin, j'ai reçu une lettre, un an plus tard, de M. Hamel dans laquelle il dit:

D'après les dossiers que j'ai ici...

Nous commençons à avoir des dossiers assez considérables à ce moment-là, parce que cette question me préoccupait.

...Je crois comprendre que la question dont vous parlez dans votre lettre du 14 octobre a causé beaucoup de mécontentement chez les étudiants.

C'est ce qu'on appelle s'exprimer avec modération.

...un grand nombre d'étudiants n'ayant pu voter lors de la dernière élection générale...

Il poursuivait:

Je pense que rien n'a été fait depuis en vue de modifier la Loi. Vous vous souviendrez que la Loi électorale du Canada a été pour la dernière fois renvoyée au

[Texte]

ing Committee on Privileges and Elections for study during the first session of the 26th Parliament...

and so on. Then as we approached the 1968 election and still nothing had been done, I wrote to the Honourable Pierre-Elliott Trudeau, then the Minister of Justice, and said:

While the timing of the next election is under consideration may I point out to you that a September election may again disenfranchise many university students across Canada as it did in 1965.

I went on to point out the problem and then I said:

I and several other Members introduced private bills into the House and made numbers of efforts to have the law changed in such a way that it would not disenfranchise the students. It is not a difficult thing to do, but despite our efforts no change has been made.

I concluded by saying:

If you are contemplating a September election I urge you to find some way to qualify these students, for they will be angry as hornets and justifiably so if we fail them two elections in a row.

I am here this morning, sir, to ask specifically, in the amendments now before you, how you propose to rectify this situation.

The Chairman: Thank you, Mr. Deachman. May I just remind the members who were not at the last meeting that we had a discussion on the proposed amendments from page six to page fourteen. While there were not sufficient members for a quorum and to vote on these amendments, we had a general discussion on them. I hope we will have a quorum very soon, but while we are waiting for this quorum, we could discuss these very problems that were generally discussed at the last meeting.

In answer to your question, Mr. Deachman, some discussion took place and a problem was raised by Mr. Richard and by Mr. Duquet, with regard to the proposed subsection (9), Section 16 on page 8. We already have decided to take their residence at the time of the enumeration instead of the time of the issue of the writ and the remainder of the amendments dealing with students had not changed.

[Interprétation]

Comité permanent des privilèges et des élections pour étude au cours de la première session de la 20^e Législature...

et ainsi de suite. Nous en étions rendus à l'élection de 1968, et rien n'avait encore été fait. J'ai alors écrit à l'honorable Pierre-Elliott Trudeau, alors ministre de la Justice et je lui disais:

Comme nous sommes en train d'établir la date de la prochaine élection, j'aimerais vous faire remarquer que si l'élection a lieu en septembre, un bon nombre d'étudiants canadiens ne pourront pas voter comme ce fut le cas en 1965.

J'ai expliqué le problème et j'ai dit:

Nous avons moi-même et d'autres députés, présenté des bills privés à la Chambre et déployé des efforts pour faire modifier la Loi afin que les étudiants ne perdent pas leur droit de vote. Ce n'est pas difficile à faire, mais en dépit de nos efforts, aucune modification n'a été approuvée.

Je terminais en disant:

Si vous pensez tenir l'élection en septembre, je vous prierais de trouver le moyen de faire voter les étudiants qui seront très vexés de ne pouvoir voter, et avec raison si nous leur refusons ce droit pendant deux élections consécutives.

Je suis ici ce matin pour vous demander précisément comment vous comptez, par l'entremise des modifications à l'étude, de remédier à cette situation?

Le président: Je vous remercie, monsieur Deachman. Je rappelle aux membres qui n'assistaient pas à la dernière réunion que nous avons tenu une discussion sur les amendements proposés de la page 6 à la page 14. Même si nous n'étions pas en nombre pour être en mesure de nous prononcer sur ces amendements nous avons eu une discussion générale à ce sujet. J'espère que le quorum sera atteint très bientôt, mais d'ici là, nous pourrions discuter des problèmes importants qui ont été discutés d'une façon générale à la dernière réunion. Monsieur Deachman, en réponse à votre question, certaines discussions ont eu lieu et un problème a été soulevé par M. Richard et M. Duquet, en ce qui concerne précisément le paragraphe 9 de l'article 16, à la page 8. Nous avons déjà décidé d'accepter le lieu de résidence au moment de l'énumération, au lieu du moment de l'émission du bref d'élection et les autres amendements concernant les étudiants n'ont pas été modifiés.

[Text]

Mr. Deachman, if you read subsection (9) of Section 16, you will see that the students at

• 0955

the time of the enumeration can be on two lists—first, the list of the place of the residence of their parents and, second, the place where they attend school.

I can understand your point, but it might have happened that at the time of the issue of the writs, the students were home and by the time the election was held they were at university, but because their universities were very far from their residence they were not registered at the university campuses.

I would like to ask Mr. Hamel if, under the existing Act these students could be registered at the university campus if the enumeration took place, let us say, during the summer while they were not attending the university?

Mr. Howe (Wellington-Grey): Mr. Chairman, did we not have considerable discussion on that the other day about having a name on two lists? I felt the Committee more or less decided that this was not fair, that they should only be on one list.

An hon. Member: That is right.

The Chairman: Yes, just a minute, I would like to ask Mr. Hamel if an interpretation of the Act, as it now exists, makes it possible for these students, while not at university at the time of the enumeration, to be registered there?

Mr. Hamel: If I understand correctly, Mr. Chairman, under the present provisions of the Canada Elections Act, a student has a statutory privilege of being registered at both places, but to be registered at the place where he is attending university, there are three conditions that must be met. He must, at the time or on the date of the issue of the writ, not only be registered at the university, but also be in attendance, which was the problem in 1965. Most students were registered, but were not yet in attendance at university on the date of the issue of the writ which was September 8.

With the amendment, to which I understand the Committee has agreed in principle, to shift the residence from the date of the issue of the writ to the first day of enumeration, the problem would not have occurred in 1965 because by the time the enumeration

[Interpretation]

Monsieur Deachman, si vous lisez le paragraphe 9 de l'article 16, vous constaterez que

les étudiants, au moment de l'énumération peuvent être inscrits sur deux listes: en premier lieu, sur la liste de l'endroit où habitent leurs parents, et, deuxièmement, celle de l'endroit où est située leur université.

Je peux très bien comprendre votre argument. Il se peut qu'au moment de l'émission du bref d'élection les étudiants aient été à la maison et qu'au moment de l'élection ils aient été à l'université. Comme les étudiants fréquentent une université située très loin de leur résidence ils ne sont donc pas inscrits à l'université pour l'élection.

Je demanderais à M. Hamel si, aux termes de la Loi actuelle, les étudiants pourraient être inscrits à l'université, à supposer que l'énumération ait lieu, disons, au cours de l'été, alors qu'ils ne sont pas à l'université?

M. Howe (Wellington-Grey): Monsieur le président, n'avons-nous pas discuté longuement l'autre jour au sujet de l'inscription sur deux listes? Il a été plus ou moins décidé que ce n'était pas juste et que leur nom ne devrait figurer que sur une seule liste.

Une voix: C'est juste.

Le président: Un moment. Je voudrais demander à M. Hamel si une interprétation de la Loi, telle qu'elle existe actuellement, permet aux étudiants qui ne sont pas à l'université au moment de l'énumération, d'y être inscrits?

M. Hamel: Si je comprends bien, monsieur le président, aux termes des dispositions présentes de la Loi électorale du Canada, un étudiant a le droit de s'inscrire aux deux endroits; mais pour être inscrit à l'endroit où il fréquente l'université, il doit répondre à trois exigences. D'abord, au moment de l'émission du bref d'élection, il doit non seulement être inscrit à l'université, mais y être présent, ce qui constituait le problème qui s'est posé en 1965, alors que la plupart des étudiants étaient déjà inscrits à l'université, mais n'étaient pas encore sur les lieux au moment de l'émission du bref, c'est-à-dire, le 8 septembre.

En ce qui concerne l'amendement accepté par le comité, en principe et visant à transposer la résidence de la date d'émission du bref au premier jour d'énumération, le problème ne se serait pas posé en 1965, parce qu'au début de l'énumération, la plupart des étu-

[Texte]

started, most students were registered and in attendance at educational institutions.

The Chairman: That still it does not solve the problem raised by Mr. Deachman.

Mr. Hamel: Right.

The Chairman: Suppose the students are at home at the time the enumeration starts, but are at university at the time of the vote, is it then a fact that they cannot be registered at the university campus and they will have to go back home to vote.

Mr. Hamel: That is correct. They would have to go back home.

Mr. Deachman: Apart from a very small shift from the time of the issue of the writ to the beginning of enumeration, which I think is one week or something of the kind, these students are still going to be disfranchised if a September election occurs at the end of the month.

I want to ask the Committee at this point, is it being taken into consideration to so amend the Act to protect the franchise of these students or are we going to leave the Act in such a way where, indeed, in a September election they could be trapped again and denied their vote? For practically all of them it would be the first vote of their lives, you see.

The Chairman: I think the point was established the other day, as Mr. Howe said, and if you will read the Act, Mr. Deachman, students are entitled, if it happens that they are at the university at the time of enumeration, to be registered on two lists, but this does not occur when they are at home at the time of the enumeration. Therefore, we have decided to amend the Act and not give these students the privilege of being registered on two lists. I think we agreed on that, but it does not cover the point raised by Mr. Deachman. Mr. Lefebvre has...

• 1000

Mr. Deachman: Does this mean that students could be disfranchised again?

The Chairman: Mr. Lefebvre.

Mr. Lefebvre: I, for one, believe that we should make it as easy as is legally possible for the greatest number of Canadians to vote whether they be students or anything else.

[Interprétation]

dians étaient inscrits et présents à leurs institutions.

Le président: Ceci ne règle tout de même pas le problème soulevé par M. Deachman.

M. Hamel: C'est juste.

Le président: Supposons que les étudiants sont à la maison au moment où commence l'énumération, mais sont ensuite à l'université au moment de l'élection, est-ce vrai qu'ils ne peuvent pas alors s'inscrire à l'université et qu'ils doivent retourner à la maison pour exercer leur droit de vote?

M. Hamel: Oui, en effet, ils doivent retourner à la maison.

M. Deachman: A part un changement minime, du moment de l'émission du bref au début de l'énumération, qui je pense, est d'une semaine, l'étudiant perdra son droit de vote, s'il y a une élection à la fin de septembre.

Voici ce que je voudrais demander au Comité en ce moment; étudie-t-on la possibilité de modifier la Loi de cette façon afin de protéger le droit de vote de l'étudiant, ou allons-nous laisser la Loi telle qu'elle est, de sorte que s'il y a des élections en septembre, les étudiants se verront encore refuser le droit de vote? Dans la plupart des cas, c'est la première fois de leur vie que ces étudiants exerceront ce droit de vote.

Le président: Je pense que la question a été réglée l'autre jour. Comme dit M. Howe, si vous lisez la Loi, M. Deachman, les étudiants ont le droit, s'il arrive qu'ils soient à l'université au moment de l'énumération, d'être inscrits sur deux listes, mais la chose ne se produit pas, lorsqu'ils sont à la maison au moment de l'énumération. Nous avons donc décidé de modifier la Loi et de ne pas donner aux étudiants le privilège de s'inscrire sur deux listes. Je pense que nous nous sommes entendus à ce sujet mais nous ne touchons pas la question soulevée par M. Deachman. M. Lefebvre a...

M. Deachman: Cela signifie-t-il que les étudiants perdraient de nouveau leur droit de vote?

Le président: Monsieur Lefebvre.

M. Lefebvre: Je trouve que nous devrions d'après la loi rendre le vote possible pour le plus grand nombre possible de Canadiens, qu'ils soient étudiants ou non.

[Text]

I agree with Mr. Deachman that an effort should be made to correct the situation of the students. One question arises in my mind, Mr. Deachman, and I will ask you it through the Chairman. We are changing the residence requirements to the day of the enumeration—at least I think we will agree on this—on the day of enumeration, if a student is still at home but school is in progress how can we arrange it so that he could be enumerated in the universities? How would you enter a qualification that the universities can enumerate the students?

Mr. Deachman: Mr. Chairman, first of all, let me ask what are the devices within the Act which enable a citizen, a voter, to have his name placed on the list if he happens to be missed at the time of enumeration? First of all, let me ask this. Enumeration begins on day seven, I think; is that correct?

Mr. Hamel: That is the forty-ninth day before polling day which is usually about nine or ten days after the issue of the writ.

Mr. Deachman: It continues for a period of how long?

Mr. Hamel: Six days.

Mr. Deachman: Six days?

Mr. Hamel: That is correct.

Mr. Deachman: The Act, as you have amended it, would not permit the student to be registered unless he happens to be there upon the first day. So you have denied him access; you have begun by denying him access to the list for the remaining five days of enumeration? Is there no way a student coming into the university at that time could be protected in the same way as any other citizen who is living in that constituency?

Mr. Hamel: In fact at the moment he is much more protected than any other citizen.

Mr. Deachman: Only if he goes home.

Mr. Hamel: I am sorry. The student belongs to the only category that has the statutory privilege of being entered on two lists and having the option to vote either at one place or at the other. There is no other category of electors that has that privilege.

The Chairman: Yes, Mr. Richard?

Mr. Richard: Mr. Chairman, there is one other problem that we have raised; it is prob-

[Interpretation]

Je reconnais avec M. Deachman qu'on doit remédier à la situation en ce qui concerne les étudiants. Je vous poserai, monsieur Deachman, par l'entremise du président, une question qui me vient à l'idée. Nous modifions les exigences en ce qui concerne l'inscription de l'étudiant, du jour où il est à la maison à celui de l'énumération. Je pense que nous nous entendrons au moins là-dessus. Le jour de l'énumération, si l'étudiant est encore à la maison et que les cours ont repris, comment allons-nous faire pour que l'étudiant soit inscrit à l'université? Comment allez-vous préciser que les universités pourront inscrire les étudiants?

M. Deachman: Monsieur le président, permettez-moi de demander quelles sont les dispositions dans la Loi qui permettent à un citoyen d'être inscrit sur la liste électorale si, au moment de l'énumération, cette personne-là n'a pas donné son nom par exemple. L'énumération commence le septième jour, est-ce juste?

M. Hamel: C'est-à-dire le 49^e jour avant le jour du scrutin, c'est-à-dire neuf ou dix jours après l'émission du bref.

M. Deachman: Elle se poursuit pendant combien de temps encore?

M. Hamel: Six jours.

M. Deachman: Six jours?

M. Hamel: C'est exact.

M. Deachman: La loi ne permettrait pas à l'étudiant de s'inscrire, à moins qu'il ne soit là le premier jour. Il ne peut donc s'inscrire durant les cinq autres jours de l'énumération. Est-ce bien cela? Un étudiant qui arrive à l'université à ce moment-là ne pourrait-il pas être protégé de la même façon que tout autre citoyen habitant la circonscription?

M. Hamel: De fait, il est beaucoup plus protégé que tout autre citoyen.

M. Deachman: A condition qu'il retourne chez-lui?

M. Hamel: Non, l'étudiant appartient à la catégorie exclusive de ceux qui ont le privilège de s'inscrire sur deux listes et qui peut choisir de voter à l'un ou l'autre endroit. Il n'y a pas d'autres électeurs qui aient ce privilège-là.

Le président: Oui, monsieur Richard.

M. Richard: Il y a un autre problème que nous avons soulevé. Il est probable que les

[Texte]

ably that they will have the vote at 18. There is also the problem: what is a student? We may have an awful lot of problems here. We will have boys going to high school, girls going to high school who will be 18. Who is this class of people of recognized university students? Other students will ask for the same privilege, those who are high school students at 18 and who are away from home. We are going to run into an awful lot of trouble.

Mr. Deachman: Surely we are not going to dismiss the franchise of these people because we are going to run into an awful lot of trouble, as Mr. Richard puts it. We all know that the Elections Act was written for horse and buggy society when people stayed in the same place, but today we live in a very mobile world and surely in revising the Act we have in mind taking care of people who move around from place to place; who work far from their residence in the summertime and so on. Are these considerations in protecting the franchise of the students?

Mr. Richard: Surely, Mr. Chairman, Mr. Deachman must not exaggerate. Everybody wants to give everybody the right to vote, but surely you must have a deadline when they are going to be enumerated. You cannot give privileges to certain classes. If you are going to open enumeration right to the end for students, well, open it for everybody else. There must be a deadline. How will the returning officer do his work if he is going to open lists right to the end?

Mr. Deachman: As it now stands it is to be shut against the student in residence at the university after the first day of enumeration. Is that correct?

The Chairman: Just a minute, Mr. Forrestall has indicated he wishes to speak.

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Mr. Forrestall: I wanted to agree in principle with what Mr. Deachman is trying to accomplish because it is not simply the 2,000 students that were disfranchised, let us say that proportion of students who were over 21. Although perhaps it is a little hypothetical at this stage, I think it is safe to say that virtually all students in universities are now going to be caught up in this problem so that it is a substantial number of people who are going to be disenfranchised. I would suggest to Mr. Deachman and invite Mr. Hamel's comment on what again is hypothetical, because we have not dealt with it yet, but I think there is a disposition to look at proxy voting at least

[Interprétation]

jeunes de 18 ans auront le droit de vote. Qu'est-ce qu'un étudiant? Il y a les étudiants d'école secondaire, garçons et filles, qui auront 18 ans. En quoi consiste cette classe d'étudiants d'université reconnue. Les autres, les étudiants de 18 ans, d'école secondaire qui ne sont pas à la maison demanderont les mêmes privilèges. Nous allons faire face à des problèmes considérables.

M. Deachman: Nous n'interdirons certainement pas le vote à ces gens, car nous allons nous attirer bien des ennuis comme dit M. Richard. Nous savons tous que la loi électorale a été rédigée à une époque révolue où les gens demeuraient au même endroit, mais maintenant, nous vivons dans un monde de mobilité, et certes en modifiant la loi il faut songer aux gens qui se déplacent, qui travaillent loin de leur domicile pendant l'été et ainsi de suite. Ces considérations visent-elles à protéger le droit de vote des étudiants?

M. Richard: Monsieur le président, M. Deachman ne doit pas exagérer. Nous voulons tous accorder à chacun le droit de vote mais il doit y avoir une date limite pour l'énumération. On ne saurait accorder des privilèges à une certaine classe de gens. Si on ouvre des listes pour les étudiants jusqu'au jour de l'élection, il faut le faire pour les autres. Il doit y avoir une date limite. Comment l'officier rapporteur fera-t-il son travail si les listes sont ouvertes jusqu'à la fin?

M. Deachman: Pour le moment la liste sera close pour l'étudiant en résidence à l'université après le premier jour de l'énumération. Est-ce exact?

Le président: Je crois que M. Forrestall désire poser une question.

M. Forrestall: En principe, j'agréé les paroles de M. Deachman, parce que ce ne sont pas simplement les 2,000 étudiants qui n'ont pas eu le droit de voter, mettons ceux qui avaient plus de 21 ans. Bien que ce soit peut-être hypothétique pour le moment, je pense qu'on peut dire que tous les étudiants qui fréquentent les universités auront maintenant à faire face à ce problème. Il y aura donc un nombre considérable de gens qui perdront leur droit de vote. J'aimerais que Hamel nous dise ce qu'il en pense parce que nous n'en avons pas parlé encore, mais je crois qu'il y a le vote par procuration pour ceux qui sont hospitalisés au moins et il serait peut-être bon d'élu-

[Text]

for those in hospitals and it might commend itself to us to examine the possibility of extending it to people who are caught in this squeeze when it does happen from time to time. At least it provides an instrument that would guard against disenfranchisement.

I am aware of some of the complications of doing it that way but I again would reinforce my comment with two observations. First, I think it is a little bit dangerous, not that the students would abuse the statutory right of being on two lists, but from time to time there are other people who would not be adverse to going in and voting a name on a list, particularly in an urban area where they were not known. That is the first comment.

The other is that there is a tremendous number of people in universities who are going to be eligible to vote if we follow through with what seems to be a disposition among the members privately.

The Chairman: Thank you, Mr. Forrestall. Mr. Trudel?

M. Trudel: Monsieur le président, je n'ai pas bien compris le point soulevé par M. Deachman. Il dit que si les étudiants sont à l'université du premier jusqu'au dernier jour du recensement, leurs noms n'apparaissent pas sur la liste.

Le président: Non, M. Deachman a soulevé le point contraire. C'est une question assez sérieuse et importante. La loi dit que les étudiants ont le privilège d'être enregistrés sur deux listes. D'accord. Mais, par exemple, si ces étudiants vont à une université qui est assez éloignée de leurs domiciles, ils peuvent, le jour du recensement, être à la maison. Ils sont alors évidemment inscrits sur la liste électorale à la maison. Entre le temps du recensement et le temps de l'élection, ils retournent à l'université qui peut être située à 400 ou 500 milles de leurs domiciles. La journée de l'élection à l'université, ils sont très loin de la maison et ne sont pas inscrits sur la liste électorale à l'université.

M. Trudel: C'est le point original qu'il a soulevé, monsieur le président. Mais, par la suite, il a dit dans son exposé qu'ils devaient être présents lors de la première journée du recensement et qu'on les privait pendant tous les autres jours du recensement. Je tiens à souligner qu'ils ne sont pas privés. S'il est établi que ces gens demeurent à l'université pendant le recensement, non seulement la première journée, mais pendant toute la période du recensement, et que leur nom n'apparaît pas sur la liste, ils ont encore le privilège de le faire inscrire.

[Interpretation.]

dier la possibilité d'accorder ce droit à ceux qui sont mal pris de temps à autre. Il y aurait au moins une protection contre le refus du droit de vote.

Il y aurait des complications, mais je veux faire ici deux observations. Je crois qu'il se présente un danger, non pas que les étudiants abusent de droit statuaire de figurer sur deux listes mais, à l'occasion, certains, dans une région urbaine, où ils ne sont pas connus pourraient faire inscrire un nom sur la liste. C'est le premier commentaire.

Il y a aussi un grand nombre de gens dans les universités qui auront droit de vote, si nous donnons suite à la disposition générale qui prédomine chez les députés à titre particulier d'accorder le droit de vote à 18 ans.

Le président: Merci, monsieur Forrestall. Monsieur Trudel.

Mr. Trudel: Mr. Chairman, I did not quite understand the point raised by Mr. Deachman. He says that if the students are at university from the first until the very last day of the enumeration, their names are not on the list.

The Chairman: No, Mr. Deachman suggested the opposite of that. The question is quite serious and important. According to the Act, the students have the privilege of being registered on two lists. Fine. But for instance, if those students attend a university which is quite far from their hometown, they might be at their residence the day of the enumeration. They will therefore be registered on the electoral list at home. Then, between the time of the enumeration and the time of the election they go back to the university which may be 400 or 500 miles away from home. On election day at the university, they are very far from home and they are not entered on the electoral list at the university.

Mr. Trudel: This was the point he first raised, Mr. Chairman. But thereafter he said that the student, had to be present on the very first day of enumeration, and that they are deprived of their privilege on all the other days of the enumeration. I wish to stress that they are not deprived of their privilege. If it is established that these people stay at university not only during the first day of the enumeration, but during the whole period of the enumeration, and that their name does not appear on the list, they still have the privilege of having their name entered.

[Texte]

Mr. Hamel: En vertu de la modification que l'on propose, la résidence serait établie dès la première journée du recensement. Autrement, cela devient excessivement difficile . . .

Mr. Trudel: . . . excessivement inutile.

Mr. Hamel: En d'autres mots, il faudrait que les étudiants soient là le lundi de la semaine où le recensement commence.

Mr. Forest: Mr. Hamel, suppose a student changes his residence between the enumeration and polling day, could he apply under paragraph 7, as a teacher could apply, to the revisions office and be inscribed on the list and vote at the new polling station at the university? What would be the objection to that?

Mr. Hamel: I do not see any strong objection except in some areas there will be a mass of requests to the revising officers but I believe we can cope with this. This is more or less what I was going to answer to Mr. Forrestall when he spoke about proxy voting as is done in Nova Scotia for students.

Mr. Forest: I would not go for proxy voting but I would go for this. It would be up to the revising officer at the revision to inscribe the list and it would be up to the student to take the initiative if he wants to vote to register at his new place of residence at the university. Would that satisfy you?

Mr. Hamel: In other words, you would extend to students the privilege now accorded to teachers, ministers, priests and so on.

Mr. Forest: Yes, let the student take the initiative.

Mr. Deachman: This, Mr. Chairman, was the recommendation that I made in my bill; that the very simple way to handle the matter was to put them on the same basis as priests and teachers and to have to appear.

Mr. Lefebvre: Mr. Chairman, if I follow Mr. Deachman correctly, in the event of their going to the University of Toronto they would apply to be on the list of a polling booth at the University of Toronto. Correct? The University of Toronto I believe has 50,000 or 60,000 students. In other words, those students would be voting in one riding in Toronto. Is that correct? This raises a tremendous problem. All of a sudden you have an influx of 50,000, 60,000 or 70,000 new electors in one riding in Canada who have no knowledge of

[Interprétation]

Mr. Hamel: By virtue of the proposed amendment, the residence would be established on the very first day of the enumeration. Otherwise it becomes excessively difficult . . .

Mr. Trudel: . . .excessively useless.

Mr. Hamel: In other words, the student, would have to be there on the Monday of the week when the enumeration starts . . .

Mr. Forest: Monsieur Hamel, mettons qu'un étudiant change de résidence entre le premier jour de l'énumération et le jour du scrutin, il pourrait comme l'instituteur, en vertu de l'alinéa 7 faire une demande au bureau de la révision pour faire inscrire son nom sur la liste et voter à l'université. Y aurait-il une objection à cela?

Mr. Hamel: Je ne vois pas d'objection réelle à cette façon de procéder, sauf à certains endroits où il y aurait une grande quantité de demandes mais je crois qu'on y ferait face. C'est plus ou moins la réponse que j'allais donner à M. Forrestall lorsqu'il a parlé de vote par procuration comme on le fait en Nouvelle-Écosse pour les étudiants.

Mr. Forest: Je ne suis pas en faveur du vote par procuration, mais je serais d'accord pour que le préposé à la revision voie à ce que les noms soient inscrits et l'étudiant prendrait l'initiative de voter à son nouveau domicile à l'université. Est-ce satisfaisant?

Mr. Hamel: . . . Autrement dit, vous accordez aux étudiants le privilège dont jouissent maintenant les instituteurs, les membres du clergé, et d'autres gens.

Mr. Forest: Que les étudiants prennent l'initiative.

Mr. Deachman: Monsieur le président, je crois que c'est la formule que je mentionne dans le bill. La façon la plus simple, c'est de les mettre sur le même plan que les prêtres et les instituteurs et qu'ils se présentent.

Mr. Lefebvre: Monsieur le président, si j'ai bien compris M. Deachman, dans le cas d'un étudiant qui fréquente l'Université de Toronto, il doit faire une demande pour que son nom figure sur la liste du bureau de votation à l'Université de Toronto. Est-ce bien ça? L'Université de Toronto a 50,000 ou 60,000 étudiants. Autrement dit, ces étudiants voteraient dans une circonscription à Toronto. Est-ce exact? Il y aurait un problème énorme. Il y aurait là un influx soudain de 50,000, 60,000 ou 70,000 nouveaux électeurs dans une

[Text]

the candidates or of the problems of that particular riding. I cannot see it.

The Chairman: The situation indicated by Mr. Lefebvre does exist if we take the law as it exists now; these students at the University of Toronto are entitled to be registered at the place of their residence...

Mr. Lefebvre: They have a choice right now, Mr. Chairman.

The Chairman: No, no, just a minute. If the students of the University of Toronto decide to vote at the place nearest the university they will have to be registered where they live in Toronto. Because they are students they are entitled to be registered there but they are spread all over the City of Toronto. If they do decide to vote in Toronto they may do so under the Act as it exists now.

Mr. Lefebvre: As it exists now, but the change that we wish to make is not to give them the opportunity of making a choice.

The Chairman: No, Mr. Deachman does not want to remove the choice the students have. What he wants is to facilitate their registration. Suppose a student from Mr. Deachman's constituency goes to the University of Montreal. He is registered in British Columbia in August. He is not registered at the University of Montreal. Now he comes from B.C. to Montreal. At the time of the election, according to the law as it exists, he is not registered in Montreal because he has no place of residence there. He will have to travel back to British Columbia to vote; otherwise he is disfranchised. I believe this is precisely the kind of problem which concerns Mr. Deachman.

Mr. Lefebvre: There is one more problem, Mr. Chairman. You were surmising that they were spread out all over the City of Toronto or the City of Montreal, but there are campus residences where thousands of them live right at the university.

The Chairman: There is nothing that can be done to avoid this. They can be registered there if they live there.

Mr. Lefebvre: But they have the choice of going home and voting.

The Chairman: Yes, they still have.

Mr. Lefebvre: There may be 50 per cent of those students who live within 100 miles of Toronto and very often go home.

[Interpretation]

circonscription au Canada qui n'ont aucune connaissance des candidats ou des problèmes qui se posent dans cette circonscription. Je ne conçois pas du tout cette façon de procéder.

Le président: La situation décrite par M. Lefebvre existe dans le cadre de la Loi telle qu'elle existe présentement. Les étudiants à l'Université de Toronto ont le droit d'être inscrits à l'endroit de leur domicile...

M. Lefebvre: Ils ont le choix à l'heure actuelle, monsieur le président.

Le président: Non. Si les étudiants de l'Université de Toronto décident de voter au bureau de votation le plus près de l'université, il faudra qu'ils soient inscrits là où ils habitent, à Toronto. À titre d'étudiants, ils ont le droit par conséquent d'être inscrits au bureau de votation le plus près, mais ils sont éparpillés dans la ville de Toronto et s'ils décident de voter à Toronto, ils peuvent le faire en vertu de la loi actuelle.

M. Lefebvre: La loi qui existe maintenant. La modification que nous voulons faire vise à ne pas leur donner ce choix.

Le président: Non, M. Deachman ne veut pas supprimer ce choix pour les étudiants. Il veut plutôt assurer qu'il leur sera plus facile de s'inscrire. Mettons qu'un étudiant de la circonscription de M. Deachman fréquente l'Université de Montréal. Il s'est inscrit en Colombie-Britannique en août. Il n'est pas inscrit à l'université de Montréal. Il quitte la Colombie-Britannique pour venir à Montréal. Au moment de l'élection, d'après la Loi actuelle il n'est pas inscrit à Montréal, car il n'y a pas son lieu de domicile. Par conséquent, il faudra, soit qu'il se rende de nouveau en Colombie-Britannique ou qu'il perde son droit de vote. Je crois que c'est là le genre de problème que soulève M. Deachman.

M. Lefebvre: Il y a un autre problème, monsieur le président. Vous supposez que les étudiants soient éparpillés ici et là dans la ville de Toronto ou dans Montréal. Mais il y a des résidences sur le campus de l'université où habitent des milliers d'étudiants.

Le président: Je crois qu'il n'y a rien que nous puissions faire pour éviter cela... Ils peuvent s'y inscrire s'ils y demeurent.

M. Lefebvre: Ils ont toutefois la possibilité d'aller voter chez eux.

Le président: Oui.

M. Lefebvre: Il y a peut-être 50 p. 100 de ces étudiants qui habitent à moins de cent milles de Toronto et qui vont souvent chez eux.

[Texte]

The Chairman: Mr. Howe.

Mr. Howe: Mr. Chairman, how about the end of the spectrum where an election is called in the spring while they are still at university but the election takes place after they have spread all over the country?

The Chairman: This situation does not arise because as the law exists, when they are at university at the time of the enumeration they may be registered at home; however, they will not be registered at the university or other place of residence at the time of the enumeration if they are at home. So the reverse does not apply.

Mr. Howe: This is a case of personal experience with me. I think there are only two of us here who were here on August 10, 1953, when many of the summer residents were disfranchised because they had been registered at home and their summer homes were 50, 75 or 100 miles away on election day and they just did not have the right to vote there.

The Chairman: I believe Mr. Richard has raised a really crucial point. If we are to go along with Mr. Deachman's suggestion, which in my view is really valid and quite important, if we are going to reduce the voting age to 18, we must then define what is a student in these circumstances and what is an educational institution. Surely this is an important point because as Mr. Hamel pointed out, if we go through the proxy system it will create many problems for returning officers in constituencies with a university and high schools. Yes, Mr. Jerome.

Mr. Jerome: Mr. Chairman, before you leave the subject of the registration of students, just before you get on to the definition of them, I would like to ask Mr. Hamel if it would be reasonable as a bit of a safeguard to require students not to be enumerated at their permanent residences if they intend to exercise their franchise at the university.

I agree with the idea that the best way to handle registration at the university or on the campus is by way of a court of revision procedure, even if we established a special court of revision at the university, which might be a meaningful step. That might well be the very best way to handle that problem. But one of the concerns which have been expressed about that system is that a university student may put his name on the list by ordinary enumeration at his residence.

The Chairman: Yes.

[Interprétation]

Le président: Monsieur Howe.

M. Howe: Il y a l'envers de la médaille. Si l'élection est annoncée au printemps pendant qu'ils sont à l'université, mais qu'elle a lieu lorsqu'ils sont disséminés partout au pays?

Le président: Cela ne s'applique pas, car lorsqu'ils sont à l'université au moment de l'énumération, ils peuvent être inscrits chez eux, mais ils ne seront pas par contre inscrits à l'université ou ailleurs au moment de l'énumération s'ils sont chez eux. Le cas contraire ne se produit donc pas.

M. Howe: Je parle ici d'une expérience personnelle. Je pense que seuls deux d'entre vous étaient présents lorsque plusieurs résidents d'été ont perdu leur droit de vote, parce qu'ils avaient été inscrits à leur lieu de domicile habituel et qu'ils étaient à 50, 75 ou 100 milles de là le jour du scrutin. Ils n'ont pas eu le droit de voter.

Le président: Je crois que M. Richard a soulevé un point vraiment important. Si nous agréons la suggestion de M. Deachman, partant qu'il faut abaisser l'âge de votation à 18 ans, il nous faut alors définir ce qu'est un étudiant et donner la définition d'une maison d'enseignement. Il s'agit là certes d'un point très important. Comme M. Hamel l'a signalé, si nous adoptons le système par procuration, cela créera de nombreux problèmes pour les directeurs de scrutins dans les circonscriptions où se trouvent une université ou des écoles secondaires. Oui, monsieur Jerome.

M. Jerome: Avant d'en finir avec la question de l'inscription des étudiants, avant de leur donner une définition de l'étudiant, j'aimerais demander à M. Hamel, si comme sauvegarde, il serait raisonnable de demander que les étudiants ne soient pas inscrits à leur lieu permanent de domicile, s'ils comptent exercer leur droit de vote à l'université.

Je reconnais que la meilleure manière de régler la question de l'inscription à l'université, ou sur le campus, serait de la faire trancher par une cour spéciale de révision, même s'il nous faut établir une cour spéciale de révisions à l'université. Cela pourrait fort bien régler ce problème. L'une des inquiétudes qui a été exprimée à ce sujet c'est que l'étudiant universitaire pourrait faire porter son nom sur la liste au moyen de l'énumération ordinaire à son domicile.

Le président: Oui.

[Text]

Mr. Jerome: Then he has this special privilege when he arrives at his university campus through a court of revision to get on there. It is true that he would have to take an oath that he is not going to vote at home and so on, or something of that nature, but I think that that probably could be tightened up a little by simply requiring a university student who intends to exercise his franchise at a university campus not to register with the enumerator when he is in his home residence. That means that he would not get on the list and he would have to take an oath at the court of revision at the university that he did not put his name on the voters' list in his own residence.

The Chairman: At the last meeting, we unanimously agreed—it was not duly passed because we did not have a quorum but all the members present agreed—to change the conjunction “and” to “or”. The subsection states that he:

...is entitled to have his name entered on the list of electors for the polling division in which he ordinarily resides...

And it continues:

...and on the list of electors for the polling division...

It has been agreed to change “and” to “or”, so that the student will have the choice of being registered either at his place of residence or at the university.

Mr. Jerome: And if he elects to be registered at his place of residence he loses the opportunity to be registered later?

The Chairman: This does not diminish the validity of the point you raised. While you want to reach Mr. Deachman's argument that you want to give them the opportunity at the time of the revision to appear personally and be...

Mr. Jerome: No, I support that completely. I think the best way to handle university registration is by a court of revision and personal appearance by the student even if it means, as it may do, setting up a special court of revision on the university campus and advising the students that on any day they can appear there. I think that is the best way to handle it and I agree fully with that. I just think as a safeguard it should be made clear to them that if they register at home they lose the opportunity to register on the campus.

The Chairman: Mr. Trudel.

[Interpretation]

M. Jerome: Puis, lorsqu'il arrive à l'université, il a le privilège spécial de se faire inscrire par une cour de révision. Il est vrai qu'il devra prêter serment de ne pas voter à son lieu de domicile mais je pense que le contrôle pourrait être plus rigide encore si on demandait à l'étudiant universitaire qui compte voter à l'université de ne pas faire porter son nom sur la liste de l'énumérateur à son lieu de domicile. Cela voudrait dire qu'il ne serait pas sur la liste et qu'il devrait prêter serment à la cour de révision de l'université, qu'il n'a pas fait porter son nom sur la liste de l'énumération à son lieu de domicile.

Le président: A la dernière réunion, nous étions tous d'accord, mais nous n'étions pas en nombre et nous n'avons pu adopter cette motion, mais tous les députés présents convenaient que nous devrions changer la conjonction «et» par «ou»:

«...a droit à l'inclusion de son nom dans la liste électorale de l'arrondissement de votation où elle réside ordinairement et dans la liste électorale de l'arrondissement de votation où elle réside»

et l'on continue

...et la liste électorale de l'arrondissement de votation...

On a décidé de changer la conjonction «et» pour «ou» afin que l'étudiant ait le choix d'être inscrit soit à son lieu de domicile, soit à l'université.

M. Jerome: Et s'il décide d'être inscrit à son lieu de résidence, il perd l'occasion d'être inscrit plus tard?

Le président: Cela n'affaiblit pas la validité de l'argument de M. Deachman, voulant leur donner l'occasion, au moment de la révision, de comparaître personnellement et d'être...

M. Jerome: Je suis tout à fait d'accord. La meilleure façon de régler le cas de l'inscription à l'université, c'est au moyen d'une cour de révision; et d'une parution personnelle de l'étudiant même s'il faut établir une cour de révision spéciale sur les campus et avertir les étudiants du jour où il leur faut y comparaître. Je suis tout à fait d'accord avec cette formule. Comme mesure de sécurité, il faudrait peut-être leur signaler que s'ils s'inscrivent chez eux, ils perdent l'occasion de s'inscrire à l'université.

Le président: Monsieur Trudel.

[Texte]

M. Trudel: Monsieur le président, je suis d'accord avec ce que M. Jerome disait. Maintenant il y a un point que je voudrais soulever: quand on parle de pouvoir inscrire le lieu de domicile des étudiants, n'est-ce pas alors le lieu de domicile qu'ils choisiront dans la ville où l'université se trouve, pas nécessairement sur le campus universitaire?

The Chairman: Definitely. The students are registered while they attend university. They are not registered at the address of the university. They are registered in the room or at the place where they reside while attending university.

M. Trudel: Est-ce qu'ils auront le même privilège à leur lieu de résidence dans la nouvelle ville qu'ils choisiront?

The Chairman: They have, right now, and they will continue to have it. Mr. Forrestall.

Mr. Forrestall: I have just the one observation on Mr. Jerome's remarks. Not too long ago, as sort of an academic exercise we analyzed through conversations and letters, when an enumerator appears at the door just who gives, generally as the member of the household, the information required. We found that in about 70 per cent of the cases, it was the mother of the house who gave the information because the men and the women who go out to do the enumeration invariably do it during the day. They make call-backs in the evening and tend to save their time for that unless there are other circumstances. However, we found that in better than 70 per cent of the cases there was nobody else present when the information was given to the enumerator. I think it would be most difficult to meet the qualifications Mr. Jerome suggested in terms of making it clear to the student voter that he must decide at that time. If you are going to have the mother in most cases making the decision for the student I am not sure it would work.

The Chairman: I just want to have a résumé of the discussion. First, when the students are attending university at the time the enumeration starts there is no problem. Does everyone agree with that?

Mr. Deachman: No, provided the amendment that you have here is carried. The problem exists today if the student is not registered and in attendance at the time of the issue of the writ.

The Chairman: At the time that the enumeration starts from now on; this has been

[Interprétation]

Mr. Trudel: Mr. Chairman, I agree with what Mr. Jerome just said, however I would like to raise a point. When we spoke of the registration of students in their place of residence, is it not then the residence they will choose in the city where the university is located, not necessarily on the campus?

Le président: Absolument. Les étudiants sont inscrits, lorsqu'ils fréquentent l'université. Ils ne sont pas inscrits à l'adresse de l'université, mais au lieu où ils résident pendant qu'ils fréquentent l'université.

Mr. Trudel: Will they have the same privilege at their new residence in the city of their choice?

Le président: Ils ont présentement ce droit et ils continueront de l'avoir. Monsieur Forrestall.

M. Forrestall: Une observation quant à la remarque de M. Jérôme. Il n'y a pas tellement longtemps, nous avons observé un fait, lorsque l'énumérateur frappe à la porte. Qui donne les renseignements demandés? Dans 70 p. 100 des cas, c'est la mère qui fournit ces renseignements, vu que les énumérateurs font leur travail pendant la journée. Ils réservent pour le soir les rendez-vous qui présentent des particularités. En outre, dans plus de 70 p. 100 des cas, seule la mère était présente au moment de l'entrevue. Il serait, je crois très difficile de se plier aux exigences mentionnées par M. Jerome, à savoir: bien expliquer à l'étudiant qu'il a le choix à ce moment-là. Si la mère doit la plupart du temps prendre une décision pour l'étudiant, je ne pense pas que cela donne de bons résultats.

Le président: Je ne veux qu'un résumé de la discussion. Premièrement, lorsque les étudiants fréquentent les universités au moment où commence l'énumération, aucun problème ne se présente. Tout le monde est d'accord sur ce point?

M. Deachman: Pourvu que la présente modification soit adoptée. Le problème survient aujourd'hui si l'étudiant n'est pas inscrit au moment de l'assignation.

Le président: Cela a été modifié. Désormais, on dit au moment où commence l'énuméra-

[Text]

amended. While the students are attending university, everyone agrees that there is no problem. The student will have the privilege of being registered either at the place where he resides while attending university or at the residence of his parents, his first choice. So, the problem you raise will occur only...

Mr. Duquet: I am sorry to interrupt, but if the student is at university...

The Chairman: Yes.

Mr. Duquet: ...and he has to make a choice where he wants to be registered to vote...

The Chairman: Yes.

Mr. Duquet: ...either at university or at home, how can an enumerator, let us say, of poll 62 in Toronto enumerate a guy who wants to vote in Windsor or in London or some place like that?

The Chairman: It is very simple. What the enumerator has to do is ask the student, "Do you intend to vote here or at home?"

Mr. Duquet: Yes.

The Chairman: It is as simple as this.

Mr. Duquet: All right.

Mr. Forrestall: This is my difficulty. I think in practice you will find it is not as simple as that. Indeed, if you walked into a residence that housed 300 university students...

The Chairman: No, please, sir, by the time the enumeration is done there will be a revision and between the enumeration and revision, everyone could take care of that and ask the student, find out where he is and ask him...

Mr. Duquet: I agree with that, but as Mr. Forrestall pointed out there if we have not succeeded in letting the people at home know the law and the enumerator comes and the mother or the father register the son, we come to the same point as the actual law; they are registered in both places.

The Chairman: No. There is nothing we can do to help the people who do not want to help themselves. We may offer many opportunities to students within the law, but it is quite simple for them. If they are at university they have the privilege of being registered at home. They are going to know if there is an election and they will decide. They will tell either their mother or their father, "I want to vote here." We cannot solve everything.

[Interpretation]

tion. Quand l'étudiant fréquente l'université, nous convenons tous qu'aucun problème n'est soulevé. L'étudiant aura le privilège d'être inscrit soit au lieu où il demeure lorsqu'il fréquente l'université, soit au domicile de ses parents; il aura le choix. Alors, le problème que vous soulevez ne surviendra que si...

M. Duquet: Pardon, mais si l'étudiant est à l'université...

Le président: Oui.

M. Duquet: Et qu'il doit décider où il veut être inscrit pour voter...

Le président: Oui.

M. Duquet: ... soit à l'université ou chez lui, comment l'énumérateur du bureau de scrutin, no 62 de Toronto, disons, peut-il inscrire le nom de celui qui veut voter à Windsor, à London, ou ailleurs?

Le président: C'est très simple. L'énumérateur n'a qu'à demander à l'étudiant: «Voulez-vous voter ici ou chez vous?»

M. Duquet: Oui.

Le président: Tout simplement.

M. Duquet: Très bien.

M. Forrestall: Vous verrez qu'en pratique ce n'est pas si simple. Si vous entrez dans une maison où logent 300 universitaires...

Le président: Je vous en prie. Il y a ensuite une révision et on aura l'occasion de demander à l'étudiant où il réside et...

M. Duquet: D'accord, mais comme M. Forrestall l'a signalé, si nous n'avons pas réussi à expliquer la loi aux gens de la maison, que l'énumérateur se présente et que la mère ou le père inscrivent leur fils. Nous nous butons au problème même que soulève la présente loi: double inscription.

Le président: Nous ne pouvons rien pour ceux qui ne veulent pas s'aider. Nous pouvons multiplier les occasions à l'intention des étudiants, mais s'ils sont à l'université, c'est très simple. Ils ont le privilège d'être inscrits chez eux. Ils seront prévenus de l'élection et pourront décider. Ils diront à leurs parents: «Je veux voter ici». Nous ne pouvons régler tous les détails.

[Texte]

Mr. Jerome: If I may comment, I agree that much of what Mr. Forrestall says is exactly the situation and it is the way that the enumeration is conducted. However, when we are faced with a choice in attempting to give the student the maximum opportunity to vote, a choice between doing it this way and the other one which would leave it open for people to be on two lists, surely, we cannot go so far as to open it up for thousands of voters to be on two lists at the same time. That is opening it too wide.

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The Chairman: We decided...

Mr. Jerome: We have no choice that I can see.

Mr. Forrestall: Could I just make one observation?

The Chairman: Yes, Mr. Forrestall.

Mr. Forrestall: It seems to me, notwithstanding the remarks of the Chief Electoral Officer, while there would be a tremendous amount of paperwork that the utilization of some form of the proxy vote or the movement into a category similar to that under which clergymen, schoolteachers and others are registered, might be acceptable. What I am saying is that Mr. Jerome has suggested one way we might overcome this. What I am suggesting is that there are other ways in which Mr. Deachman's end desire can be met because I think that we all share his desire not to disenfranchise anybody. I think we all have some inborn fear of having too many people with names on two lists. You do not like to encourage people to break the law and if you put temptation in front of people, they are liable to succumb to it.

The Chairman: Would the members of the Committee go along with the suggestion made by Mr. Deachman that we add to the list of people entitled to be shifted from one poll to another students registered at university campuses, but not high schools.

Mr. Forrestall: There are boarding schools...

The Chairman: No, you talk about CEGEP, but let us be realistic. The CEGEP are concentrated in an area and no one who goes to a CEGEP lives farther than, let us say, 25 miles or 50 miles away. We are not going to give these people an opportunity to be on two lists if they are 50 miles from home.

Mr. Duquet: Cela est-il applicable en théorie ou en pratique?

[Interprétation]

M. Jerome: Je conviens que les commentaires de M. Forrestall reflètent exactement la manière de procéder présentement à l'énumération. Mais lorsqu'il s'agit de donner à l'étudiant le plus d'occasions possible de voter—le choix entre procéder de cette façon ou de l'autre, qui favoriserait l'inscription sur deux listes—nous ne pouvons tout de même pas permettre à des milliers d'électeurs d'être inscrits sur deux listes. Ce serait exagéré.

Le président: Nous avons décidé...

M. Jerome: Nous n'avions pas le choix, que je sache.

M. Forrestall: Puis-je me permettre une observation?

Le président: Oui, monsieur Forrestall.

M. Forrestall: Nonobstant les commentaires du directeur général des élections, il me semble que, en dépit des paperasses que cela entraînerait, qu'il conviendrait ici de recourir à une modalité de vote par procuration, du genre de celle à laquelle les membres du clergé et les instituteurs ont recours. M. Jerome a suggéré une façon de contourner le problème. Mais il y a d'autres moyens qui répondent au désir de M. Deachman, et pas plus que lui, nous ne voulons faire perdre le droit de vote à qui que ce soit. Nous craignons tous qu'un trop grand nombre d'électeurs soient inscrits sur deux listes. Nous ne voulons pas inciter les gens à commettre des infractions. Il ne faut pas trop tenter les gens.

Le président: Les membres du Comité approuvent-ils la proposition de M. Deachman portant que nous ajoutions à la liste de gens qui peuvent voter dans l'un des deux bureaux le nom des étudiants inscrits dans les universités mais non ceux des écoles secondaires.

M. Forrestall: Il y a aussi les pensionnats...

Le président: Vous entendez les GEGEP. Soyons réalistes. Personne ne fréquente un CEGEP qui n'habite à plus de 25 ou 50 milles. Nous ne leur donnons pas la faculté d'être inscrits sur deux listes, s'ils ne sont qu'à 50 milles de chez eux.

Mr. Duquet: Is this applicable in theory or in practice?

[Text]

M. Hamel: Oui, c'est applicable. M. le président vient de faire une remarque qui, je pense, pourrait créer certains problèmes si vous le restreignez aux universités. Il y a les universités, il y a ce qu'on appelle les «colleges», il y a ce qu'on appelle les «CEGEP» dans le Québec.

M. Lefebvre: Monsieur le président, on parle ici des étudiants d'universités seulement. Mais si, par la nouvelle loi on fixe l'âge à 18 ans, il faudrait donner la même possibilité à ceux qui, bien que n'étant pas des universitaires, vont à l'école en dehors de leurs régions pour terminer leurs études secondaires ou faire leur première année du CEGEP. Il faut aussi permettre à ces gens de voter.

M. Duquet: La loi est assez claire là-dessus, elle est très large:

...est régulièrement inscrite et suit un cours à une institution d'enseignement,

ce n'est pas nécessairement une université une institution d'enseignement.

M. Lefebvre: Non, non. Mais dans le bill de M. Deachman, on y dit:

...plusieurs étudiants universitaires.

M. Duquet: Oui, mais nous l'enlevons et gardons le nôtre.

Mr. Lefebvre: We would change that, Grant, because you would have 18-year-old students who are not at university but at junior college or in grade 13.

Mr. Duquet: Who would remain in attendance at the recognized educational institution.

Mr. Forrestall: You would have to have a description of what the educational institution is, otherwise you would get into trade schools.

Mr. Lefebvre: Well, what is the matter with the trade schools?

Mr. Forrestall: There is nothing wrong with that at all, but I am saying that there will have to be in the schedule somewhere a very exhaustive definition.

Mr. Duquet: I do not think these...

Mr. Forrestall: Either that or a very loose definition.

Mr. Lefebvre: It would have to be loose.

Mr. Duquet: Mr. Forrestall, as long as it is an educational institution and the youth has the voting age, that is all there is to it; no matter what he studies or where as long as he is a student of any kind, of voting age.

[Interpretation]

Mr. Hamel: Yes it is. The Chairman just made a remark which may raise some problems if you confine this to universities. There are universities, there are colleges and there are, in Quebec, the so-called CEGEP.

Mr. Lefebvre: Mr. Chairman, we are limiting ourselves here to university students. But if this new legislation spells out the voting age as 18, we would have to give the same opportunities to those who are not university students but nevertheless attend a school outside of their home area to finish their secondary studies or their first year of CEGEP. They also must be allowed to vote.

Mr. Duquet: The law is explicit enough on this point and it is in wide terms.

...is regularly registered at and attend a course in a teaching institution.

It is not necessarily a university.

Mr. Lefebvre: No, no. But Mr. Deachman's Bill says:

...many university students...

Mr. Duquet: Yes, but we are removing this and keeping our own.

M. Lefebvre: Autrement, nous aurions des étudiants de 18 ans qui ne sont pas à l'université mais dans un collège ou en 13^e année.

M. Duquet: Qui seraient présents aux maisons d'enseignement désignées.

M. Forrestall: Il vous faudrait avoir une description de ladite maison; autrement, vous allez inclure les écoles de métiers.

M. Lefebvre: Et alors? Qu'est-ce qu'elles ont les écoles de métiers?

M. Forrestall: Rien du tout, mais je dis qu'il nous faudra avoir une définition claire.

M. Duquet: Je ne crois pas que ces...

M. Forrestall: Ou encore, une définition large.

M. Lefebvre: La définition devra être large.

M. Duquet: Pourvu que ce soit une maison d'enseignement et que le sujet soit d'âge à voter, c'est tout ce qu'il faut: qu'importe le lieu ou le sujet de ses études pourvu qu'il ait l'âge de voter.

[Texte]

Mr. Deachman: Is not the purpose of the whole thing to accommodate...

The Chairman: Order please.

Mr. Deachman: ...students and very young people in a changing world where they move from their homes, from country homes to big cities or something of the kind, to acquire additional education? Whether they go to a trade school or a university or whatever they go, why should it matter to us in considering the electoral law? Our object surely is to accommodate them?

• 1030

The Chairman: I believe, Mr. Deachman, that if we take your suggestion and apply it for ten twelfths of the year we restrict the privileges that the students already have in the law. I believe if there were a section to cover your point there would have to be a specific paragraph dealing with students who are at home at the time of enumeration—I mean if it is the time of vacation, let us say during the months of May, June, July and August—If we simply change the article and apply only your suggestion to give these people the same privileges as priests and other people, we would restrict completely the privileges which already exist in the law for them in the major part of the year.

Yes, Mr. Lefebvre.

Mr. Lefebvre: I was reading the explanatory notes of your Bills where you mention university students, but in the Bill itself you mention a recognized educational institution. You do not mention universities in the Bill, so that wording is all right.

The Chairman: Yes. To cover the point raised by Mr. Deachman could we add a subparagraph dealing only with when the enumeration starts during some months.

Yes, Mr. Forrestall.

Mr. Forrestall: I hate to throw the third very obvious element into this, but working in reverse you have the situation where a third place of temporary residence comes up. This is the case where enumeration takes place while the educational process is going on and in the normal course of events a student goes to a place other than that residence or his normal permanent place of residence for the purpose of summer employment. I am not trying to complicate this. I have never seen any statistics on this particular question, but I am sure that if you were to look at it you would find a very substantial number of

[Interprétation]

M. Deachman: Toute la question n'est-elle pas d'aider...

Le président: A l'ordre, s'il vous plaît.

M. Deachman: ...d'aider les étudiants et les très jeunes dans un monde en évolution où ils se déplacent de leur village, de leur domicile vers les grandes villes pour parfaire leurs études? Qu'ils fréquentent une école de métier ou l'université, quel rapport cela peut avoir avec la Loi électorale? Nous voulons en somme les aider.

Le président: Si nous donnons suite à votre proposition pendant 10 mois de l'année, monsieur Deachman, nous restreignons les privilèges que la loi accorde présentement aux étudiants. S'il y avait un article tenant compte de votre point de vue, il faudrait un alinéa relatif aux étudiants qui sont chez eux au moment de l'énumération si c'est le temps des vacances, disons au cours des mois de mai, juin, juillet et août. Si nous ne faisons que modifier l'article et appliquer votre proposition pour doter ces gens des mêmes privilèges que les membres du clergé et autres, nous restreindrions les privilèges que leur accorde présentement la loi pendant la majeure partie de l'année.

Oui, monsieur Lefebvre.

M. Lefebvre: Je lisais une note explicative amenée à votre Bill où vous mentionnez les étudiants universitaires, mais dans le bill en soi, vous parlez de maisons d'enseignement reconnues. Le bill ne fait pas mention d'universités. Ce libellé est donc correct.

Le président: Bien, pour répondre à l'objection soulevée par M. Deachman, ne pourrions-nous pas ajouter un sous-alinéa qui se rapporterait seulement à l'énumération qui commence pendant certains mois. Oui, monsieur Forrestall.

M. Forrestall: Je regrette d'élever encore la voix, mais il nous faut prévoir les cas où il y a un troisième lieu de résidence temporaire. Par exemple, là où l'énumération a lieu pendant que se donne l'enseignement et où l'étudiant se trouve ailleurs que dans cette résidence ou la résidence de son travail d'été, par exemple, je n'essaie pas de compliquer les choses. Je n'ai jamais vu de statistiques à ce sujet, mais je suis sûr qu'en y regardant de près vous constaterez qu'il y a bien des étudiants qui essaient de payer leurs études, en tout cas une partie, en travaillant durant l'été dans un lieu autre que les 2 autres dont nous

[Text]

undergraduate students try at least to pay part of their own way through summer employment at a place other than either of the two places we have been talking about. So I go back to the proxies.

Mr. Deachman: If he is at his place of summer employment at the time of the issue of the writ, for example, does he not come under other sections of the Canada Elections Act and is deemed to be a worker and to vote where he sleeps?

The Chairman: Yes. If he is working at the time the enumeration starts he is entitled to be registered there and vote there.

Mr. Forrestall: Yes, but what if he is still in university at the time of enumeration? I do not throw this out hypothetically at all because it has happened in the past and the variable of our system says that it could happen again. If we are going to resolve this problem—I am sorry I keep coming back to this—in spite of the workload involved the only system that seems to meet the safety factor...

The Chairman: The proxy system.

Mr. Forrestall: ...is the proxy system, and it satisfies everybody. From my own personal point of view I find nothing at all wrong with involving my party organization in the mechanical routine drudgery of making this principle in our system—I am talking about provincial forces...

Mr. Lefebvre: Where was he on the day of enumeration?

Mr. Forrestall: At university.

Mr. Lefebvre: Yes.

Mr. Forrestall: At the date of the election he was off in Hamilton. I can give you a list of 300 or 400.

• 1035

Another thing that came forcibly to my attention during the course of the conduct of elections was the category of our educational institutions that require three months' classroom work, three months' field work, for example. This has hit at a very disruptive time in terms of the franchising of the student himself.

The Chairman: I believe now that everyone has expressed himself and raised all the points on this, perhaps we could adjourn the discussion at this time and the steering committee at a subsequent meeting could try to draft something that would legitimately cover

[Interpretation]

avons parlé. Je reviens donc à la question de procuration.

M. Deachman: Si, au moment de l'émission du bref d'élection, l'étudiant se trouve au lieu de son emploi d'été, ne relève-t-il pas d'une autre disposition de la Loi électorale du Canada qui le considère comme un travailleur et lui permet de voter où il a élu gîte.

Le président: Oui. S'il travaille au moment où commence l'énumération, il a le droit d'être inscrit en ce lieu et d'y voter.

M. Forrestall: Mais s'il est encore à l'université au moment de l'énumération? C'est arrivé et cela peut encore arriver. Si nous voulons régler ce problème, je regrette de revenir sans cesse sur cette question en dépit du travail que cela entraîne la seule façon de parer à cette éventualité. . .

Le président: La procuration.

M. Forrestall: ...la procuration, qui satisfait tout le monde. Je n'hésite pas, quant à moi, à engager l'organisation de mon parti dans l'élaboration d'un système de ce genre...

M. Lefebvre: Où était-il le jour de l'énumération?

M. Forrestall: A l'université...

M. Lefebvre: Oui.

M. Forrestall: Le jour de l'élection, il était parti à Hamilton. Je pense vous donner une liste de 300 ou 400 personnes.

Autre chose. Certaines maisons d'enseignement exigent trois mois de travail dans les classes et trois mois de travaux pratiques. Ceci évidemment complique la situation.

Le président: Chacun a exprimé son opinion sur ce sujet, et nous pourrions, je crois, ajourner la discussion. Le comité directeur, au cours d'une prochaine réunion, pourra nous faire part d'une disposition propre à tenir compte de votre argument, monsieur

[Texte]

your point, Mr. Deachman. We thank you very much for having raised this very important point, and we will try to prepare something on which we can work. If we continue the discussion we will raise a lot of personal issues and lose quite a bit of time.

Mr. Deachman: Mr. Chairman, I want to thank you and the members of the Committee for being so patient with me.

The Chairman: You can stay with us, Mr. Deachman, if you wish to do so.

An hon. Member: We will confuse you.

The Chairman: We have a quorum now. I just would like to know if we have already discussed Clause 5 on page 4, which deals with Section 11. At page 4, proposed Section 11(1) and (2) has been carried already.

An hon. Member: Not with a quorum, no.

The Chairman: Proposed Section 11(1) and (2) stood. If no one else has anything to say about it I will ask a motion to have it carried.

Clause 5, proposed Section 11(1) and (2) agreed to.

The Chairman: Now page 5, (3) has to be carried.

Clause 5, proposed Section 11(3) agreed to.

Clause 6 agreed to.

The Chairman: Page 6, Clause 7 dealing with section 14 stood. We have to stand Clause 7 on page 6 and the following paragraphs. It has to stand because it involves some further decisions we will have to make in regard to the voting age and so on.

Clause 7 allowed to stand.

The Chairman: At page 7, Clause 8, dealing with proposed subsections (6) and (7) of section 16.

Clause 8, proposed Section 16(6) and (7) agreed to.

The Chairman: The amendment to proposed Section 16(9) will stand because this is the point raised by Mr. Deachman and we will try to draft something or think about something to solve this problem. We will come back to it.

Clause 8, proposed Section 16(9) allowed to stand.

The Chairman: Page 9, amendment to proposed section 16(10).

[Interprétation]

Deachman. Nous vous remercions de nous avoir signalé ce point très important et nous allons essayer de rédiger un article sur lequel fonder notre travail. Si nous poursuivons, nous soulèverons des questions personnelles, et nous perdrons un temps appréciable.

M. Deachman: Je vous remercie ainsi que les membres du Comité d'avoir été si patient à mon égard.

Le président: Vous pouvez rester, si vous le désirez, monsieur Deachman.

Une voix: Nous allons semer la confusion dans votre esprit.

Le président: Nous avons maintenant atteint le quorum. Avons-nous déjà étudié la clause 5, à la page 4, qui traite de l'article 11. A la page 4, l'article 11(1) et (2) a déjà été adopté.

Une voix: Non pas avec quorum.

Le président: L'article 11(1) et (2) était réservé. Quelqu'un a-t-il quelque chose à dire? Je demanderais une motion pour l'adoption de cet article.

L'article 5 du projet de loi ayant trait à l'article 11(1) et (2) proposé est adopté.

Le président: A la page 5 le paragraphe (3) doit être adopté.

L'article 5 du projet ayant trait à l'article 11(3) est adopté.

L'article 6 est adopté.

Le président: A la page 6, l'article 7 traitant de l'article 14, est réservé. Nous devons réserver l'article 7 à la page 6 et les alinéas suivants. Il faut le réserver parce que nous aurons à prendre certaines décisions quant à l'âge de votation, etc.

L'article 7 est réservé.

Le président: A la page 7, l'article 8 qui traite des paragraphes (6) et (7) de l'article 16 de la Loi.

A l'article 8 du projet, l'article 16(6) et (7) est adopté.

Le président: L'amendement proposé à l'article 16(9) est réservé en raison de l'argument soulevé par M. Deachman. Nous essaierons de rédiger un article pour résoudre le problème. Nous y reviendrons.

L'article 8 traitant de l'article 16(9) proposé est réservé.

Le président: Page 9, l'amendement proposé à l'article 16(10).

[Text]

Mr. Forest: Section 16(10) would be, of course, the problem of resident aliens who have a summer cottage.

Mr. Hamel: That is right.

• 1040

Mr. Forest: What about the case of a Canadian citizen who lives in the U.S. and who has a cottage for three or four months of the year. If he comes back, he will have the right to vote where his cottage is, while a Canadian citizen living in the U.S. who has no cottage, no summer residence, would not be able to vote. Is that the case?

Mr. Hamel: I hate to give an interpretation of this because, as you know, there was a rather peculiar problem in the last few general elections and legal opinions on this vary quite considerably. I believe that in one case the opinion was that a Canadian citizen working in the United States and having a summer cottage in Canada was eligible to vote because this was the only residence he had in Canada; that he had no other place where, as it is said at the very end, "he might at will remove". But, as I said, there were other legal opinions to the contrary. The case was never brought to the courts so the courts never decided. I really do not know what is the exact interpretation of that section.

Mr. Richard: Could we not say that any resident alien in any country would not be eligible to vote?

The Chairman: We will solve this problem when we come to the citizenship requirement. Mr. Duquet.

M. Duquet: Monsieur Hamel, qu'est-ce qui arrive à un membre du Parlement qui a deux résidences à l'année longue?

M. Hamel: Le cas a été réglé en 1960 et le paragraphe (17) de l'article 16, page 167 non pas des modifications, mais de la Loi même, y prévoit. Le paragraphe (17) se lit comme suit, et j'ai le texte anglais, si vous me permettez:

A member, his spouse and dependants shall not be deemed to have changed their place of ordinary residence solely because of such member having moved to Ottawa or the surrounding area for the purpose of carrying out his parliamentary duties.

Alors, l'interprétation de ceci a toujours été assez large. Pour autant que le député ait eu une résidence, soit dans son district ou dans un district électoral quelconque, s'il

[Interpretation]

M. Forest: L'article 16(10) porte sur la question des résidents de l'étranger qui possèdent un chalet d'été.

M. Hamel: C'est exact.

M. Forest: Que dire d'un citoyen canadien qui vit aux États-Unis et qui a un chalet qu'il occupe deux ou trois mois durant l'année; s'il revient, il aura le droit de voter là où se trouve son chalet, tandis que le citoyen canadien qui vit aux États-Unis et qui n'a pas de chalet, de résidence d'été, n'aura pas le droit de vote. Est-ce bien ainsi?

M. Hamel: J'hésiterais à me prononcer sur ce point car, au cours des quelques dernières élections générales, il est survenu un problème assez particulier et les avocats divergent assez d'opinion à ce sujet. Dans un cas, on a dit que le citoyen canadien qui travaille aux États-Unis et possède un chalet au Canada, a le droit de vote, parce qu'il n'a pas d'autre résidence au Canada; qu'il n'a pas d'autre endroit où, comme on dit à la fin, «il pourrait déménager à volonté». Mais il y a des opinions légales contraires. Les tribunaux, jamais saisis de la question, ne l'ont pas tranchée. J'ignore comment il convient d'interpréter cet article.

M. Richard: Ne pourrions-nous pas décréter que tout résident étranger dans quelque pays que ce soit n'aura pas le droit de vote?

Le président: Nous allons résoudre ce problème quand nous en viendrons aux exigences de la citoyenneté, monsieur Duquet.

Mr. Duquet: Mr. Hamel, what happens if a man has year long two residences?

Mr. Hamel: This has been settled in 1960—subsection 17 of Clause 16, page 167 of the Act. Subsection 17 reads as follows:

Un député, son épouse et les personnes à sa charge ne sont pas réputés avoir changé le lieu de leur résidence ordinaire, simplement parce que ce député a déménagé à Ottawa ou dans la région avoisinante afin de s'acquitter de ses fonctions parlementaires.

So the interpretation of this section has always been wide in as much as the member has a residence either in his district or in any electoral district and if he comes to Ottawa

[Texte]

s'en vient à Ottawa, et même s'il a vendu sa résidence, il peut toujours y retourner pour voter.

Le président: C'est pour appuyer, monsieur Duquet, le principe que...

M. Lefebvre: Est-ce aussi dans la nouvelle Loi?

Le président: Non, non, cela existe déjà.

M. Hamel: Depuis 1960. Cela a été ajouté à la Loi en 1960.

Le président: C'était pour accentuer, monsieur Duquet, le principe que l'emploi d'un député est temporaire et révocable.

M. Forest: Il y a une différence entre un Canadien qui reste aux États-Unis actuellement, qui n'a pas de résidence d'été, et un citoyen canadien qui reste aux États-Unis et qui aurait une résidence d'été où il reviendrait habiter deux ou trois mois au cours de l'été. N'y a-t-il pas là quelque injustice?

The Chairman: Can we say then that he is not ordinarily residing in Canada? He is virtually and in law a Canadian citizen but if he does not reside in Canada, how can we cover this point?

Mr. Forrestall: We dealt with that earlier and could not find a resolution to the problem of employees of Canadian companies working outside the country who come back home from time to time.

• 1045

The Chairman: If he really wants to vote the only thing he has to do is to be at his cottage at the time of the enumeration and affirm that he is definitely now residing there. The law is based on the residence, the ordinary residence, so if they have no ordinary residence, how can we cover these people who would like to have the privileges of Canadian citizens but who do not reside here and so on?

Mr. Hamel: I was going to say to Mr. Forrestall that even a permanent list would not solve this because one of the basic conditions to be on any list, be it a permanent list or a list such as we have, is to have a residence in Canada.

M. Trudel: Monsieur le président, la définition de «résidence» s'applique-t-elle aussi au point que M. Forest soulève, parce que ce n'est pas une résidence permanente, c'est un camp d'été.

[Interprétation]

even though he has sold his residence he still can go back there to vote.

The Chairman: This, Mr. Duquet is to support the principle that...

Mr. Lefebvre: Is this also in the new act.

The Chairman: No, no, it already existed.

Mr. Hamel: Since 1960. It was added to the Act in 1960.

The Chairman: This was to support the principle that the employment of a member is only temporary and revocable.

Mr. Forest: There is a difference between a Canadian residing at the moment in the United States and who has no summer residence and a Canadian residing in the United States, who has a summer residence where he would stay for two or three months during summer. Is there not some degree of injustice?

Le président: Pouvons-nous dire alors qu'il ne réside pas d'une façon habituelle au Canada? Il est en fait citoyen canadien, mais s'il ne réside pas au Canada, comment peut-on réconcilier cet état de choses?

M. Forrestall: Nous en avons parlé sans trouver de solution. Il s'agit des employés des compagnies canadiennes qui travaillent à l'étranger et qui reviennent au Canada de temps à autre.

Le président: S'il veut vraiment voter, il n'a qu'à se trouver à son chalet au moment de l'énumération et affirmer qu'il y réside maintenant définitivement. La loi se fonde sur la résidence, la résidence habituelle. S'il n'a pas de résidence habituelle, comment pouvons-nous tenir compte de ces gens qui veulent les privilèges des citoyens canadiens mais qui ne résident pas ici, etc.

M. Hamel: J'allais dire à M. Forrestall qu'une liste permanente ne résoudrait pas le problème, parce que l'une des conditions essentielles de l'inscription, que ce soit une liste permanente ou une liste comme celle que nous avons, c'est d'avoir une résidence au Canada.

Mr. Trudel: Mr. Chairman, is the definition of "residence" also relevant to the point raised by Mr. Forest, for this is not a permanent residence but a summer cottage.

[Text]

M. Marceau: La résidence n'est pas nécessairement permanente, c'est un pied-à-terre.

The Chairman: The proposed section 8, subsection (10) says that

No person shall be deemed to be ordinarily resident on the *enumeration* date in residential quarters that are generally occupied only during some or all of the months of May to October,...

Surely this has to stay.

Mr. Duquet: There is a provision at the end of the subsection...

unless, at a general election only, such person has no residential quarters in any other electoral district to which, on the *enumeration* date, he might at will remove.

"He might at will remove"—does that not cover the case of the American fellow?

The Chairman: This is the reason I said that if a Canadian citizen generally living in the United States really wants to vote as a Canadian citizen, he has to be present at the time of the enumeration and affirm that he is going to stay in Canada forever. But what else can be done? Could we stand this proposed subsection?

Proposed Subsection (10) stood.

On proposed Subsection (11)—*Temporary workers*.

The Chairman: We have had discussion on this. Mr. Hamel.

Mr. Hamel: You will recall that on Tuesday you decided to delete the difference between temporary workers on privately financed projects and on government financed projects, and the suggestion was to delete proposed Subsection (11) and to keep proposed Subsection (13). We have found it preferable to keep proposed Subsection (11), both the number and the same terminology, but to transfer the basic concepts in proposed Subsection (13). We have an amended draft here which could be distributed if you wish.

The Chairman: I shall read it.

"(11) A person shall be deemed to be ordinary resident, on the *enumeration* date for an election, in a polling division in which he is temporarily residing while temporarily employed in the pursuit of his ordinary gainful occupation and is entitled to have his name included in the list of electors prepared for that polling

[Interpretation]

Mr. Marceau: This residence is not necessarily a permanent residence, but a place to go.

Le président: Le paragraphe (10) de l'article 8 dit:

(10) Nul n'est censé résider ordinairement, à la date de l'*énumération*, dans un logement qui n'est généralement habité que pendant tout ou partie des mois de mai à octobre inclusivement,...

Assurément, ceci doit rester.

M. Duquet: Il y a une disposition à la fin de ce paragraphe...

...sauf si, lors d'une élection générale seulement, il n'a aucun logement dans un autre district électoral où, à la date de l'*énumération*, il pourrait déménager à volonté.

«Il pourrait déménager à volonté», cela ne s'applique-t-il pas à notre résident aux États-Unis?

Le président: C'est précisément pourquoi j'ai dit que, si un citoyen canadien qui habite ordinairement aux États-Unis veut vraiment voter comme un citoyen canadien, il doit être présent au moment de l'*énumération* et affirmer qu'il résidera au Canada de façon permanente. Que peut-on dire d'autre? Pouvons-nous réserver ce paragraphe?

Le paragraphe (10) proposé est réservé.

Le paragraphe (11) proposé—*Travailleurs temporaires*.

Le président: Nous en avons discuté. Monsieur Hamel?

M. Hamel: Vous vous souviendrez que mardi, vous aviez décidé de faire disparaître cette distinction entre les «travailleurs temporaires», dans un chantier privé et ceux d'un chantier du gouvernement, et de biffer le paragraphe (11) proposé, conservant le paragraphe (13). Nous avons jugé qu'il valait mieux garder le paragraphe (11) proposé, numération et texte, mais de transférer le principe dans le paragraphe proposé (13). Nous avons ici un projet d'amendement. Si vous voulez le distribuer.

Le président: Je vais le lire:

«(11) Une personne est censée résider ordinairement, à la date de l'*énumération* pour une élection, dans un arrondissement de votation où elle réside temporairement pendant qu'elle est provisoirement employée à la poursuite de son occupation rémunérée ordinaire et elle a droit à l'inscription de son nom sur la

[Texte]

division and is qualified to vote therein at the election, if he

(a) is otherwise qualified as an elector;

(b) has been in continuous residence therein for at least thirty days immediately preceding the enumeration date; and

(c) is on polling day still temporarily residing therein while temporarily employed in the pursuit of his ordinary gainful occupation."

Mr. Duquet: This comes back to my original suggestion.

The Chairman: Yes. It was agreed at the last meeting we had. Does the proposed draft cover the points we had agreed on? If so, it will carry as amended.

Proposed Subsection (11) as amended agreed to.

The Chairman: Now we go on to (11a) at the bottom of page 9.

On proposed Subsection (11a)—*Temporary residence on a ship, boat or vessel.*

An hon. Member: This should stand until we have reached the proxy.

The Chairman: Yes, this has to stand until we reach the proxy.

Proposed Subsection (12) agreed to.

• 1050

The Chairman: Proposed Subsection (13) is deleted.

On proposed Subsection (14)—*Wives or dependants of persons temporarily engaged in public works.*

Mr. Hamel: In (14)—I am sorry, we should have picked that up—the reference should be Subsection (11) instead of Subsection (13) since we dropped Subsection (13).

The Chairman: Carried?

An hon. Member: Is that carried?

The Chairman: Well, this proposed Subsection (14) at the top of page 11 goes along with the amendment we just passed—the same conditions for the wives or dependants apply.

Mr. Hamel: The reference would be to Subsection (11) instead of Subsection (13) in the second line.

Proposed Subsection (14) agreed to.

[Interprétation]

liste électorale dressée pour cet arrondissement de votation et est habile à y voter à l'élection

a) si elle possède par ailleurs les qualités requises d'un électeur;

b) si elle y a résidé de façon continue pendant au moins les trente jours qui ont précédé immédiatement la date de l'énumération; et

c) si, le jour du scrutin, elle y réside encore temporairement pendant qu'elle est provisoirement employée à la poursuite de son occupation rémunérée ordinaire.»

M. Duquet: Nous voilà revenu à ma proposition originale.

Le président: Oui. Cela a été convenu à notre dernière réunion. Ce projet tient-il compte des points que nous avons agréés? Si oui, il sera adopté tel qu'il a été modifié.

Le paragraphe (11) proposé est modifié tel qu'il a été convenu.

Le président: Passons maintenant à l'alinéa a) du paragraphe (11), au bas de la page 9.

Le paragraphe (11) a)—«*Résidence temporaire à bord d'un navire, bateau ou vaisseau.*»

Une voix: Je pense que ceci devrait être réservé jusqu'à ce que nous abordions la question du vote par procuration.

Le président: En effet.

Le paragraphe proposé (12) est adopté.

Le président: Le paragraphe proposé (13) est abrogé.

Le paragraphe proposé (14)—«*Épouses ou personnes à charge de ceux qui sont temporairement occupés à des ouvrages publics.*»

M. Hamel: Au paragraphe (14), puisque nous avons laissé tomber le paragraphe (13) au lieu du renvoi au paragraphe (13), ce devrait être le renvoi au paragraphe (11).

Le président: Adopté?

Une voix: Adopté?

Le président: Le paragraphe proposé (14), au haut de la page 11, tient compte de l'amendement que nous venons d'adopter. Les mêmes conditions s'appliquent aux épouses ou personnes à charge.

M. Hamel: A la deuxième ligne, il faut lire paragraphe (11) au lieu de paragraphe (13).

Le paragraphe (14) proposé est adopté.

[Text]

On proposed Subsection (15)—*Persons residing in lodgings, hostel, refuge, etc.*

Mr. Hamel: The only change in (15) was the enumeration date, and I think this was approved. It was to be carried, if I recall. The same for Subsection (16).

On proposed Subsection (16)—*Persons residing in a sanatorium, etc.*

The Chairman: But was (16) just for the purpose of enumeration?

Mr. Hamel: Right, in both cases.

The Chairman: But if we are going to adopt the proxy system to cover the crippled people, will this article not have to be changed?

Mr. Hamel: Not necessarily...

The Chairman: Okay.

Mr. Hamel: ...because we have polls in these institutions.

The Chairman: Perfect.

Proposed Subsections (15) and (16) agreed to.

On Proposed Section 9(4)—*Receipt and disposal of copies of preliminary list received from enumerators.*

The Chairman: There is no change except in (b) at the top of page 12, which is to cover the misspelling.

Proposed Section 9(4) agreed to.

M. Duquet: Est-ce l'article 9?

The Chairman: Yes, pages 11 and 12.

M. Duquet: Qu'est-ce qu'il y a à droite?

Le président: C'est pour permettre à un électeur dont le nom a été mal écrit de pouvoir voter quand même.

An hon. Member: Is it (b)?

The Chairman: It is (b). You have (a), which says:

(a) use one copy of each, respectively, for the printing of the preliminary lists;

And (b), which says:

(b) correct any errors of a clerical nature in the name and particulars of any elector appearing on the copy of the list that he furnishes to the printer and initial each correction;

[Interpretation]

Le paragraphe (15) proposé—*«Personne résidant dans un logement, une pension, un refuge, etc.»*

M. Hamel: La seule modification à apporter au paragraphe (15) porte sur la date d'énumération et je pense que cela a été approuvé. Elle devait l'être, de même que le paragraphe (16).

Le paragraphe (16) proposé—*«Personnes résidant dans un sanatorium, etc.»*

Le président: Le paragraphe (16) a-t-il exclusivement trait à l'énumération?

M. Hamel: Dans les deux cas, oui.

Le président: Mais si nous adoptons le système de vote par procuration à l'intention des invalides, ne faudra-t-il pas modifier ce paragraphe?

M. Hamel: Pas nécessairement.

Le président: Ça va.

M. Hamel: ...parce qu'il y a des bureaux de scrutin dans ces institutions.

Le président: C'est bon.

Les paragraphes (15) et (16) proposés sont adoptés.

Le paragraphe (4) de l'article 9 du projet—*«Réception et destination des copies des listes préliminaires reçues des énumérateurs.»*

Le président: Aucune modification, sauf à l'alinéa b), au haut de la page 12, relatif aux erreurs d'écriture.

L'article 9(4) proposé est adopté.

Mr. Duquet: Is this Section 9?

Le président: Oui, pages 11 et 12.

Mr. Duquet: What is this to the right?

The Chairman: This is to allow an elector whose name has been misspelled to vote nevertheless.

Une voix: S'agit-il vraiment de l'alinéa b)?

Le président: Oui. Vous avez l'alinéa a) qui se lit:

a) utiliser une copie de chacune, pour l'impression des listes préliminaires;

et l'alinéa b) qui se lit:

b) corriger toutes les erreurs d'écriture relatives au nom d'un électeur et aux renseignements concernant un électeur lesquels figurent sur la copie de la liste qu'il fournit à l'imprimeur et parapher chaque correction; et,

[Texte]

On proposed Subsection (2)—*Issue of certificate in case of omission from list*.

Mr. Hamel: Subsection (2) is just to delete the requirement that the elector whose name has been enumerated but has been missed on the list presents his Form No. 7, which in many cases he has lost or misplaced, and the returning officer has a copy of this. Before, the requirement was to match the copy of the elector with his own copy and we feel this does not add anything.

Proposed Subsection (2) agreed to.

• 1055

The Chairman: We have to stand Subsection (14) which covers "Illegal arrangements with regard to election printing an offence". We decided to stand this—and (17) as well.

So we reach page 14, Subsections (19) and (20) which have to be carried. Subsection (18) stands and we carry (19) and (20).

Mr. Forrestall: Is Subsection (19) mandatory?

Mr. Hamel: It is strictly permissive. The only amendment is that before he could not do so without prior consultation with the Chief Electoral Officer.

Mr. Forrestall: But now he may do it if he...

Mr. Hamel: Now he may do it if...

Proposed Subsections (19) and (20) agreed to.

The Chairman: Now we were here when we adjourned on Tuesday, so we will start discussion at the bottom of page 14, Rule 3.

Do you have any comment to add, Mr. Hamel, has there been any change, or did you propose an amendment in this regard?

Mr. Hamel: Well, the amendment I propose in Rule 3 is twofold. One is to specify that a candidate or a person or party representative who should nominate urban enumerators should do so not later than noon on the 54th day before polling day. At the moment it is rather vague in the law and, as a result, the day before the enumeration starts very often the returning officer does not have his list. Furthermore, at times the returning officer will fail to notify the person on time, it creates all kinds of complications, and as a result the enumeration may start late. So this is the first amendment.

[Interprétation]

Le paragraphe (2) proposé—*Remise de certificat dans le cas d'un nom omis de la liste*.

M. Hamel: Au paragraphe (2), il s'agit tout simplement pour ne plus obliger une personne inscrite mais dont le nom a été omis de la liste, à produire sa formule n° 7, formule qui est souvent égarée et dont le directeur du scrutin a une copie. On confrontait autrefois ces deux copies et nous estimons que ceci n'ajoute absolument rien.

Le paragraphe (2) proposé est adoptée.

Le président: Il faudra réserver le paragraphe (14)—«Les conventions illégales concernant l'impression de documents électoraux sont une infraction». Nous avons décidé de réserver les paragraphes (14) et (17) également.

Nous en sommes à la page 14, paragraphes (19) et (20) qu'il nous faut adopter. Le paragraphe (18) est réservé et nous adoptons les paragraphes (19) et (20).

M. Forrestall: Le paragraphe (19) est-il obligatoire?

M. Hamel: Il ne fait que l'objet d'une autorisation. Autrefois, il fallait consulter le directeur général des élections.

M. Forrestall: Mais il peut maintenant le faire s'il...

M. Hamel: Il peut maintenant le faire si...

Les paragraphes proposés (19) et (20) sont adoptés.

Le président: C'est ici que nous en étions quand nous avons levé la séance mardi. Nous reprenons au bas de la page 14, la Règle (3).

Avez-vous des commentaires à ajouter, monsieur Hamel, ou aviez-vous là-dessus proposé une modification?

M. Hamel: La modification que je propose d'apporter à la Règle (3) a un double objet. D'abord, indiquer que le candidat ou une personne ou son représentant qui doit nommer les énumérateurs urbains, doit le faire au plus tard à midi, le 54^e jour précédant le jour de votation. A l'heure actuelle, cela est assez vague dans la loi, et, très souvent, l'officier rapporteur n'a pas sa liste le jour qui précède celui de l'énumération. En outre, il arrive que l'officier rapporteur oublie de prévenir la personne à temps, ce qui crée toutes sortes de complications, et peut retarder le commencement de l'énumération. C'est le premier amendement.

[Text]

The second one is primarily for clarification. It is to put in the Act what we have been doing for years. This happens primarily following major redistribution, such as we had in 1966 and such as we will have around 1973 or 1974, when the boundaries of an electoral district change. In the past, if we were to work by the letter of the law it would have been almost unmanageable because you had to work strictly on changes in the boundaries of the urban portion of the electoral district. This might have been easy to apply at the time when the Act was written around 1920 but today, with the majority of our electoral districts being mixed, that is, partly urban and partly rural, this is extremely difficult. There was a time when a district was either urban or rural but now the majority of our districts are mixed—you have an area that is urban and an area that is rural. The only recommendation or suggestion made here is that the letter of the law conforms with the practice that has been followed in the past 25 years with the approval of everybody involved.

Proposed Rule 3 agreed to.

Mr. Lefebvre: Can we call it eleven o'clock, Mr. Chairman? There are other committees.

The Chairman: Can we go along for 10 or 15 minutes?

• 1100

Mr. Lefebvre: You can, but I have a mile and a half to get back to the West Block.

M. Duquet: Quel article qu'on vient de...

M. Hamel: Pages 14 et 15.

Le président: A la fin de la page 14, monsieur Duquet, la règle (3) qui se continue à la page 10.

M. Duquet: Cela se continue à la page 15.

The Chairman: This goes up to page 16, subsection 16, Rule (5).

Mr. Howe: Mr. Chairman, about the rural and urban enumerators, my riding is small, urban and rural, but the people are changing there now almost as much as they are in the city. This old theory of the enumerator knowing everyone in his polling subdivision is changing pretty nearly as fast in the rural areas as it does in the urban areas. I sometimes wonder whether we should not have two enumerators in the rural areas, just as we have in the urban areas in connection with enumerating and preparing the lists. I do

[Interpretation]

Dans le deuxième, il s'agit avant tout d'un éclaircissement, qui consiste à insérer dans la loi ce que nous faisons depuis des années. Ceci se produit surtout à la suite de remaniements importants de la carte électorale, ceux de 1966 par exemple, et ceux que nous aurons en 1973 ou 1974, quand les limites d'un district électoral sont changées. Dans le passé, s'il nous avait fallu nous en tenir à la lettre de la loi, cela aurait été presque impraticable, car il fallait s'en tenir strictement aux changements des frontières de la partie urbaine du district électoral. Cela aurait pu être facile à appliquer lorsque la loi a été rédigée en 1920, mais aujourd'hui, la majorité de nos districts électoraux étant mixtes, partie urbains, partie ruraux, c'est extrêmement difficile. Il fut un temps où un district était soit urbain, soit rural, mais maintenant ils sont en majorité mixtes—une région rurale et une autre urbaine. La seule recommandation qui est faite ici, c'est que la loi se conforme à la pratique qui a été suivie au cours du dernier quart de siècle, avec l'approbation de tous ceux qui sont en cause.

La Règle (3) proposée est adoptée.

M. Lefebvre: Monsieur le président, il y a d'autres comités. Puis-je déclarer qu'il est 11 heures?

Le président: Pouvons-nous continuer pendant dix ou quinze minutes?

M. Lefebvre: Vous le pouvez, mais j'ai un mille et demi à faire pour me rendre à l'Édifice de l'Ouest.

Mr. Duquet: What section have we just...

Mr. Hamel: Pages 14 and 15.

The Chairman: At the bottom of page 14, Mr. Duquet, Rule (3), continuing on page 10.

Mr. Duquet: It goes on page 15.

Le président: Cela nous mène au haut de la page 16, paragraphe 16, Règle (5).

M. Howe (Wellington-Grey): Monsieur le président, au sujet des énumérateurs des circonscriptions rurales et urbaines. J'ai une petite circonscription, rurale et urbaine, mais il y a un roulement de personnes tout comme dans les villes. Cette vieille théorie de l'énumérateur qui connaît tout le monde dans son quartier change presque aussi rapidement dans les régions rurales que dans les régions urbaines. Je me demande parfois si nous ne devrions pas avoir deux énumérateurs dans les régions rurales, tout comme dans les

[Texte]

not know if this is the place to discuss it, but we are discussing the duties of the urban enumerators and I was just wondering whether there might be an area where we could give consideration to this particular factor. You mentioned 25 years ago the horse and buggy days: there are no horses nor buggies any place any more and the population in the rural areas, as I say, is moving almost as much as in the urban areas. I think it is a factor that we should consider.

Mr. Forest: In the urban areas they have to go together from door to door, while in the rural area they do not have to. The enumerator is alone and he can stay at home. He is supposed to know everyone. He can take the old list and bring it up-to-date. We would have to make quite a few changes if we did that.

Mr. Forrestall: It was not implicit in the comment that they would have to go door to door. It was just the added protection because of the changing nature of the rural society that both sides of the unrecognized fence have a chance to participate in the preparation of the list.

Mr. Howe: Mr. Hamel, probably you might comment because you have had experience. Would this greatly increase the cost of running an election campaign?

Mr. Hamel: No. Considered vis-à-vis the total cost of the election, it would be relatively negligible. The only comment I would like to make is, this would be feasible in most rural areas provided they do not insist that they do it in the urban areas. In other words, that they go from door to door. There would have to be some exceptions, because in the hinterland for instance, the northern constituencies—when I say the northern constituencies I do not mean only the two territories—we already have quite a number of problems finding one enumerator per polling division. So if we were to go to two, I am afraid it would present very, very serious problems.

Generally speaking, as I say, it would be manageable. It would add tremendously to the cost if the enumerators were to go from door to door, because we would then have to pay them travel expenses, mileage on their cars. There are at least two provinces that do it everywhere with two enumerators; namely, Ontario and Quebec.

Mr. Howe: Well, I throw this matter out for the discussion of the Committee. I am not definite in my own views, but I do know that in my own area there are a lot of people

[Interprétation]

régions urbaines, pour l'énumération et la préparation des listes. J'ignore si c'est le moment d'en discuter, mais nous en sommes aux tâches et fonctions des énumérateurs urbains et je me demande si nous ne pourrions considérer cette question particulière. Vous avez parlé de l'époque des chevaux et des voitures—il y a de cela 25 ans—il n'y en a plus nulle part de nos jours et la population rurale se déplace presque autant que la population urbaine. Nous devrions, je crois, en tenir compte.

M. Forest: Dans les régions urbaines, ils doivent l'un et l'autre faire du porte en porte, mais il n'en est pas ainsi dans les régions urbaines. L'énumérateur est seul et peut rester chez lui. Il est censé connaître tout le monde. Il n'a qu'à prendre l'ancienne liste et la mettre à jour.

M. Forrestall: Je n'entendais pas qu'ils doivent faire du porte en porte. C'est une question de se prémunir contre ce changement de la population rurale afin que les deux camps aient l'occasion de participer à la préparation de la liste.

M. Howe: Monsieur Hamel, vous avez de l'expérience dans ce domaine. Cette mesure augmenterait-elle beaucoup les frais de la campagne?

M. Hamel: Non; compte tenu du coût total de la campagne électorale, ce serait un montant négligeable. Cependant, cela serait possible dans la plupart des régions rurales, pourvu qu'on n'insiste pas pour le faire comme dans les régions urbaines c'est-à-dire de faire du porte en porte. Il y aurait certaines exceptions à la règle. Dans les circonscriptions du Nord, et je n'entends pas uniquement les deux Territoires, nous avons déjà de la peine à trouver un énumérateur pour une division de votation. S'il nous fallait en trouver un deuxième, cela poserait un très sérieux problème.

Mais, d'une façon, générale, cela serait possible. Il en coûterait beaucoup plus si les énumérateurs devaient faire du porte en porte, car il faudrait leur payer des frais de déplacement et de parcours. L'Ontario et le Québec ont déjà le système de deux énumérateurs.

M. Howe: Je laisse au Comité le soin de cette discussion. Je n'ai pas d'opinion arrêtée, mais je sais qu'il y a dans ma propre région bien des gens qui se déplacent d'un endroit à

[Text]

travelling around and moving from place to place. I defy an enumerator taking enumeration in my own village, for instance, where there are 1,200 people, to be able to sit down and decide who John Jones is who just came into the riding within the last three weeks or three months.

Mr. Forrestall: Mr. Chairman, is this the place?

The Chairman: No.

Mr. Howe: This may not be the place.

The Chairman: This is not precisely the place.

Mr. Forrestall: Could we leave the matter with the understanding that perhaps Mr. Howe could draft an amendment...

The Chairman: Yes, when we reach...

Mr. Forrestall: ...that could be presented at the appropriate time.

Mr. Hamel: Before we leave that subject though, if members of the Committee are going to think about this there are two other aspects which perhaps are very close to this, the question of revision. At the moment the rural area revision is done by the enumerator himself and second, the manner of voting in rural areas. An elector whose name is left on the list can still vote if he is vouched for. Therefore, there would be a question of deciding whether this will be carried on or deleted. This is part of the over-all package.

Mr. Howe: Yes.

The Chairman: Before you leave the Clerk says that at page 3 of the proposed amendments, Clause 3 (2) proposed subsection (5)...

Mr. Howe: That will have to be changed from 30 to 60 days.

The Chairman: ...has been changed from 30 to 60 days and it has not been carried.

Clause 3 (2) proposed subsection (5) agreed to.

Mr. Hamel: We have the amended text and it could be distributed right now.

The Chairman: I think we have had a very interesting discussion and this meeting now stands adjourned until Tuesday, January 27, at 9.30, in Room 308, West Block.

[Interpretation]

un autre et je défie un énumérateur de travailler dans mon village; par exemple, où il y a 1,200 personnes—de s'asseoir et de décider qui est Jos Lebrun et qui vient d'arriver dans la région au cours des trois dernières semaines, au cours de trois derniers mois.

M. Forrestall: Monsieur le président, est-ce le moment?

Le président: Non.

M. Howe: Ce n'est peut-être pas le moment.

Le président: Non, pas précisément.

M. Forrestall: Pouvons-nous différer la question, attendu que peut-être M. Howe rédigera un amendement...

Le président: Oui, quand nous en serons...

M. Forrestall: ...qui serait présenté au moment opportun.

M. Hamel: Mais auparavant, si les membres du Comité se penchent sur cette question, il y en a deux autres qui s'y rattachent étroitement. La question de la révision en est une. Présentement, dans les régions rurales, c'est l'énumérateur qui s'en charge. La seconde est le mode de vote dans les régions rurales, quelqu'un dont le nom ne figure pas sur la liste peut encore voter si quelqu'un s'en porte garant. Il s'agit de décider si ce mode sera éliminé ou conservé. Cela fait partie de la question.

M. Howe: C'est ça.

Le président: Avant que vous partiez, à la page 3 des amendements proposés, l'article 3(2) du paragraphe 5 proposé...

M. Howe: Il faudra substituer 60 jours à 30.

Le président: On a fait la substitution, mais cela n'a pas été adopté.

L'article 3(2) du paragraphe 5 est adopté.

M. Hamel: Nous avons le texte modifié, il pourrait être distribué immédiatement.

Le président: Nous avons eu une séance très intéressante; la séance est levée jusqu'au mardi 27 janvier à 9h30, pièce 308, édifice de l'Ouest.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969-70

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

LIBRARY COMITÉ PERMANENT

ON

MAR - 5 1970

DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
ET
ÉLECTIONS**

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 10

TUESDAY, JANUARY 27, 1970

LE MARDI 27 JANVIER 1970

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir Procès-verbaux)

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman
Vice-Chairman
and Messrs.

Alkenbrack,
Benjamin,
Code,
Duquet,
Forest,
Forrestall,

M. Ovide Laflamme
Mr. Steve Paproski

Fortin,
Guay (*Lévis*),
Howard (*Skeena*),
Howe,
Jerome,
Lefebvre,

(Quorum 11)

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Président
Vice-président
et MM

Macquarrie,
Marceau,
Murphy,
Richard,
Stafford,
Trudel—20.

[Text]

MINUTES OF PROCEEDINGS

TUESDAY, January 27, 1970.
(13)

The Standing Committee on Privileges and Elections met this day at 9:45 a.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Benjamin, Code, Duquet, Forest, Forrestall, Howe, Jerome, Laflamme, Lefebvre, Marceau, Richard, Trudel—(12).

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed its study of the draft amendments to the Canada Elections Act.

The Committee unanimously agreed that:

Section 17.

Rule (5) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

“Rule (5). If either of the candidates or persons entitled to nominate enumerators fail by twelve o'clock noon on the fifty-fourth day before polling day to nominate a fit and proper person for appointment as enumerator for any urban polling division comprised in the electoral district, the returning officer shall, subject to the provisions of Rule (2), himself select and appoint enumerators to any necessary extent.”

Rule (9) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

“Rule (9). Each pair of enumerators shall, unless they are both satisfied that no qualified elector residing in a dwelling place remains unregistered, visit

[Traduction]

PROCÈS-VERBAL

Le MARDI 27 janvier 1970
(13)

Le comité permanent des privilèges et élections se réunit ce matin à 9 h 45. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Benjamin, Code, Duquet, Forest, Forrestall, Howe, Jerome, Laflamme, Lefebvre, Marceau, Richard, Trudel—(12).

Témoin: M. J. M. Hamel, directeur général des élections.

Le comité poursuit son étude des projets de modification à la Loi électorale du Canada.

Le comité convient à l'unanimité que:

(Article 17)

La règle (5) de l'annexe A de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (5). Si l'un ou l'autre des candidats ou personnes ayant le droit de désigner des énumérateurs a omis, au plus tard à midi le cinquante-quatrième jour qui précède le jour du scrutin, de désigner une personne apte et qualifiée à titre d'énumérateur pour un arrondissement urbain compris dans le district électoral, l'officier rapporteur, sous réserve des dispositions de la règle (2), doit, dans la mesure où la chose est nécessaire, faire lui-même le choix et la nomination des énumérateurs.»

(7) La règle (9) de l'annexe A de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (9). Chaque paire d'énumérateurs, à moins qu'ils ne soient tous deux convaincus que tous les électeurs habiles à voter et résidant dans une demeure

every dwelling place in their polling division at least twice, once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon.

Rule (9a). One enumerator of each pair of enumerators shall choose the time for the visits referred to in Rule (9) on every second day during the enumeration and the other enumerator shall choose the time on the alternate days.

Rule (9b). Where, on the visits referred to in Rule (9), the enumerators are unable to communicate with any person from whom they could secure the names and particulars of the qualified electors at any dwelling place, the enumerators shall leave at that dwelling place a notification card, as prescribed by the Chief Electoral Officer, on which shall be stated

(a) the day and hour that the enumerators will make another visit to that dwelling place; and

(b) the name, address and telephone number, if any, of one or both of them."

Rule (12) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

"Rule (12). Upon receipt of the enumerators' record books and of the two copies of the preliminary list of electors from each pair of enumerators, the returning officer shall carefully examine such documents and if, in his judgment, the list is incomplete or contains the name of any person whose name should not be included in the list, he shall not certify to the enumerators' account and shall forward the account uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts."

Rule (18) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

ont été enregistrés, doit visiter chaque demeure dans leur arrondissement de votation au moins deux fois, une fois entre neuf heures du matin et six heures de l'après-midi et une fois entre sept heures et dix heures du soir.

Règle (9A). L'un des énumérateurs de chacune des paires d'énumérateurs doit décider, un jour sur deux, en alternant, au cours de l'énumération, de l'heure des visites à domicile mentionnées à la règle (9) et l'autre énumérateur doit décider de l'heure de ces visites durant les autres jours.

Règle (9B). Lorsque, lors des visites mentionnées à la règle (9), les énumérateurs sont incapables de communiquer avec une personne dont ils pourraient obtenir les noms et détails des électeurs habiles à voter qui résident dans une demeure, les énumérateurs doivent laisser à cette demeure une carte de notification, comme il est prescrit par le directeur général des élections, où sont indiqués

a) le jour et l'heure auxquels les énumérateurs feront une autre visite à cette demeure; et

b) les nom et adresse, de même que le numéro de téléphone, s'il en est, de l'un des énumérateurs ou des deux."

La règle (12) de l'annexe A de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (12). Sur réception des registres des énumérateurs et des deux copies de la liste préliminaire des électeurs de chacune des paires d'énumérateurs, l'officier rapporteur doit examiner ces documents avec soin et, s'il juge que la liste est incomplète ou qu'elle contient le nom d'une personne qui ne devrait pas y figurer, il ne doit pas certifier le compte des énumérateurs, et il doit envoyer le compte non certifié au directeur général des élections, accompagné d'un rapport spécial énonçant les faits pertinents.»

La règle (18) de l'annexe A de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

“Rule (18). Forthwith upon being advised by a returning officer of the issue of a writ for an election in an electoral district comprising urban polling divisions and included within an area under his jurisdiction, the ex officio revising officer shall, not later than the forty-fifth day before polling day, appoint in writing, in Form No. 12, a substitute revising officer for every revisal district, as hereafter established by the returning officer for which the ex officio revising officer is not himself prepared to revise the lists of electors.

Rule (18a). Every substitute revising officer appointed pursuant to Rule (18) shall

(a) be a person qualified as an elector in the electoral district within which he is to act; and

(b) immediately after his appointment be sworn to the faithful and impartial performance of his duties by subscribing to an oath in Form No. 13 before a judge of any court, the returning officer for the applicable electoral district or a commissioner for taking affidavits within the province.

Rule (18b). An ex officio revising officer shall transmit to the returning officer a copy of the form of appointment and oath of every substitute revising officer as soon as it has been completed and shall certify to the correctness of the accounts submitted by the substitute revising officers appointed by him.”

Rule (23) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

“Rule (23). A returning officer shall

(a) forthwith on receipt of the notification mentioned in Rule (22), and not later than Thursday the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14 stating

«*Règle (18)*. Dès qu’un officier rapporteur lui a appris l’émission d’un bref d’élection dans un district électoral qui comprend des arrondissements urbains et qui est inclus dans un district sous sa juridiction, l’officier reviseur d’office doit, au plus tard le quarante-cinquième jour qui précède le jour du scrutin, nommer par écrit, selon la formule n° 12, un substitut de l’officier reviseur pour chaque district de revision, tel qu’il est établi ci-après par l’officier rapporteur, pour lequel l’officier reviseur d’office n’est pas préparé à reviser lui-même les listes électorales.

Règle (18A). Chaque substitut de l’officier reviseur nommé en conformité de la règle (18) doit

a) être une personne habile à voter dans le district électoral où il est appelé à agir; et

b) immédiatement après sa nomination, prêter serment qu’il accomplira ses fonctions fidèlement et impartialement en souscrivant ce serment selon la formule n° 13 devant un juge d’un tribunal, devant l’officier rapporteur du district électoral en cause ou devant un commissaire chargé de recevoir des affidavits dans la province.

Règle (18B). Un officier reviseur d’office doit transmettre à l’officier rapporteur une copie de la formule de commission et de serment de chaque substitut de l’officier reviseur dès qu’elle a été complétée et doit certifier l’exactitude des comptes présentés par les substituts de l’officier reviseur nommés par lui.»

La règle (23) de l’annexe A de l’article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«*Règle (23)*. Un officier rapporteur doit

a) dès la réception de la signification mentionnée à la règle (22) et au plus tard le jeudi vingt-cinquième jour avant le jour du scrutin, faire imprimer un avis de revision, selon la formule n° 14, indiquant

(i) the numbers of the polling divisions contained in every revisal district established by him,

(ii) the name of the revising officer appointed for each revisal district,

(iii) the revisal office at which the revising officer will attend for the revision of the lists of electors, and

(iv) the days and hours therein during which the revisal office will be open;

(b) at least four days before the first day fixed for the sittings for revision, mail to each postmaster of the post offices situated in the urban areas of his electoral district a copy of the notice of revision in Form No. 14; and

(c) transmit or deliver five copies of the notice of revision in Form No. 14 to every candidate officially nominated at the pending election in the electoral district and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative."

Rule (25) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

"Rule (25). Every postmaster shall, forthwith after receipt of a copy of notice of revision in Form No. 14, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the revision of the lists of electors has passed and, for the purposes of this Rule, such postmaster shall be deemed to be an election officer."

Rule (28) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

"Rule (28). The sittings of the revising officers for the revision of the lists of electors shall be held on Wednesday, Thursday and Friday, the nineteenth,

(i) les numéros des arrondissements de votation compris dans chaque district de revision qu'il a établi,

(ii) le nom de l'officier reviseur nommé pour chaque district de revision,

(iii) le bureau de revision où l'officier reviseur siégera pour la revision des listes électorales, et

(iv) les jours et heures où le bureau de revision sera ouvert;

b) au moins quatre jours avant le premier jour fixé pour les séances de revision, envoyer par la poste à chaque maître de poste des bureaux de poste situés dans les zones urbaines de son district électoral une copie de l'avis de revision selon la formule n° 14; et

c) transmettre ou remettre cinq copies de l'avis de revision selon la formule n° 14 à chaque candidat officiellement mis en présentation à l'élection en cours dans le district électoral et, à la discrétion de l'officier rapporteur, à toute autre personne raisonnablement susceptible d'être ainsi mise en présentation, ou à son représentant."

La règle (25) de l'annexe A de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (25). Immédiatement après avoir reçu une copie de l'avis de revision selon la formule n° 14, tout maître de poste doit l'afficher à l'intérieur de son bureau dans un endroit bien en vue où le public est admis et la tenir affichée à cet endroit jusqu'à l'expiration des délais fixés pour la revision des listes électorales. Aux fins de la présente règle, ce maître de poste est censé être un officier d'élection.»

La règle (28) de l'annexe A de l'article 17 de ladite loi est abrogée et remplacée par ce qui suit:

«Règle (28) Les séances des officiers reviseurs pour la revision des listes électorales doivent se tenir les mercredi, jeudi et vendredi, les dix-neuvième, dix-

eighteenth and seventeenth days before polling day, and, subject to Rule (40), on Tuesday, the thirteenth day before polling day; such sittings shall commence at ten o'clock in the forenoon on those days and shall continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of; moreover, on each of those days, every revising officer shall sit at his revisal office for the revision of the lists of electors from seven o'clock to ten o'clock in the evening; if any of those days is a holiday as defined in the Interpretation Act, the day for the commencement or continuation of the sittings for revision may be postponed accordingly."

Schedule A to section 17 of the said Act be further amended by adding thereto, immediately after Rule (28) thereof, the following Rule:

"Rule (28A). Whenever it has been established that a pair of enumerators have included in their preliminary list of electors the name of an elector whose place of ordinary residence is situated in a polling division that is adjacent to the polling division for which they have been appointed as enumerators, the returning officer shall request the appropriate revising officer during the sittings for revision to remove the elector's name from the list of electors in which it appears and to include it in the list of electors for the polling division in which the elector resides."

Because of the recommended amendment to the dates of sittings of the revising officers, the following consequential amendments were considered and unanimously agreed to:

Rule 29

All that portion of Rule (29) of Schedule A to section 17 of the said Act preceding clause (a) thereof be repealed and the following substituted therefor:

"Rule (29). At the sittings for revision on Wednesday, Thursday and Friday, the nineteenth, eighteenth and

huitième et dix-septième jours avant le jour de l'élection, et, sous réserve de la règle (40), le mardi treizième jour avant le jour de l'élection. Ces séances doivent s'ouvrir à dix heures du matin les jours susdits et se continuer pendant au moins une heure et le temps nécessaire par la suite pour expédier les affaires en état. De plus, chacun de ces jours, chaque officier reviseur doit siéger, pour la revision des listes électorales, à son bureau de revision, de sept heures à dix heures, le soir; si l'un de ces jours est un jour férié, tel que le définit la Loi d'interprétation, la date fixée pour l'ouverture ou la continuation des séances de revision peut être retardée en conséquence.»

L'annexe A de l'article 17 de ladite loi soit en outre modifiée en y insérant, immédiatement après la règle (28), la règle suivante:

«Règle (28A). Dans tous les cas où il a été établi qu'une paire d'énumérateurs ont inclus dans leur liste préliminaire des électeurs le nom d'un électeur dont le lieu de résidence ordinaire est situé dans un arrondissement de votation qui est adjacent à l'arrondissement de votation pour lequel ils ont été nommés à titre d'énumérateurs, l'officier rapporteur doit demander, au cours des séances de revision, à l'officier reviseur compétent de rayer le nom de l'électeur de la liste électorale où il figure et de l'ajouter à la liste électorale de l'arrondissement de votation où l'électeur réside.»

A cause de l'amendement recommandé aux dates des séances des officiers reviseurs, les modifications qui s'ensuivent ont été étudiées et adoptées à l'unanimité:

Règle 29

Toute la partie de la règle (29) de l'annexe A de l'article 17 de ladite loi qui précède l'alinéa a) soit abrogée et remplacée par ce qui suit:

«Règle (29). Aux séances de revision tenues les mercredi, jeudi, et vendredi, les dix-neuvième, dix-huitième et dix-

seventeenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of”

Rule 30

Rule (30) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

“Rule (30). During the sittings for revision on Wednesday and Thursday, the nineteenth and eighteenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than Thursday, the eighteenth day before polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection.”

Rules 34 and 35

Rules (34) and (35) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

“Rule (34). Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before

septième jours avant le jour de l’élection, l’officier reviseur a le pouvoir d’entendre et de juger.»

Règle 30

La règle (30) de l’annexe A de l’article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (30). Durant les séances de revision tenues les mercredi et jeudi, les dix-neuvième et dix-huitième jours avant le jour de l’élection, si un électeur dont le nom figure sur la liste préliminaire des électeurs dressée à l’égard d’une élection en cours, pour l’un des arrondissements de votation compris dans un district de revision déterminé, souscrit un affidavit d’opposition selon la formule n° 15, devant l’officier reviseur nommé pour ce district de revision, alléguant l’incapacité à voter, lors de l’élection en cours, d’une personne dont le nom figure sur l’une desdites listes préliminaires, l’officier reviseur doit, au plus tard le jeudi dix-huitième jour avant le jour de l’élection, transmettre, sous pli recommandé, à la personne dont la mention sur cette liste préliminaire fait l’objet d’une opposition, à son adresse donnée sur ladite liste préliminaire et aussi à l’autre adresse, s’il en existe, indiquée dans l’affidavit, un avis à la personne visée par l’opposition, selon la formule n° 16, informant la personne mentionnée dans l’affidavit qu’elle peut se présenter, en personne ou par représentant, devant ledit officier reviseur, pendant ses séances de revision le mardi treizième jour avant le jour de l’élection, pour établir son droit, s’il en est, au maintien de son nom sur cette liste préliminaire. Avec chaque copie de cet avis, l’officier reviseur doit transmettre une copie de l’affidavit d’opposition y relatif.»

Règles 34 et 35

Les règles (34) et (35) de l’annexe A de l’article 17 de ladite loi soient abrogées et remplacées par ce qui suit:

«Règle (34). Toute personne qui revendique le droit de se faire inscrire comme électeur dans un district de revision peut demander personnellement,

the revising officer to have his name entered on the appropriate official list of electors at the sittings of the revising officer for such revisal district on Wednesday, Thursday and Friday, the nineteenth, eighteenth and seventeenth days before polling day, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer deems necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record sheets as an accepted application for registration in the official list of electors of the polling division where such person ordinarily resides.

Rule (35). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Wednesday, Thursday and Friday, the nineteenth, eighteenth and seventeenth days before polling day, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of the elector in Form No. 17 exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elector; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications

sans avis préalable, devant l'officier reviseur de faire inscrire son nom sur la liste électorale officielle appropriée aux séances de l'officier reviseur de ce district de revision, tenues les mercredi, jeudi et vendredi, les dix-neuvième, dix-huitième et dix-septième jours avant le jour de l'élection, et si cette personne répond, d'une manière satisfaisante pour l'officier reviseur, à toutes les questions pertinentes que ce dernier juge utile et nécessaire de lui poser, l'officier reviseur inscrit sur ses feuilles de registre le nom du requérant et les détails qui le concernent comme demande d'inscription acceptée sur la liste électorale officielle de l'arrondissement de votation où réside ordinairement cette personne.»

«Règle (35). Si une personne qui revendique le droit à l'inscription comme électeur est absente, l'officier reviseur peut, tout comme si cette personne était présente devant lui, accepter, aux séances de revision qu'il tient les mercredi, jeudi et vendredi, les dix-neuvième, dix-huitième et dix-septième jours avant le jour de l'élection, à titre de demande d'inscription faite par un agent de tout électeur qui se présente devant lui et dont le nom figure sur la liste préliminaire imprimée de l'un des arrondissements de votation compris dans le district électoral où est situé le district de revision de l'officier reviseur, une demande de cet électeur faite sous serment, selon la formule n° 17, produisant une demande rédigée conformément à la formule n° 18, signée par la personne qui désire se faire inscrire comme électeur. Si la personne est alors temporairement absente de l'endroit de sa résidence ordinaire, un parent, un allié ou son patron peut faire une demande sous serment selon la formule alternative n° 18, et en pareil cas l'officier reviseur peut, s'il est convaincu que la personne au nom de qui la demande est faite est habile à voter, insérer le nom et les détails concernant cette personne sur ses feuilles de registre à titre de demande acceptée d'inscription sur la liste électorale officielle de l'arrondissement de votation où réside ordi-

shall be printed on the same sheet and shall be kept attached."

Rule 38

Rule (38) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

"Rule (38). If the revising officer entertains a doubt as to whether any application for registration, as mentioned in Rule (36), should be allowed, he shall not accept such application and in such case the revising officer shall, not later than Friday, the seventeenth day before polling day, transmit, by registered mail, to the applicant, at his address as given in his application in Form No. 71, a Notice in Form No. 69 advising the person mentioned in such application that he may appear personally before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name entered on the appropriate official list of electors; if such person fails to appear personally or fails to answer to the satisfaction of the revising officer all relevant questions as the revising officer deems necessary and proper to put to him, the revising officer may refuse the application."

Concerning Schedule B

Rule 3

Rule (3) of Schedule B to section 17 of the said Act be repealed and the following substituted therefor:

"Rule (3). Every enumerator shall forthwith on his appointment take the oath of office in Form No. 6, and shall immediately thereafter post up in conspicuous places in his polling division at least three copies of the notice of rural enumeration, in Form No. 22, stating that he is about to prepare a preliminary list of the qualified electors in such polling division, which said list will be revised and corrected by him at a place stated in the said notice where he will be found between the hours of ten o'clock in the forenoon and ten o'clock in the evening of Wed-

nesday next. Les deux demandes doivent être imprimées sur la même feuille et maintenues ensemble."

Règle 38

La Règle (38) de l'annexe A de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (38). Si l'officier reviseur doute qu'une demande d'inscription, mentionnée à la règle (36), doive être admise, il doit la rejeter et dans ce cas il doit, au plus tard le vendredi dix-septième jour avant le jour de l'élection, faire parvenir par courrier recommandé au requérant, à l'adresse donnée dans la demande rédigée conformément à la formule n° 71, un avis selon la formule n° 69 avisant la personne mentionnée dans ladite demande qu'elle peut se présenter personnellement devant ledit officier reviseur durant ses séances de revision le mardi treizième jour avant le jour de l'élection, afin d'établir son droit, le cas échéant, à faire inscrire son nom sur la liste électorale officielle appropriée; si ladite personne ne se présente pas personnellement ou ne répond pas, d'une manière satisfaisante pour l'officier reviseur, à toutes les questions pertinentes que ce dernier juge utile et nécessaire de lui poser, l'officier reviseur peut refuser la demande.»

Au sujet de l'Annexe B

Règle 3

La règle (3) de l'annexe B de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (3). Dès qu'il est nommé, chaque énumérateur doit prêter le serment d'office, selon la formule n° 6, et immédiatement après il doit afficher dans des endroits bien en vue de son arrondissement de votation au moins trois copies de l'avis de l'énumération rurale, selon la formule n° 22, indiquant qu'il est sur le point de dresser une liste préliminaire des électeurs habiles à voter dans cet arrondissement de votation, laquelle liste sera révisée et corrigée par lui à un endroit désigné dans ledit avis où il se trouvera entre dix heures du matin et dix heures du

nesday, the nineteenth day before polling day."

Rule 13

Rule (13) of Schedule B to section 17 of the said Act be repealed and the following substituted therefor:

"Rule (13). In order that he may readily be found by any person who desires to make representations with regard to any entry in or omission from the preliminary list of electors for his polling division, the enumerator shall attend at the place of which he has given notice, in Form No. 22 posted up as aforesaid, between the hours of ten o'clock in the forenoon and ten o'clock in the evening of Wednesday, the nineteenth day before polling day, set for the revision of the said preliminary list."

Rule 16

All that portion of Rule (16) of Schedule B to section 17 of the said Act preceding clause (a) thereof be repealed and the following substituted therefor:

"Rule (16). At any time after the enumerator has posted up his preliminary list, and particularly between the hours of ten o'clock in the forenoon and ten o'clock in the evening of Wednesday, the nineteenth day before polling day, at the place stated for the revision of the said list in the notice of rural enumeration posted up by him pursuant to Rule (3), on being satisfied from representations made by him by any credible person that the preliminary list as prepared by him in the index book requires amendment as hereinafter mentioned, the enumerator shall"

Section 107

Clause (b) of subsection (1) of section 107 of the said Act be repealed and the following substituted therefor:

"(b) the days for the sittings for the revision of the lists of electors for urban polling divisions shall be Wednesday, Thursday and Friday, the twelfth, eleventh and tenth days before polling day, and, subject to Rule (40) of Schedule A to section 17, Tuesday, the sixth day before polling

soir le mercredi dix-neuvième jour avant le jour de l'élection."

Règle 13

La règle (13) de l'annexe B de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

"Règle (13). Afin qu'il puisse facilement être trouvé par toute personne qui désire faire des représentations relativement à une inscription ou omission quelconque sur la liste préliminaire des électeurs de son arrondissement de votation, l'énumérateur doit se tenir à l'endroit, dont il a donné avis, selon la formule n° 22 affichée comme il est susdit, entre dix heures du matin et dix heures du soir le mercredi dix-neuvième jour avant le jour de l'élection, fixé pour la révision de ladite liste préliminaire."

Règle 16

Tout la partie de la règle (16) de l'annexe B de l'article 17 de ladite loi qui précède l'alinéa a) soit abrogée et remplacée par ce qui suit:

"Règle (16). En tout temps après que l'énumérateur a affiché sa liste préliminaire, et particulièrement entre dix heures du matin et dix heures du soir du mercredi dix-neuvième jour avant le jour de l'élection, à l'endroit désigné pour la révision de ladite liste dans l'avis de l'énumération rurale qu'il a affiché, conformément à la règle (3), l'énumérateur, étant convaincu, d'après les représentations à lui faites par toute personne digne de foi, que la liste préliminaire dressée par lui dans le cahier-index doit être modifiée, tel qu'il est ci-après mentionné, doit."

Article 107

L'alinéa b) du paragraphe (1) de l'article 107 de ladite loi soit abrogé et remplacé par ce qui suit:

"b) les jours de séances, pour la révision des listes électorales des arrondissements urbains, seront les mercredi, jeudi et vendredi, les douzième, onzième et dixième jours avant le jour de l'élection, et, sous réserve de la règle (40) de l'annexe A de l'article 17, le mardi sixième jour avant le jour de l'élection."

Schedule I to the said Act be further amended by striking out Form No. 14 and substituting therefor the following:

“FORM NO. 14

NOTICE OF REVISION

(Sec. 17, Sched. A, Rule 23)

Electoral district of

PUBLIC NOTICE IS HEREBY GIVEN THAT sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held on each of the following three days, namely: Wednesday, Thursday and Friday, the and days of, 19...., (Insert the dates of the 19th, 18th and 17th days before polling day) when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the place specified below:

CITY (OR TOWN) OF

FOR REVISAL DISTRICT NO. 1, comprising polling divisions Nos. of the above mentioned electoral district, the sittings for revision will be held at (Insert exact location of the revisal office) before (Insert full name of revising officer) who has been appointed revising officer.

(Proceed as above in respect of any other revisal district.)

NOTICE IS FURTHER GIVEN THAT, during the sittings for revision on the Wednesday and Thursday aforesaid, any qualified elector in one of the above mentioned revisal districts may, before the revising officer for such revisal district, subscribe to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

La première annexe de ladite loi soit en outre modifiée par le retranchement de la formule n° 14 et son remplacement par ce qui suit:

«FORMULE N° 14

AVIS DE REVISION

(Art. 17, annexe A, règle 23)

District électoral d

AVIS PUBLIC EST PAR LES PRÉSENTES DONNÉ que des séances pour la revision des listes préliminaires des électeurs des arrondissements urbains compris dans le district électoral susmentionné, auront lieu chacun des trois jours suivants, savoir: mercredi, jeudi et vendredi les et jours d 19, (Insérer les dates des 19^e, 18^e et 17^e jours avant le jour de l'élection) alors que les listes préliminaires des électeurs des arrondissements urbains compris dans chacun des districts de revision suivants seront revisées par les officiers reviseurs ci-dessous mentionnés, aux endroits spécifiés plus bas:

CITÉ (ou VILLE) D

POUR LE DISTRICT DE REVISION N° 1, comprenant les arrondissements de votation n°s du district électoral susmentionné, les séances de revision auront lieu à (Insérer l'emplacement exact du bureau de revision) devant (Insérer au long de nom de l'officier reviseur) qui a été nommé officier reviseur.

(Procéder comme ci-dessus pour tout autre district de revision.)

DE PLUS, AVIS EST DONNÉ que, durant les séances de revision tenues les mercredi et jeudi susdits, tout électeur habile à voter dans l'un des districts de revision susmentionnés peut, devant l'officier reviseur de ce district de revision, souscrire un affidavit contestant l'habilité à voter de toute autre personne dont le nom figure sur la liste préliminaire des électeurs de l'un des arrondissements de votation compris dans ce district de revision;

THAT, during the sittings for revision on the Wednesday, Thursday and Friday aforesaid, the revising officer shall dispose of the following applications:

(a) personal applications for registration made verbally, without previous notice, by electors whose names were omitted from the preliminary lists of electors, pursuant to Rule (34) of Schedule A to section 17 of the Canada Elections Act;

(b) sworn applications made by agents on Forms Nos. 17 and 18, or by revising agents on Forms Nos. 70 and 71, of the said Act, on behalf of persons claiming the right to have their names included in the official lists of electors, pursuant to Rule (35) or Rule (36) of Schedule A to section 17 of the said Act; and

(c) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors made, without previous notice, pursuant to Rule (39) of Schedule A to section 17 of the said Act.

THAT, moreover, on the above mentioned Wednesday, Thursday and Friday fixed for the sittings for revision, each revising officer will sit in his revisal office from seven o'clock until ten o'clock in the evening of each of these days.

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours in my office at (Insert location of office of returning officer).

NOTICE IS FURTHER GIVEN THAT, if any qualified elector in one of the above mentioned revisal districts has, before the

QUE, durant les séances de revision tenues les mercredi, jeudi et vendredi susdits, l'officier reviseur statuera sur les catégories suivantes de demandes:

a) Les demandes personnelles d'inscription faites verbalement, sans avis préalable, par des électeurs dont les noms ont été omis des listes préliminaires des électeurs, en conformité de la règle (34) de l'annexe A de l'article 17 de la Loi électorale du Canada;

b) Les demandes faites sous serment par des agents suivant les formules n^{os} 17 et 18, ou par des agents reviseurs suivant les formules n^{os} 70 et 71, de ladite loi pour le compte de personnes qui réclament le droit à l'inclusion de leurs noms dans les listes électorales officielles, en conformité de la règle (35) ou de la règle (36) de l'annexe A de l'article 17 de ladite loi; et

c) Les demandes verbales pour la correction de noms d'électeurs ou de détails qui les concernent figurant sur les listes préliminaires des électeurs, faites sans avis préalable en conformité de la règle (39) de l'annexe A de l'article 17 de ladite loi;

QUE chacune des séances de revision s'ouvrira à dix heures du matin et se continuera pendant au moins une heure et pendant le temps qui peut être nécessaire par la suite pour expédier les affaires en état;

QUE, de plus, les susdits mercredi, jeudi et vendredi fixés pour les séances de revision, chaque officier reviseur siégera à son bureau de revision, de sept heures à dix heures du soir chacun de ces jours;

ET QUE les listes préliminaires des électeurs dressées par les énumérateurs urbains, à reviser comme il est susdit, pourront être examinées, pendant des heures raisonnables, dans mon bureau situé à (Insérer l'emplacement du bureau de l'officier rapporteur).

AVIS EST DE PLUS DONNÉ QUE, si un électeur habile à voter dans un des districts de revision susmentionnés a, de-

revising officer for such revisal district, subscribed to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district, further sittings for revision will be held on Tuesday, the day of, 19 (Insert the date of the thirteenth day before polling day) at the same place and times as the sittings for revision on the Wednesday, Thursday and Friday aforesaid, and that during the sittings for revision on the Tuesday aforesaid, the revising officer shall dispose of the objections made on affidavits in Form No. 15 of the said Act to the retention of names on the preliminary lists of electors, of which the revising officer has given notice in Form No. 16 of the said Act to the persons concerned pursuant to Rule (30) of Schedule A to section 17 of the said Act.

Given under my hand at,
this day of,
19
.....
(Print name of returning officer)
Returning Officer”

The Committee resumed consideration of the Draft amendments to the Canada Elections Act and unanimously agreed that:

Rule (29) of Schedule A to section 17 of the said Act be amended by striking out the word “and” at the end of clause (b) thereof and by adding thereto the following clauses:

- (d) personal applications made by electors to have their names struck off the preliminary list of electors; and
- (e) requests made by the returning officer to correct errors appearing on the printed preliminary list of electors in accordance with the corrections made by the returning officer on the list and certified by him.”

vant l’officier reviseur de ce district de revision, souscrit un affidavit contestant l’habilité à voter d’une autre personne dont le nom apparaît sur la liste préliminaire des électeurs pour l’un des arrondissements de votation compris dans ce district de revision, d’autres séances de revision seront tenues mardi le jour d 19, (Insérer la date du treizième jour avant le jour de l’élection) au même endroit et aux mêmes heures que les séances de revision tenues le mercredi, jeudi et vendredi susmentionnés, et que durant les séances de revision tenues le mardi susdit, l’officier reviseur statuera sur les oppositions, faites au moyen d’affidavits selon la formule n° 15 de ladite loi, au maintien de noms sur les listes préliminaires des électeurs, et dont l’officier reviseur a donné avis selon la formule n° 16 de ladite loi aux personnes intéressées, conformément à la règle (30) de l’annexe A de l’article 17 de ladite loi.

Donné sous mon seing, à,
ce jour d 19
.....
(Imprimer le nom de l’officier rapporteur)
Officier rapporteur”

Le comité reprend son étude des projets de modification à la Loi électorale du Canada et convient à l’unanimité que:

La règle (29) de l’annexe A de l’article 17 de ladite loi soit modifiée par le retranchement du mot «et» à la fin de l’alinéa b) et par l’adjonction des alinéas suivants:

- «d) les demandes personnelles présentées par des électeurs afin de faire rayer leurs noms de la liste préliminaire des électeurs; et
- e) les demandes faites par l’officier rapporteur afin de faire rectifier des erreurs qui paraissent sur la liste préliminaire des électeurs imprimée, conformément aux corrections que l’officier rapporteur a faites sur la liste et qu’il a attestées.»

Schedule A to section 17 of the said Act be further amended by adding thereto, immediately after Rule (29) thereof, the following Rule.

“Rule (29a). At the sittings for revision referred to in Rule (29) the revising officer may

(a) comply with any request made by a returning officer pursuant to Rule (28a); and

(b) correct any typographical errors of which he has knowledge appearing in the printed preliminary list of electors.”

Rule (36) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

“Rule (36). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Wednesday, Thursday and Friday, the nineteenth, eighteenth and seventeenth days before polling day, accept, as an application for registration, a sworn application made by two revising agents, in Form No. 70, together with

(a) an application in Form No. 71, signed by the person who desires to be registered as an elector; or

(b) if the person is then temporarily absent from the place of his ordinary residence, an application in the alternative Form No. 71 signed by a relative by blood or marriage of the person;

whereupon the revising officer may, if he is satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where the person ordinarily resides.”

Rules (44) and (45) of Schedule A to section 17 of the said Act be repealed and the following substituted therefor:

L'annexe A de l'article 17 de ladite loi soit en outre modifiée en y insérant, immédiatement après la règle (29), la règle suivante:

«Règle (29A). Aux séances de revision mentionnées à la règle (29) l'officier reviseur peut

a) se conformer à toute requête présentée par un officier rapporteur en conformité de la règle (28A); et

b) corriger toute erreur typographique dont il a connaissance et qui apparaît sur la liste préliminaire imprimée des électeurs.»

La règle (36) de l'annexe A de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (36). Si une personne qui revendique le droit à l'inscription à titre d'électeur est absente, l'officier reviseur peut, tout comme si cette personne était présente devant lui, accepter aux séances de revision qu'il tient les jeudi, vendredi et samedi, les dix-huitième, dix-septième et seizième jours avant le jour du scrutin, à titre de demande d'inscription, une demande assermentée faite par deux agents reviseurs selon la formule n° 70,

a) ainsi qu'une demande selon la formule n° 71, signée par la personne qui désire se faire inscrire à titre d'électeur; ou

b) si la personne est alors temporairement absente de son lieu de résidence ordinaire, une demande selon la formule alternative n° 71 signée par une personne qui lui est apparentée par les liens de la famille ou du mariage; après quoi l'officier reviseur peut, s'il est convaincu que la personne au nom de laquelle la demande est faite est habile à voter, insérer le nom et les détails concernant cette personne sur les feuilles de registre de l'officier reviseur à titre de demande acceptée d'inscription sur la liste électorale officielle de l'arrondissement de votation où réside ordinairement cette personne.»

Les règles (44) et (45) de l'annexe A de l'article 17 de ladite loi soient abrogées et remplacées par ce qui suit:

“Rule (44). The revising officer shall, immediately after the conclusion of his sittings for revision,

(a) prepare from his record sheets, for each polling division comprised in his revisal district, three copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and three copies for the returning officer, and complete the certificate printed at the foot of each copy thereof; or

(b) where no changes or additions have been made in the preliminary list for any polling division, prepare the necessary number of copies of the statement of changes and additions by writing the word “Nil” in the spaces provided for the various entries on the prescribed form and by completing the form in every other respect.

Rule (45). Not later than Wednesday, the twelfth day before polling day, the revising officer shall

(a) deliver or transmit to each candidate officially nominated at the pending election in the electoral district and to the returning officer three copies of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (44); and

(b) deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and by revising agents in Forms Nos. 70 and 71, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.”

«Règle (44). Dès qu’il a terminé ses séances de revision, l’officier reviseur doit

a) préparer, à l’aide de ses feuilles de registre, pour chaque arrondissement de votation compris dans son district de revision, trois copies du relevé des changements et additions pour chaque candidat officiellement mis en présentation à l’élection en cours dans le district électoral et trois copies pour l’officier rapporteur, et en remplir le certificat imprimé au bas de chaque copie; ou b) s’il n’a été apporté aucun changement ni addition à la liste préliminaire d’un arrondissement de votation, préparer le nombre nécessaire de copies du relevé des changements et additions, en inscrivant le mot «Aucun» dans les espaces réservés aux diverses inscriptions sur la formule prescrite et en remplissant la formule à tous autres égards.

Règle (45). Au plus tard le mercredi, le douzième jour avant le jour du scrutin, l’officier reviseur doit

a) remettre ou transmettre à chaque candidat officiellement mis en présentation à l’élection en cours dans le district électoral et à l’officier rapporteur trois copies du relevé des changements et additions pour chaque arrondissement de votation compris dans son district de revision, attestées par l’officier reviseur en conformité de la Règle (44); et

b) remettre ou transmettre à l’officier rapporteur les feuilles de registre, dûment remplies, les duplicata d’avis aux personnes visées par les oppositions, avec les affidavits annexés, selon les formules n° 15 et 16, respectivement, toute demande utilisée et faite par des agents selon les formules n° 17 et 18, respectivement, et par des agents reviseurs selon les formules n° 70 et 71, respectivement, et tout les autres documents en sa possession relatifs à la revision des listes électorales des divers arrondissements de votation compris dans son district de revision.»

It was further agreed that Rule 3 be subject to further amendments of a consequential nature. Mr. Hamel agreed to prepare the necessary draft amendments.

The Committee unanimously agreed that:

Rule 48 be permitted to stand.

Rule (52) of Schedule A to section 17 of the said Act be repealed and the following substituted therefore:

“Rule (52). Each pair of revising agents, after taking their oaths as such, shall, commencing on Friday, the twenty-fourth day before polling day, and up to and including Friday, the seventeenth day before polling day, when so directed by the returning officer, visit any place in an urban polling division that the returning officer may make known to them and where, at such place, it is found that there is any person who is a qualified elector and whose name has not been included in the appropriate urban list of electors prepared for the pending election,

(a) the person may complete an application in Form No. 71, or

(b) if the person is then temporarily absent from the place of his ordinary residence, a relative by blood or marriage of the person may complete an application in the alternative Form No. 71,

and thereupon the revising agents shall jointly complete Form No. 70 and present the completed forms to the appropriate revising officer during such times as he may be sitting pursuant to Rule (28).”

Schedule A to section 17 of the said Act be further amended by adding thereto, immediately after Rule (53) thereof, the following Rule:

“Rule (53a). Every revising agent is guilty of an offence against this Act who wilfully and without reasonable excuse fails to comply with Rule (52) or (53).”

Il est de plus convenu que la Règle 3 soit l'objet de nouveaux amendements corrélatifs. M. Hamel préparera l'avant-projet de modification à cet effet.

Le Comité décide à l'unanimité de:

Réserver la Règle 48.

La règle (52) de l'annexe A de l'article 17 de ladite loi soit abrogée et remplacée par ce qui suit:

«Règle (52). Chaque paire d'agents réviseurs, ceux-ci ayant prêté serment à ce titre, doit, du vendredi vingt-quatrième jour avant le jour du scrutin et jusqu'au samedi seizième jour avant le jour du scrutin, inclusivement, lorsque l'officier rapporteur l'ordonne, visiter tout lieu dans un arrondissement urbain qui peut leur être signalé par l'officier rapporteur. Si l'on constate en ce lieu qu'il y a une personne habile à voter et dont le nom n'apparaît pas sur la liste électorale urbaine appropriée dressée pour l'élection en cours,

a) la personne peut remplir une demande selon la formule n° 71, ou

b) si la personne est alors temporairement absente de son lieu de résidence ordinaire, une demande peut être formulée selon la formule alternative n° 71 par une personne qui lui est apparentée par les liens du sang ou du mariage,

et les agents réviseurs doivent alors remplir conjointement la formule n° 70 et présenter les formules remplies à l'officier réviseur compétent au cours des séances de revision en conformité de la règle (28).»

L'annexe A de l'article 17 de ladite loi soit en outre modifiée par l'insertion, immédiatement après la règle (53), de la règle suivante:

«Règle (53a). Est coupable d'une infraction à la présente loi tout agent réviseur qui, volontairement et sans excuse raisonnable, néglige de se conformer à la règle (52) ou à la règle (53).»

Schedule A to section 17 of the said Act be further amended by adding thereto the following Rule:

“Rule (55). A revising officer shall, upon receipt from a pair of revising agents of a completed application in Forms Nos. 70 and 71 relating to a polling division not contained in his revisal district, cause those forms to be transferred to the revising officer within whose district the polling division is contained, and where an application is so transferred to a revising officer before ten o'clock in the forenoon of Tuesday, the thirteenth day before polling day, that revising officer shall

(a) hold sittings for revision on that Tuesday, the thirteenth day before polling day; and

(b) determine and dispose of the application except that, if he does not accept the application, he shall not transmit to the applicant a notice of objection in Form No. 69.”

(1) Subsection (2) of section 18 of the said Act be repealed and the following substituted therefor:

“(2) In the electoral districts of Yukon and Northwest Territories it is sufficient compliance with subsection (1), if, at least six days before the day fixed for the nomination of candidates, the returning officer causes the proclamation referred to in that subsection to be inserted in at least one newspaper published in the Yukon Territory and in at least one newspaper published in the Northwest Territories and mails one copy of the proclamation to such postmasters within his electoral district as, in his judgment and in, accordance with his knowledge of the prevailing conditions, will probably receive the proclamation at least six clear days before nomination day.”

Subsection (5) of section 18 of the said Act be repealed and the following substituted therefor:

“(5) Every postmaster shall, forthwith after receipt of the proclamation referred to in subsection (1), post it

L'annexe A de l'article 17 de ladite loi soit en outre modifiée par l'adjonction de la règle suivante:

«Règle (55). Un officier reviseur peut, lorsqu'il reçoit d'une paire d'agents reviseurs une demande, remplie selon les formules n^{os} 70 et 71, relative à un arrondissement de votation qui ne relève pas de son district de revision, faire en sorte que ces formules soient transmises à l'officier reviseur dans le district duquel se trouve l'arrondissement de votation, et si une demande est ainsi transmise à un officier reviseur avant dix heures du matin le mardi, treizième jour avant le jour du scrutin, cet officier reviseur doit

a) tenir des séances de revision ce mardi, le treizième jour avant le jour du scrutin; et

b) décider et disposer de la demande; toutefois, si l'officier reviseur n'accepte pas la demande, il ne fera parvenir au requérant aucun avis d'opposition selon la formule n^o 69.»

(1) Le paragraphe (2) de l'article 18 de ladite loi soit abrogé et remplacé par ce qui suit:

«(2) Dans les districts électoraux du Yukon et des Territoires du Nord-Ouest, le paragraphe (1) est réputé suffisamment observé si, au moins six jours avant le jour fixé pour la présentation des candidats, l'officier rapporteur fait insérer la proclamation mentionnée dans ce paragraphe dans au moins un journal publié dans le territoire du Yukon et dans au moins un journal publié dans les territoires du Nord-Ouest, et s'il envoie par la poste une copie de la proclamation à ceux des maîtres de poste de son district électoral qui, à son avis et d'après les connaissances qu'il a des conditions existantes, recevront probablement la proclamation au moins six jours francs avant le jour de la présentation.»

Le paragraphe (5) de l'article 18 de ladite loi soit abrogé et remplacé par ce qui suit:

«(5) Tout maître de poste doit, immédiatement après avoir reçu la proclamation mentionnée au paragraphe (1),

up in some conspicuous place within his post office to which the public has access and maintain it posted there until the time fixed for the nomination of the candidates has passed and, for the purposes of this subsection, such postmaster shall be deemed to be an election officer."

Section 20

Subsection (2) of section 20 of the said Act be amended by striking out the word "or" at the end of paragraph (e) thereof, by adding the word "or" at the end of paragraph (f) thereof, and by adding thereto the following paragraph:

"(g) an employee, as defined in the Public Service Employment Act, who, under that Act, has been granted and is on leave of absence without pay to seek nomination as a candidate and to be a candidate at an election."

(2) Section 20 of the said Act be further amended by adding thereto the following subsection:

"(4) Every one is guilty of an offence against this Act who signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at the election."

Section 21

The heading preceding section 21 of the said Act be repealed and the following substituted therefor:

"Polling Day and Nomination Day"

Section 21 of the said Act be amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

"(2a) Where, pursuant to subsection (2), the day fixed for the poll at an election is a Tuesday, the provisions of this Act requiring any thing to be done on a specified day or within a specified period of time before or after polling day apply as if polling day were a Monday."

l'afficher en un lieu bien en vue à l'intérieur de son bureau de poste là où le public est admis et la tenir affichée en ce lieu jusqu'après la fin du délai fixé pour la présentation des candidats et, aux fins du présent paragraphe, ce maître de poste est censé être un officier d'élection."

Article 20

Le paragraphe (2) de l'article 20 de ladite loi est modifié par le retranchement du mot «ou» à la fin de l'alinéa e), par l'insertion du mot «ou» à la fin de l'alinéa f) et par l'adjonction de l'alinéa suivant:

«g) un employé comme le définit la Loi sur l'emploi dans la Fonction publique à qui, en vertu de cette dernière loi, un congé sans paie a été accordé pour lui permettre de demander à se faire présenter comme candidat et pour être candidat à une élection, et qui est en congé sans paie à cette fin.»

(2) L'article 20 de ladite loi soit en outre modifié par l'adjonction du paragraphe suivant:

«(4) Est coupable d'une infraction à la présente loi, qui conque signe un bulletin de présentation par lequel il consent à devenir candidat à une élection, sachant qu'il est inapte à être mis en candidature à l'élection.»

Article 21

La rubrique qui précède l'article 21 de ladite loi soit abrogée et remplacée par ce qui suit:

«*Jour du scrutin et jour des présentations*»

L'article 21 de ladite loi soit modifié par l'insertion, après le paragraphe (2), du paragraphe suivant:

«(2a) Lorsque, en conformité du paragraphe (2), la date fixée pour le scrutin à une élection est un mardi, les dispositions de la présente loi qui exigent qu'une chose soit faite un jour spécifié ou dans un délai spécifié avant ou après le jour du scrutin, s'appliquent comme si le jour du scrutin était un lundi.»

Subsections (5) to (17) of section 21 of the said Act be repealed.

Section (21a) be permitted to stand.

Section 22

Subsections (3) and (4) of section 22 of the said Act be repealed and the following substituted therefor:

“(3) Where, after a candidate has withdrawn, only one candidate remains the returning officer shall, without waiting for the day fixed for holding the poll, return as duly elected the remaining candidate.

(4) Every one is guilty of an illegal practice and of an offence against this Act who, before or during an election, for the purpose of procuring the election of another candidate, publishes a false statement of the withdrawal of a candidate at the election.”

Subsection (1) of section 24 of the said Act be repealed and the following substituted therefor:

“24. (1) Where only one candidate has been officially nominated for an electoral district within the time fixed for that purpose, the returning officer shall

(a) forthwith make his return to the Chief Electoral Officer, in Form No. 29, that the candidate is duly elected for the electoral district; and

(b) within forty-eight hours thereafter send a certified copy of the return to the person elected.”

At 11:00 a.m., the Committee adjourned until 3:30 p.m. this date.

AFTERNOON SITTING

The Standing Committee on Privileges and Elections having been duly called to meet this day at 3:30 p.m., the following members were present: Messrs. Benjamin, Duquet, Forest, Howe and Laflamme—(5).

(3) Les paragraphes (5) à (17) de l'article 21 de ladite loi soient abrogés.

L'article 21a est réservé.

Article 22

Les paragraphes (3) et (4) de l'article 22 de ladite loi soient abrogés et remplacés par ce qui suit:

«(3) Lorsque, après le désistement d'un candidat, il ne reste qu'un seul candidat, l'officier rapporteur doit déclarer dûment élu le candidat qui reste sur les rangs, sans attendre le jour fixé pour la tenue du scrutin.

(4) Est coupable d'un acte illicite et d'une infraction à la présente loi qui, conque, avant ou pendant une élection, publie une nouvelle mensongère du désistement d'un candidat à cette élection, aux fins de favoriser l'élection d'un autre candidat.»

Le paragraphe (1) de l'article 24 de ladite loi est abrogé et remplacé par ce qui suit:

«24. (1) Lorsque un seul candidat a été officiellement mis en présentation dans un district électoral dans le délai fixé à cette fin, l'officier rapporteur doit

a) soumettre immédiatement au directeur général des élections, suivant la formule n° 29, son rapport attestant que le candidat est dûment élu pour le district électoral; et

b) transmettre, dans les quarante-huit heures, une copie certifiée de son rapport à la personne élue.»

A 11 h, le Comité suspend ses travaux jusqu'à 3h 30 cet après-midi.

SÉANCE DE L'APRÈS-MIDI

La réunion du Comité permanent des privilèges et élections est dûment convoquée pour cet après-midi à 3h 30. Sont présents les députés suivants: MM. Benjamin, Duquet, Forest, Howe et Laflamme—(5).

There being no quorum, the Chairman adjourned the meeting until 9:30 a.m., January 29, 1970. Comme il n'y a pas quorum, le président lève la séance jusqu'au 29 janvier 1970, à 9h 30 du matin.

Le greffier du comité,
R. V. Virr,
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, January 27, 1969

● 0945

The Chairman: Order, please. I believe we can start to hear evidence, and later on when we have a quorum we can come back to where we start this morning. At our last meeting we were studying Rule (5), on page 16, which simply makes a correction to readjust the timing of nomination of enumerators because the question of issue of the writ has been changed by the date of... Mr. Hamel.

Mr. J. M. Hamel (Chief Electoral Officer): In the present legislation, this is pretty vague. A returning officer gives notice to the candidates or the persons entitled to nominate urban enumerators and gives them five days. There is nothing precise, and at times the names will not be in before the date the enumeration is to start; this should be read in conjunction with Rule (3)(a)(i) which you adopted the other day. It is to force the returning officer to give you notice, as soon as the writs are issued, in which you will say that your nominations should be in by 12 o'clock noon on the fifty-fourth day before polling day. This will make it precise and specific.

The Chairman: On pages 16 to 27, there are only minor changes to make workable the earlier amendments we have already passed. I do not want to push the Committee, but to be expedient, I believe we should not spend too much time discussing these minor changes. Do you have any discussion on Rule (5)? We can carry it in a few minutes, when we have a quorum.

Subclause (7), do you have any comments on that Mr. Hamel?

Mr. Hamel: Yes, Rule (9). This was redrafted and broken down into three rules instead of one, for clarification, and one thing was added. In the case of enumerators we just cannot decide when they are going to make their visits. This has to be settled at the moment by instructions to returning officers. To put more teeth into it I suggest here that,

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 27 janvier 1970

Le président: A l'ordre, s'il vous plaît. Je crois que nous pouvons commencer la réunion et entendre les témoins. Toutefois, lorsque le quorum sera complet, nous pourrons en revenir au point où nous avons commencé ce matin. Nous étions, à la dernière réunion, en train d'étudier la règle (5) à la page 16, qui prévoit une modification au sujet du moment opportun pour la nomination des énumérateurs, car la date de l'émission du bref d'élection a été changée avant le... M. Hamel.

M. J. M. Hamel (Directeur général des élections): Dans la Loi actuelle c'est assez vague. L'officier rapporteur avertit les candidats ou ceux qui en ont le droit de nommer les énumérateurs urbains dans les cinq jours. Mais s'il n'y a rien de précis et parfois la liste des noms sera pas prête avant la date où commence l'énumération. Il faut rattacher cela à la Règle (3) (a) (i) que vous avez adopté l'autre jour. Cette règle a pour but de forcer l'officier rapporteur à vous avertir, dès que les brefs d'élection sont émis et elle dit que les nominations doivent être présentées avant midi, le cinquante-quatrième jour avant le jour du scrutin. Cette disposition rend le texte du règlement plus clair et plus précis.

Le président: De la page 16 à la page 27, il n'y a que de petites modifications qui rendent plus facile la mise en œuvre des amendements que nous avons déjà adoptés. Je ne veux pas aller trop vite mais je crois que nous ne devrions pas consacrer trop de temps à l'étude de ces petits changements. Avez-vous d'autres questions au sujet de la Règle (5)? Nous pourrions l'adopter dans quelques minutes quand nous aurons atteint le quorum.

Monsieur Hamel avez-vous des commentaires au sujet du paragraphe (7)?

M. Hamel: J'en aurais au sujet de la Règle (9). Celle-ci a été rédigée de nouveau et divisée en trois pour clarifier le texte et un autre élément a été ajouté. Quand aux énumérateurs, nous ne pouvons pas décider quand ils iront faire leur visite. Cela doit être réglé par des directives données aux officiers rapporteurs. Afin de rendre le texte plus clair, je

[Text]

right in the Act, we say that each enumerator in turn will decide when he is going to make his visits. On Monday, for instance, one will decide to make his visits from 2.00 to 4.00 in the afternoon, on Tuesday, the other enumerator will have the choice.

An hon. Member: Is this new?

Mr. Hamel: That is correct, yes. This is new. This is the only new concept here, which is in fact nothing new because this is the way we used to do it by instructions.

The Chairman: All right. Rule (9A).

Mr. Hamel: Well, this is Rule (9A). Rule (9B) is nothing new: it is just redrafting. There is absolutely no new concept.

The Chairman: Rule (12).

Mr. Hamel: Rule (12). Here, again, it was redrafted and has to be read in conjunction with Clause 34, (2) and (4) on pages 48 and 49. This was broken down to make clear that—and here again, there is no new concept—where the enumerators have not done a proper job, have missed too many names, or have tried to pad their lists, at the moment, it is said that the returning officer will not sign the account and these people will not be paid; in this case, it is in three places. The first place is in Rule (3): it is said that the returning officer shall not certify the accounts; later on, it is said that I shall not authorize payment; and finally, that the Receiver General shall not issue a cheque. It is just for clarification again.

• 0950

The Chairman: We now have a quorum. Are Rules (5), (9), (9A) and (9B) carried?

Rules (5), (9), (9A) and (9B) agreed to.

We are on Rule 12. Is Rule (12) carried? Rule (12) agreed to.

M. Duquet: Quel est le changement dans la règle 12?

M. Hamel: Au règlement n° 12, il n'y a aucun changement. On l'a simplement réduit pour ne couvrir que le travail de l'énumérateur et le certificat que l'officier rapporteur doit refuser si le travail de l'énumérateur ne le satisfait pas.

[Interpretation]

propose ici que dans le texte même de la Loi, on dise que chaque énumérateur choisisse le jour et l'heure de ses visites. Le lundi, par exemple, un énumérateur pourrait décider de faire ses visites de 2 à 4 heures de l'après-midi et le mardi l'autre énumérateur choisirait les heures qui lui conviennent.

Une voix: Ce système est-il nouveau?

M. Hamel: Oui, en effet, c'est nouveau. Mais de fait ce n'est pas nouveau car c'est bien de cette façon que nous procédions, par directives.

Le président: Bon d'accord. Étudions la Règle (9A).

M. Hamel: Voilà pour la Règle (9A). (9B) Ce n'est rien de nouveau. On l'a simplement rédigée de nouveau. Il n'y a absolument pas de nouveau concept.

Le président: La Règle (12).

M. Hamel: Ici encore une fois la Règle (12) a été rédigée de nouveau et doit être rattachée à l'article 34 du projet paragraphe (2) et (4) aux pages 48 et 49. Cet article a été divisé en trois parties pour le rendre plus clair, il est ici encore, il n'y a pas de nouveau concept. On y dit que lorsque les énumérateurs n'ont pas fait un bon travail ont oublié d'inscrire trop de noms sur la liste ou ont essayé d'étoffer leurs listes, l'officier rapporteur ne doit pas signer cette liste et ces énumérateurs ne seront pas payés. On touche à cette question à trois endroits dans le texte. En premier lieu, on dit dans la Règle (3) que l'officier rapporteur ne doit pas certifier les comptes, plus loin il est dit que je n'autoriserai pas le paiement et le financement que le Receveur général du Canada n'émettra pas un chèque. Encore une fois, ce n'est que pour rendre le texte plus clair.

Le président: Nous avons maintenant le quorum. Veut-on adopter les Règles (5), (9), (9A) et (9B)?

Les Règles (5), (9), (9A) et (9B) sont adoptées. Passons donc à la Règle (12). La Règle (12) est-elle adoptée?

La Règle (12) est adoptée.

Mr. Duquet: What modification has been brought to Rule (12)?

Mr. Hamel: No change has been brought to Rule (12). It has simply been shortened to cover only the enumerator's job and the certificate which the returning officer must refuse to give if the enumerator's work is not to his complete satisfaction. Further down you will

[Texte]

Plus loin, vous trouvez l'autorisation de ne pas payer si le travail de l'officier rapporteur n'est pas satisfaisant. Il n'y a là rien de neuf.

The Chairman: Carried. Rule (18).

Mr. Hamel: The only change in Rule (18) is the underlined line and a half towards the middle. This was put in at the request of a number of judges who are *ex officio* revising officers and who would like the Act to specify when they should nominate substitute revising officers, without having to consult with me or the returning officer. At the moment, it is only when we contact the judges and tell them we want the names of the substitute revising officers for inclusion in various notices, that they are reminded of nomination. We also like to know the address of the place where they are going to hold the sittings for revision and that kind of thing.

The Chairman: Carried. Rule (18A).

Mr. Hamel: Rule (18A) is a part of (18). Rule (18) was broken down into (18A) and (18B) for clarification.

Some hon. Members: Carried.

Mr. Hamel: The same with Rule (18B).

The Chairman: Carried. Rule (23).

Mr. Hamel: This deals with the notice of revision. The only part I suggest deleting here is that which obliges the returning officer to send a copy of the notice of revision to each post office in his district, whether in an urban or a rural area. This is not necessary in the case of rural area post offices since the revision applies only to urban areas.

Some hon. Members: Carried.

Mr. Hamel: The present Rule (25) says that if a postmaster to whom a notice was sent fails to post it up, he is liable to be dismissed. This seems a bit archaic to me. It might have been all right 25, 30 or 40 years ago but today, no. What we suggest is that the postmaster in such a case be deemed an election officer. As such, and if there are reasons for believing that he was negligent, he could be prosecuted and penalized as every election officer is who has failed in his duties.

Mr. Lefebvre: Do Post Office regulations grant you the authority to dismiss a postmaster?

[Interprétation]

see the authorisation for not paying the returning officer if his work is not satisfactory. There is nothing new in that part of the Rules.

Le président: Adoptée. Passons à la Règle (18).

M. Hamel: Le seul changement apporté à la Règle (18) est une ligne et demie, soulignée, qui se trouve au milieu du texte de la Règle. On a ajouté cette ligne à la demande de plusieurs juges qui sont d'office des officiers reviseurs et qui voudraient que la Loi indique quand ils pourraient nommer des substituts d'officier reviseur sans avoir à consulter l'officier rapporteur ou moi-même. Présentement, c'est seulement lorsqu'on communique avec les juges et que nous demandons les noms des substituts d'officier rapporteur pour les inscrire dans divers avis qu'on leur rappelle la date des mises en nomination. Nous aimons aussi savoir l'adresse du lieu où ils doivent tenir leurs séances de revision et le reste.

Le président: Adopté. La Règle (18A)

M. Hamel: La Règle (18A) fait partie de la Règle (18). Celle-ci a été divisée en deux parties pour la clarté du texte.

Des voix: Adopté.

M. Hamel: La même chose s'applique à la Règle (18b).

Le président: Adoptée. Passons à la Règle (23).

M. Hamel: Cette règle se rapporte à l'avis de revision. La seule partie que je propose d'enlever est celle qui oblige l'officier rapporteur à envoyer une copie de l'avis de revision à tous les bureaux de poste de son district, que ce soit dans une région urbaine ou rurale. Cela n'est pas nécessaire dans les régions rurales car la revision ne s'applique qu'aux régions urbaines.

Des voix: Adoptée.

M. Hamel: Les dispositions actuelles de la Règle (25) prévoient que si un maître de poste n'affiche pas un avis qui lui a été envoyé il peut être congédié. Je crois que c'est une règle périmée qui avait peut-être du bon il y a 25 ou 40 ans, mais plus maintenant. Nous proposons que le maître de poste en l'occurrence soit considéré comme un officier d'élection. Ainsi, si l'on a des raisons de croire qu'il a été négligent, il pourrait être poursuivi comme tous les autres officiers d'élection qui ont manqué à leur devoir.

M. Lefebvre: Est-ce que le Règlement du ministère des Postes vous autorise à congédier un maître de poste?

[Text]

Mr. Hamel: I do not think the matter has ever been discussed with the Post Office Department. But as I have said, though this might have been accepted when the Act was first written 40 or 50 years ago, I do not think it would today.

The Chairman: Carried. Yes, Mr. Forrestall.

Mr. Forrestall: Mr. Chairman, he is not paid for this duty, is he?

Mr. Hamel: No, this is part of his regular job.

Mr. Forrestall: This additional work does not conflict with Post Office terms of reference.

Mr. Hamel: No. In fact I believe he has to post up a number of notices from several government departments.

Some hon. Members: Carried.

The Chairman: Carried. Rule (28A).

Mr. Hamel: Mr. Chairman, before we deal with Rule (28A), may I mention something not included in my series of amendments, namely, the days for the sittings of revisions. A problem in this connection has arisen after having a couple of by-elections.

At the moment, as you know, the sittings of revisions are held on Thursday, Friday and Saturday. Affidavits of objection can be received up to the Friday evening at 10 o'clock standard time. Where any such affidavit is received, the substitute revising officer has to send a notice by registered mail to the person whose name is objected to.

If the person to whom a notice is sent wants to appear, he has to come back on the

• 0955

next Tuesday. But, at the moment, with post offices closed on Saturdays, the earliest day upon which a substitute revising officer can mail these notices is the following Monday, the day before that for which the sittings to hear these affidavits of objection are scheduled. Either we postpone the hearing of these affidavits to Wednesday or we advance the sittings of revisions to Wednesday, Thursday and Friday.

Personally, I would suggest that we advance the sittings of revisions to Wednesday, Thursday and Friday, even though it would mean a day less for people to study the lists we send. One advantage would be this: whereas at a by-election at the moment, the last day of revision is the first day for the advance poll, which means that on the first day of the advance poll we may not have a

[Interpretation]

M. Hamel: Je ne crois pas qu'on ait jamais discuté avec le ministère des Postes. Mais, comme je l'ai dit, ce fait aurait pu être accepté lors de la rédaction de la Loi il y a 40 ou 50 ans. Je crois qu'aujourd'hui ce n'est plus valable.

Le président: Adopté. M. Forrestall.

M. Forrestall: Il n'est pas payé pour faire ce travail n'est-ce-pas?

M. Hamel: Non, cela fait partie de son travail ordinaire.

M. Forrestall: Ce travail supplémentaire n'entre-t-il pas en conflit avec l'exercice de son mandat donné par le Bureau de poste?

M. Hamel: Non, de fait il doit afficher bon nombre d'avis qui viennent de plusieurs ministères du gouvernement.

Des voix: Adopté.

Le président: Adopté. La Règle (28a).

M. Hamel: Monsieur le président, avant de passer à la Règle (28), il y a quelque chose qui ne figure pas à ma liste d'amendements, notamment, les jours où doivent se tenir les séances de revision. A ce sujet, un problème est survenu à la suite de quelques élections complémentaires. Présentement, les séances de revision ont lieu les jeudis, vendredis et samedis. Les affidavits d'opposition peuvent être formulés jusqu'au vendredi soir à 10h00, heure normale. Si des oppositions sont reçues, le substitut de l'officier reviseur doit envoyer un avis recommandé à la personne à laquelle on s'oppose. Si la personne qui reçoit cet avis veut comparaître, elle doit venir le mardi suivant. A l'heure actuelle, comme les bureaux de poste sont fermés le samedi, c'est seulement le lundi que le substitut de l'officier reviseur peut mettre ces avis à la poste, c'est-à-dire un jour avant la date prévue pour les séances où ces oppositions seront entendues. Soit que nous remettons au mercredi ces audiences, soit que nous avançons la date de ces séances de revision à mercredi, jeudi et vendredi.

Je proposerais d'avancer les dates des séances de revision à mercredi, jeudi et vendredi, même si les gens auraient alors une journée de moins pour étudier les listes que nous leur envoyons. L'un des avantages qui en découleraient, c'est qu'à l'heure actuelle, lors d'une élection complémentaire, le dernier jour de revision est aussi le premier jour pour installer le bureau provisoire de votation; donc, le

[Texte]

completely revised list, under the new system, the revision would have been completed the night before.

The only disadvantage is that the period between the time the lists are mailed to the electors and the beginning of the sittings of revisions would be reduced by one day. So, if you agree, Mr. Chairman, I would like to distribute copies of this because it is the main amendment to Rule (28), and it involves quite a number of consequential amendments to several other rules.

Mr. Richard: Mr. Chairman, may I ask Mr. Hamel whether we are dealing with the revising officers named by the judges?

Mr. Hamel: This is correct.

Mr. Richard: My main complaint has always been the hours of sitting of these people. Some of them seem to choose their own hours. Some say: "There is nobody around so I will go home." And, "I have sat long enough around here—there is nobody coming so I shall go." They do this all the time. It is hard to get revising officers to stay in their places. They should have fixed hours.

Mr. Hamel: They have fixed hours in the Act. They have to sit between 11 o'clock and 12 o'clock noon, and then for at least one hour in the evening.

Mr. Richard: For at least one hour in the evening and they work that out in their own way.

Mr. Hamel: Well...

Mr. Richard: In the cities, where we have the biggest problem, it has always been difficult to find a revising officer sitting there. He will say: "I left because there was nobody around."

The Chairman: Why not say, then, that they must sit for a certain time in the afternoon.

Mr. Richard: They must sit a certain number of hours. I think they should.

The Chairman: And they have to sit from 7 o'clock to 9 o'clock.

Mr. Richard: They do not.

Mr. Benjamin: The Act expressly says that they sit for at least one hour. At least one hour, but it does not specify the hour.

[Interprétation]

premier jour où est établi le bureau provisoire de votation, il se peut que nous n'ayions pas une liste complète révisée. D'autre part, selon le nouveau système, la revision aurait été terminée la nuit précédente.

Le seul désavantage est que la période entre la date où la liste est envoyée aux électeurs et le début des séances de revision compterait un jour de moins. Alors, si vous êtes d'accord, monsieur le président, je vais distribuer le texte suivant qui décrit l'amendement principal à la Règle (28) et qui comprend aussi des amendements importants à plusieurs autres règles.

M. Richard: Monsieur le président, s'agit-il des officiers reviseurs qui sont nommés par les juges?

M. Hamel: C'est juste.

M. Richard: Ce dont je me plains le plus c'est l'heure des séances. Il y a des gens qui choisissent leurs propres heures de travail, voyant qu'il n'y a personne, ils décident de rentrer chez eux. D'autres se disent qu'il y a longtemps qu'ils sont au travail et comme personne ne vient, ils préfèrent s'en aller. Cela se fait tout le temps. Il est difficile d'avoir des officiers de revision qui restent à leurs bureaux. Ils devraient travailler à heures fixes.

M. Hamel: Selon la Loi ils ont des heures fixes. Ils doivent siéger entre onze heures et midi et au moins une heure durant la soirée.

M. Richard: Pour au moins une heure de la soirée, mais, ils s'arrangent pour cela à leur manière.

M. Hamel: Eh bien...

M. Richard: Ceci a toujours été le cas dans les villes. C'est là que nous avons beaucoup de difficultés à compter sur les services de l'officier reviseur. Il dira par exemple: «je suis parti, car il n'y avait personne ici».

Le président: Pourquoi ne pas prévoir qu'il devrait siéger pendant une partie de l'après-midi?

M. Richard: Il doit demeurer à son poste durant un certain nombre d'heures, du moins il devrait le faire.

Le président: Et il doit siéger de 7 heures à 9 heures.

M. Richard: On ne le fait pas.

M. Benjamin: Le texte de la Loi dit expressément qu'il doit siéger au moins une heure, mais ne précise pas quelle heure.

[Text]

Mr. Hamel: No, no.

Mr. Lefebvre: It says here:

...shall commence at ten o'clock...for at least one hour...

Mr. Hamel: That is correct, and they should read the Act more carefully.

Mr. Benjamin: It also says he shall sit for at least one hour in the evening. It could be any hour that he chooses.

Mr. Lefebvre: Between 7 and 10 o'clock.

Mr. Benjamin: If you went there at 8 o'clock, he could say: "I was here from 7 o'clock to 8 o'clock."

Mr. Hamel: It is right in Rule (28). You have there the change I am very respectfully suggesting. As I have said, a couple of by-elections caused quite a few problems because of the notices that could not be sent on Saturday in most places because the post offices were closed. Therefore, I suggest that we advance the revisions to Wednesday, Thursday and Friday with notices of objection being received on Wednesday and Thursday. Then the substitute revising officer could mail his notices on Thursday and Friday, but not later than Friday noon. In this way, the electors would receive the notices before the following Tuesday and, if they wanted to, would have a chance to appear.

This involves amendments to Rules (29), (30), (34) and (35), (36), (38) and (52); (3), (13) and (16) of Schedule B, as well as paragraph 1 of subsection (1) of Section 107 and finally, Form No. 1. So, in this series of amendments, you have the main amendment plus a series of consequential amendments.

• 1000

Amendment agreed to.

The Chairman: Rule (28A).

Mr. Hamel: Rule (28A) is something new which, in fact, would save everybody an awful lot of work. This is to allow the revising officer to revise a list on the basis of Form 7 which would be given to him by the returning officer in the case of enumerators who have enumerated outside their own polling division.

At the moment, we have to send a second team of enumerators with some inconvenience to the electors and so on. In this case, if the returning officer is satisfied that the enumerators did a good job, but they got the

[Interpretation]

Mr. Hamel: Non, non.

Mr. Lefebvre: On dit ici dans la Loi:

...doivent s'ouvrir à dix heures...se continuent pendant au moins une heure...

Mr. Hamel: C'est juste, et ces gens devraient lire la Loi avec plus d'attention.

Mr. Benjamin: On dit aussi dans la Loi, que l'officier reviseur doit être à son bureau au moins une heure durant la soirée. Il peut bien choisir l'heure qu'il veut.

Mr. Lefebvre: Entre sept heures et dix heures.

Mr. Benjamin: Si vous y alliez à huit heures, il pourrait dire: «J'y étais de sept heures à huit heures».

Mr. Hamel: Cela fait partie de la Règle (28). En un mot, voici le changement que je propose. Comme je l'ai dit, certaines élections complémentaires ont posé des problèmes, car dans bien des cas, les avis n'ont pu être envoyés le samedi, les bureaux de poste étant alors fermés. Je proposerais donc que la période de révision soit avancée et qu'elle ait lieu le mercredi, le jeudi et le vendredi et que les avis d'objection soient reçus le mercredi et le jeudi. Ces avis pourraient alors être mis à la poste par le substitut de l'officier reviseur le jeudi et le vendredi, mais pas plus tard que le vendredi midi. De cette façon, les électeurs recevraient leurs avis avant le mardi suivant et s'ils le veulent, auraient l'occasion de comparaître. Cela veut dire qu'il faudrait amender les Règles suivantes: (29), (30), (34) et (35) (36), (38) et (52); (3), (13) et (16) de l'Annexe B, ainsi que l'alinéa (1) du paragraphe (1) de l'article 107 et finalement la Formule no. 1. Il y a donc l'amendement principal et les amendements qui y font suite.

L'amendement est adopté.

Le président: Passons à la Règle (28A)

Mr. Hamel: Règle (28A). Il s'agit d'un amendement nouveau qui pourrait épargner beaucoup de travail à bien des gens. Ceci permettrait aux officiers reviseurs de reviser une liste d'après la formule 7, formule qui leur serait remise par l'officier rapporteur lorsque les énumérateurs ont œuvré hors des limites de leur propre arrondissement de votation.

A l'heure actuelle, nous devons envoyer une deuxième équipe d'énumérateurs, ce qui ennuie les électeurs, etc. Si l'officier rapporteur croit que les énumérateurs ont fait du bon travail mais qu'ils ont, par exemple, pris

[Texte]

wrong side of the street, the revising officer would have the authority to amend the list on the basis of the enumerators' information instead of cancelling all these Forms 7 and doing a new enumeration with a new pair of enumerators.

Amendment agreed to.

Mr. Hamel: Rule (29), subclauses (d) and (e). Let us deal with subclause (d), first.

At the moment, if a person wants to have his name removed from the list, the only procedure provided is to find somebody who will object to his name being on the list and, as you can imagine, that is not always easy. So I have suggested that the revising officer be authorized to delete a name on personal application of the person. The main problems we have are with, I would say, foreigners, with Americans, or as happened one year, for instance, one of the British Commonwealth embassies in Rockcliffe was enumerated and everybody in the embassy was on the list. They had a right to be on the list because they had been in Canada for over a year and were British subjects, but they just did not want to be on the list. The only way these names could be deleted from the list was to find a group of electors on the same list who would object to these people being on the list and it is...

Mr. Lefebvre: For what reason would they want to be removed?

Mr. Hamel: Because they were, in fact, here only temporarily. In some cases they were put on the list in error. Some American citizens, for instance, who may have been in Canada for a year, who are not Canadian citizens and who do not want to jeopardize their own citizenship would want their names to be removed from the list. At the moment, the only procedure provided is to find somebody who will object to their names being on the list. So, I have suggested that if they make a personal application to the judge or to the revising officer, the revising officer will be authorized to delete the names.

Mr. Lefebvre: In other words if a person finds an error on the list...

Mr. Hamel: Yes.

Mr. Lefebvre: ...he can notify the returning officer and his name will be removed?

The Chairman: Yes.

Mr. Lefebvre: If my name is on the list...

Mr. Hamel: Yes.

[Interprétation]

la liste des noms du mauvais côté de la rue, à ce moment-là, l'officier rapporteur pourrait modifier la liste en se fondant sur les listes qui existent déjà, au lieu d'annuler toutes les formules 7 et d'entreprendre un nouveau travail d'énumération avec une deuxième équipe.

L'amendement est adopté.

M. Hamel: Prenons la Règle (29), paragraphes (d) et (e). Prenons le paragraphe (d) en premier lieu.

A l'heure actuelle, si une personne veut faire enlever son nom de la liste, il faut trouver quelqu'un qui s'oppose à ce que son nom figure sur la liste et ce n'est pas toujours facile. Je propose que l'officier reviseur soit autorisé à enlever un nom si la personne en question en fait la demande. Il y a par exemple le cas des étrangers, notamment les Américains. Une année, le personnel entier d'une des ambassades du Commonwealth britannique à Rockcliffe avait fait l'objet d'une énumération, c'était dans l'ordre, car ces gens, sujets britanniques, vivaient au Canada depuis déjà plus d'un an, mais ils s'y refusaient. Il a fallu trouver quelqu'un pour s'opposer à ce que leurs noms figurent à la liste et en soient enlevés, et c'est...

M. Lefebvre: Pourquoi voulaient-ils que leurs noms soient enlevés de la liste?

M. Hamel: Parce qu'ils ne sont au pays que d'une façon temporaire. D'ailleurs, il s'agit parfois d'une erreur. Certains citoyens américains qui sont ici depuis un an ne sont pas des citoyens canadiens; ils ne veulent donc pas mettre en danger leur propre citoyenneté et ils veulent que leur nom soit enlevé de la liste électorale. La seule façon de procéder à l'heure actuelle, c'est de trouver quelqu'un qui va s'opposer à ce que telle ou telle personne figure sur la liste. Je propose donc qu'il soit possible de présenter une demande au juge ou à l'officier reviseur que celui-ci soit autorisé à enlever ces noms.

M. Lefebvre: Si une personne découvre une erreur sur la liste...

M. Hamel: Oui.

M. Lefebvre: ...elle peut avertir l'officier rapporteur et son nom sera enlevé.

Le président: Oui.

M. Lefebvre: Si mon nom est sur la liste...

M. Hamel: Oui.

[Text]

Mr. Lefebvre: ...and I do not feel it should be...

Mr. Hamel: Yes.

Mr. Lefebvre: ...at the present time, can I have it removed?

Mr. Hamel: No.

Mr. Lefebvre: I have to ask my neighbour to object.

Mr. Hamel: Yes, that is right.

Mr. Lefebvre: The change you have suggested is so that the person who is on the list can go and complain?

Mr. Hamel: Yes.

Mr. Lefebvre: That is fine.

Mr. Hamel: I feel it must be a personal application to avoid any possible problem.

Amendment agreed to.

Mr. Hamel: Subclause (e) is an extension of what we discussed a few days ago at one of the previous meetings to authorize the revising officer to correct typographical errors or misspelling of names and that kind of thing on the request of the returning officer.

Amendment agreed to.

Mr. Benjamin: If you wanted that kind of correction made, you would not go to the revising officer, you would go to the returning officer.

Mr. Hamel: That is correct.

Mr. Benjamin: Who, in turn, would pass it on to him.

Mr. Hamel: That is correct.

Mr. Benjamin: Again, are not these sort of very inconsequential changes Because the constituency could be a long way from where a returning officer is, does he have to appear personally.

Mr. Hamel: No, the returning officer does not have to appear personally. The request could be made in writing and sent to the revising officer at the same time the lists are sent to him for revision. The amendment says:

(e) requests made by the returning officer to correct errors appearing on the printed preliminary list of electors...

[Interpretation]

M. Lefebvre: ...et que je crois que c'est une erreur...

M. Hamel: Oui.

M. Lefebvre: ...à l'heure actuelle, je ne peux pas le faire enlever?

M. Hamel: Non.

M. Lefebvre: Je dois donc demander à mon voisin de formuler une opposition?

M. Hamel: Oui, c'est juste.

M. Lefebvre: Vous demandez donc de changer la Loi, de sorte que la personne dont le nom figure sur la liste, puisse aller porter plainte?

M. Hamel: Oui.

M. Lefebvre: D'accord.

M. Hamel: Je crois que c'est la personne elle-même qui doit demander, afin d'éviter tout problème.

L'amendement est adopté.

Le paragraphe (e) fait suite à ce que nous avons mentionné il y a quelques jours lors d'une réunion précédente. On parlait d'autoriser l'officier reviseur à rectifier les erreurs typographiques ou les noms mal épelés à la demande de l'officier rapporteur.

L'amendement est adopté.

M. Benjamin: A ce moment-là, on s'adresse à l'officier reviseur et non pas à l'officier rapporteur.

M. Hamel: C'est juste.

M. Benjamin: Qui à son tour communique avec lui.

M. Hamel: C'est juste.

M. Benjamin: Ne trouvez-vous pas qu'il y a de l'illogisme dans ces changements? Il se peut que la circonscription se trouve assez loin de l'endroit où se trouve l'officier rapporteur et celui-ci doit-il alors se présenter en personne?

M. Hamel: Non. L'officier rapporteur n'a pas à se présenter personnellement. La demande peut être reçue par écrit et peut être envoyée à l'officier reviseur au même moment qu'on lui envoie les listes qui seront révisées. L'amendement est libellé comme suit:

Les demandes faites par l'officier rapporteur afin de faire rectifier des erreurs qui paraissent sur la liste préliminaire des électeurs imprimée...

[Texte]

Mr. Benjamin: All right.**The Chairman:** Rule (29A).

Mr. Hamel: Rule (29A) is purely consequential to (29). Rule (29) gives the authority and (29A) deals with the procedure more or less for the revising officer to comply with requests made by returning officer and correction of typographical errors.

Amendment agreed to.

The Chairman: Rule (36).

Mr. Hamel: As you will perhaps remember, the concept of revising agents was introduced in 1960. This was something new and I believe it has worked, at least, from our point of view it works pretty well. There is only one thing, though, that perhaps sounds to me to be a bit abnormal. If a person's name has been missed on the list and he has asked the revising agent to come to his place, when the revising agent goes to that elector's residence, if the elector is not there, the revising agent cannot take the information from anybody else. The revising agent has to go back two, three or four times. This is a bit abnormal in my opinion because if the elector were dealing through another elector acting as his agent, the information could be given by a relative by blood or by marriage. So, it seemed to me that the same thing should be extended to revising agents. In fact, it would save an awful lot of work and I do not think it could create any problem because it is certainly much safer than in the case of ordinary electors acting as agents.

Mr. Duquet: Is it a sworn application?

Mr. Hamel: That is correct. It is a sworn application and it would be extended strictly to a person of the same household related by blood or marriage.

Amendment agreed to.

The Chairman: Rule (44).

Mr. Hamel: My suggestion in Rule (44) primarily is to reduce the amount of paperwork that a revising officer has to cope with. At the moment, he has to prepare five copies of the statement of changes and additions for each candidate. When there are six, seven, or eight candidates, it means 30 copies plus the copies for the returning officer, plus this and that, so, it becomes quite voluminous, you know. The information I have would indicate that most candidates—I do not know whether

[Interprétation]

M. Benjamin: Très bien.**Le président:** La Règle (29A).

M. Hamel: La Règle (29A) fait suite à la Règle (29). La Règle (29) accorde l'autorisation et la Règle (29A) prévoit que l'officier reviseur va se conformer aux demandes de l'officier rapporteur et corriger les erreurs typographiques.

L'amendement est adopté.

Le président: La Règle (36).

M. Hamel: Comme vous le savez, c'est en 1960 qu'on a créé le poste d'officier reviseur, ce qui a donné de bons résultats. Il y a toutefois une chose qui me semble un peu anormale; si le nom d'une personne n'a pas été inscrit sur la liste par oubli, et qu'elle demande à l'officier reviseur de se rendre chez elle, lorsque l'officier reviseur s'y rend, si la personne n'est pas là, il ne peut pas demander à quelqu'un d'autre les renseignements dont il a besoin. Il doit revenir deux, trois ou quatre fois. C'est assez bizarre à mon avis, car si l'électeur en question pouvait passer par quelqu'un d'autre, les renseignements voulus pourraient alors être fournis par un parent. Donc on devrait aussi amender la Loi en fonction de l'officier reviseur. Cette modification épargnerait beaucoup de travail et c'est beaucoup plus sûr que dans le cas où des électeurs agissent comme représentant.

M. Duquet: Ce serait une demande faite sous serment?

M. Hamel: Oui, qui s'appliquerait strictement à une personne de la même maison, membre de la famille ou apparentée par alliance.

L'amendement est adopté.

Le président: La Règle (44).

M. Hamel: Par mon amendement à la Règle (44), je voudrais réduire la quantité de travail que doit faire l'officier reviseur. Il doit à l'heure actuelle préparer cinq copies des déclarations quand il y a des changements pour chaque candidat. Lorsqu'il y a plusieurs candidats, cela fait une quantité volumineuse de travail. Les renseignements dont je dispose indiquent que la majorité des candidats ou du moins les candidats en général n'ont pas besoin de cinq exemplaires; il leur suffirait

[Text]

I should say, "most candidates"—do not generally need five copies and that they would be satisfied with two or three. Therefore, I have suggested that we reduce the number of copies to three to reduce the paperwork a little bit.

Amendment agreed to.

The Chairman: Rule (45).

Mr. Hamel: Rule (45) is strictly to change the number of copies from five to three to agree with the previous one.

Amendment agreed to.

The Chairman: Rule (48).

Mr. Hamel: Rule (48) covers exactly the same thing as Rule (3) which we discussed last week and which you approved to clarify the procedure in an electoral district following a redistribution with regard to who is going to be entitled to nominate the revising agents because the procedure for nominating revising agents is exactly the same as the procedure for nominating urban enumerators. This is exactly the same procedure as in Rule (3) on page 14 of this series of amendments.

Amendment agreed to.

The Chairman: Rule (52).

Mr. Hamel: Page 24, Rule (52).

The Chairman: Yes, Mr. Howe.

Mr. Howe: This brings up the question—I think we discussed this at some length earlier—of the party that had the second highest number of votes in the previous election. The candidate may have lost all interest and does not intend to be the candidate again and I sometimes think it would be wise to notify the agent of the political party that had the second largest number of votes.

• 1010

Mr. Benjamin: Or why not give the option of notifying the candidate, or the agent.

Mr. Richard: Or in his absence...

Mr. Benjamin: In his absence, the agent or some other official of that party.

Mr. Richard: There is such a thing as a ...

Mr. Hamel: Mr. Chairman, this is a very important area. I would prefer to have something very specific for the returning officer. When we have an election in which there is no change, and the two candidates, the sitting member and the runner up or the candidate

[Interpretation]

d'en avoir deux ou trois. Je crois que nous pourrions réduire le nombre de copies à trois.

L'amendement est adopté.

Le président: La Règle (45).

Mr. Hamel: La Règle (45) a pour but de changer de cinq à trois le nombre des copies, conformément à la Règle précédente.

L'amendement est adopté.

Le président: La Règle (48).

Mr. Hamel: La Règle (48) parle de la même chose que la Règle (3), dont nous avons discuté la semaine dernière, et qui a été adoptée pour clarifier comment procéder dans un district électoral à la suite d'un remaniement de la carte électorale, en vue de déterminer qui aura la permission de nommer les officiers réviseurs, car la procédure pour ce faire est exactement la même que dans le cas des énumérateurs urbains. C'est la même procédure que celle qui figure à la Règle (3), page 14 de cette liste d'amendements.

L'amendement est adopté.

Le président: La Règle (52).

Mr. Hamel: Page 24, la Règle (52).

Le président: Oui, monsieur Howe.

Mr. Howe: Je crois que nous avons discuté longuement auparavant de la question du parti qui a eu le nombre de votes le plus élevé après le parti gagnant, lors de la dernière élection. Il se peut que le candidat ait perdu tout intérêt à se faire élire de nouveau et je crois qu'il serait bon d'avertir le parti qui occupe le deuxième rang.

Mr. Benjamin: Pourquoi ne pas leur donner le choix d'avertir le candidat ou l'agent.

Mr. Richard: Ou en son absence...

Mr. Benjamin: On pourrait avertir en son absence l'agent ou un autre représentant de son parti.

Mr. Richard: Il y a une chose qui est...

Mr. Hamel: Monsieur le président, c'est un domaine qui est très important. Je préférerais qu'il y ait des directives très précises à l'intention de l'officier rapporteur. Lorsqu'il y a des élections, où il n'y a pas eu de changement et lorsque le député siégeant et son plus

[Texte]

who received the second highest number of votes, are still available, we do not have that many problems. We have problems when one of the candidates dies or when we have changes in district boundaries. Specifically, the Act has to give some discretion in those cases; this is where we have to be extremely careful.

There is an agent for the candidate but there is no party agent, at least the Act does not recognize a party agent. At the moment, as you can see here, when the two candidates are still alive even if one of them is not interested, the returning officer does not have any choice: he has to go to these two people. It is only when one of them is not available—that—he either died, or may have moved outside the country, or something like that—my instruction is to find somebody in the same party, or in the group representing the same political interests.

Mr. Duquet: It is not in the Act.

Mr. Hamel: No. Well, yes, it is covered in paragraph (b). It says that:

The returning officer shall decide with the concurrence of the Chief Electoral Officer...

I give him some instructions under this.

Mr. Benjamin: Then, you feel that you have these options already in the Act.

Mr. Hamel: Only when the candidates are no longer available.

Mr. Benjamin: Right. I know of three already. One has died and two have moved to other provinces: they were second-place candidates in the last election.

Mr. Lefebvre: What happens in a case like that?

The Chairman: This is what he says.

Mr. Hamel: I do not want to give examples that are too specific. We had, in recent years, two former members of Parliament who became either prime minister of a Province or a minister in a provincial cabinet, and as a result we had by-elections; the returning officers' reaction was that, "Well, these people are not available"; I said, "No, they are still available and they may not be interested but they are the only ones who can tell you whether they are interested or not". This is the law at the moment. If you feel that it

[Interprétation]

proche adversaire sont toujours disponibles, il n'y a pas autant de problèmes. Il y a toutefois des problèmes lorsqu'un candidat meurt ou s'il y a un changement quant aux limites de la circonscription. La Loi accorde une certaine latitude dans ces cas et c'est la raison pour laquelle il nous faut être très prudents.

Il y a un agent qui représente les candidats mais il n'y a pas d'agent qui représente les partis, du moins selon la Loi. Lorsque les deux candidats sont toujours vivants, même si l'un d'entre eux n'est pas intéressé à se présenter de nouveau l'officier rapporteur n'a pas le choix; il doit s'adresser à ces deux personnes. Ce n'est que lorsqu'une de ces deux personnes n'est pas disponible, lorsqu'elle est décédée ou lorsqu'elle a quitté le pays ou autre chose de semblable, que je dois trouver quelqu'un du même parti ou du même groupe politique.

M. Duquet: Cela ne figure pas dans le texte de la Loi.

M. Hamel: C'est prévu à l'alinéa (b). On y dit ce qui suit:

L'officier rapporteur doit avec l'assentiment du directeur général des élections...

C'est à moi de lui donner certaines directives conformément à ce texte de Loi.

M. Benjamin: Donc vous estimez avoir ce choix en vertu de ce texte de la Loi.

M. Hamel: Ce n'est que lorsque les candidats ne sont plus disponibles.

M. Benjamin: Bien. J'en connais déjà trois dans ce cas. L'un d'entre eux est mort et les deux autres ont déménagé dans d'autres provinces; ils se sont classés au 2^e rang, lors de la dernière élection.

M. Lefebvre: Qu'est-ce qui se passe dans un cas comme ceux-ci?

Le président: C'est ce que veut nous faire comprendre M. Hamel.

M. Hamel: Je ne veux pas donner d'exemples trop précis. Mais au cours des dernières années, il y a eu deux anciens députés qui sont devenus soit premier ministre d'une province, soit ministre d'un cabinet provincial et naturellement il y a eu des élections complémentaires. La réaction des officiers rapporteurs était la suivante. Ils ont dit que ces gens n'étaient plus disponibles, ce à quoi je leur ai répondu que ces députés étaient toujours disponibles et qu'ils étaient les seuls à pouvoir dire s'ils étaient toujours intéressés à poser

[Text]

should be changed, this is your privilege. At the moment, this is the way we apply it: even if the former candidate has moved to another district, or has changed his allegiance, or has become a member of another party, provided he is not of the same party as the other person entitled to nominate enumerators and revising agents. The Act is quite clear. We have to go back to these two candidates. It is only when either or both of them are not available that we have to go to the organization of the party that received the highest number of votes in that district. In that case, we ignore the candidate or the individual and we consider every vote given to that individual as a vote for the party he was running for.

Mr. Benjamin: You would consider somebody who was a candidate and, we will say, second in the previous election; if he has moved and you know where he can be located and contacted, you would consider him available then.

Mr. Hamel: Definitely so, definitely so.

Mr. Howe: Suppose he changes his party affiliation?

• 1015

Mr. Duquet: That is just what I said: there is no difference. It is exactly the same situation for the nomination of enumerators. If the candidate has changed party or is not interested and there is a new candidate named for another party, then a fight starts between the two persons. Am I going to designate the enumerators, or the revising officer, or you? Then the, je vais l'appeler le sous-officier rapporteur, comment l'appellez-vous? Le sous-secrétaire du scrutin... has all the trouble.

Mr. Benjamin: Mr. Chairman, it seems to me that in the overwhelming majority of cases, the previous candidate will be available: it is not a problem affecting a relatively large number of ridings. I suspect that this Committee may want to do something in amendments to other parts of the Act concerning recognized parties and whatnot.

Mr. Hamel: That is right. This is what I was going to say.

Mr. Benjamin: In which case, would it be useful to let this stand for the time being? If the Committee comes up with amendments regarding unrecognized parties, you could

[Interpretation]

leur candidature de nouveau. Voilà la loi telle qu'elle existe à l'heure actuelle. Si vous croyez qu'elle doit être changée, vous pouvez le faire, mais en ce moment, nous l'appliquons ainsi même si l'ancien candidat a déménagé dans une autre région, ou changé de parti, à la condition qu'il n'appartienne pas au même parti que la personne qui a le droit de nommer des énumérateurs et des officiers reviseurs. La Loi est très claire. Il faut s'adresser à ces deux candidats. Ce n'est que lorsque l'un ou l'autre candidat ou les deux ne sont pas disponibles que nous devons nous adresser à l'organisation du parti qui a reçu le nombre de votes le plus élevé dans cette région. A ce moment-là, nous ne tenons plus compte du candidat ou de l'individu et nous estimons que ces votes ont été accordés au parti qu'il représentait.

M. Benjamin: Vous tiendriez compte du candidat qui s'est classé au deuxième rang lors des élections précédentes; si ce candidat a déménagé et que vous savez où il est rendu, et comment on peut le rejoindre, vous le considérez toujours disponible n'est-ce pas?

M. Hamel: Oui, certainement.

M. Howe: Supposons qu'il change d'allégeance politique?

M. Duquet: Cela ne fait pas de différence. C'est actuellement la même situation que dans le cas des énumérateurs. Si le candidat a changé de parti ou s'il n'est plus intéressé à se présenter de nouveau et qu'il y a un nouveau candidat qui est nommé d'un autre parti, à ce moment-là, il y a conflit entre les deux personnes. Est-ce à moi de nommer les énumérateurs et les officiers reviseurs ou est-ce vous qui allez le faire?

How do you call him? The assistant election clerk...sur qui retombe tous les problèmes.

M. Benjamin: Dans la grande majorité des cas, le candidat précédent sera toujours disponible. Ce n'est donc pas un problème qui va affecter un grand nombre de circonscriptions. Je crois que le Comité voudra peut-être modifier d'autres parties de la Loi en ce qui concerne les partis reconnus et le reste.

M. Hamel: C'est juste. C'est là ce que je voulais dire.

M. Benjamin: Serait-il utile de laisser cette modification de côté pour le moment? Si le Comité présente des modifications en ce qui concerne les partis non reconnus, à ce

[Texte]

provide the returning officer with the option that, where a candidate is not available, he would notify the recognized party...

The Chairman: The point which has been raised, I think, has some importance. Maybe we could have this Rule stand until we decide about party affiliation on ballots; then, it might be easier for the returning officers to decide who was second: if it affects the party, the party could decide.

Mr. Richard: Except that nomination comes much later than enumeration. You have to have registered parties.

Mr. Lefebvre: Have you run into much trouble under the present terms of the Act on this?

Mr. Hamel: Only following a complete change in the electoral map, such as we had in 1966.

Mr. Lefebvre: Like last time.

Mr. Hamel: That is correct. In that case, we had a few candidates at the 1965 election who in the meantime had switched to another party; we ignored them because we had the discretion, under the Act, to designate a person. So we dealt on the basis of political parties and not on the basis of individuals, except in the four districts which had not been changed. In those districts, we got the number of votes received by each party within the boundaries of the new district, and we dealt with the organization of that party and not necessarily with the candidate. In some cases it was quite clear; but in other cases it was not, and we had to take precautions and dealt with the parties.

The Chairman: Let us have this Rule stand until we decide on party affiliation on ballots.

Mr. Hamel: This will apply to Rule 3 as well.

The Chairman: Yes, on Rule 3, also.

Mr. Duquet: Mr. Hamel, what would happen if we were to amend this by changing one word? When you say "who received the next highest number of votes to nominate personally or by his designated representa-

[Interprétation]

moment-là, on pourrait donner à l'officier rapporteur le choix d'avertir le parti reconnu lorsque le candidat n'est pas disponible.

Le président: La question qui vient d'être soulevée est à mon avis, assez importante. Nous pourrions réserver cette Règle jusqu'à ce qu'une décision soit prise au sujet de l'affiliation politique sur les bulletins de vote; alors, il sera plus facile aux officiers rapporteurs de décider qui s'est classé au deuxième rang. Si cela affecte le parti, c'est alors au parti de prendre une décision.

M. Richard: Sauf que la présentation des candidats se fait beaucoup plus tard que l'énumération. Il faut que les partis soient reconnus.

M. Lefebvre: Avez-vous eu à faire face à des problèmes graves à ce sujet en vertu de la loi actuelle?

M. Hamel: Seulement après un remaniement complet de la carte électorale comme en 1966.

M. Lefebvre: Comme la dernière fois, et à

M. Hamel: C'est juste. ce moment-là, nous avions eu certains candidats de l'élection de 1965 qui avaient, dans l'intervalle, changé de parti. Nous n'avons pas tenu compte d'eux car nous avions, en vertu de la Loi, le pouvoir de nommer une personne. Nous nous sommes donc adressés aux partis politiques en question et non aux individus, sauf dans le cas des quatre circonscriptions qui n'ont pas été modifiées. Dans ces quatre circonscriptions, nous connaissions le nombre des votes reçus par chaque parti, au sein des limites de la circonscription et nous avons traité avec l'organisation du parti et pas nécessairement avec le candidat. Dans certains cas, c'était très clair; dans d'autres cas, ce l'était moins et il a fallu prendre certaines précautions. Nous nous sommes donc adressés directement aux partis.

Le président: Nous pourrions réserver ce Règlement jusqu'à ce que nous prenions une décision quant à l'affiliation des partis sur les bulletins de vote.

M. Hamel: Cela s'appliquera à la règle (3) également.

Le président: Oui, en effet.

M. Duquet: Monsieur Hamel, qu'est-ce qui se passerait si l'on amendait ce Règlement en changeant un mot? Quand vous dites: «qui a obtenu le plus grand nombre de votes après le premier afin qu'il désigne personnellement ou

[Text]

tive", would it not be much better if we were to say "or by a designated representative"?

The Chairman: Of the party he represented.

Mr. Duquet: But "a" instead of "his". If the man is dead, or has changed riding, or is not available, then "a" designated would be the party's choice. Maybe that would settle the matter.

Mr. Forrestall: All of the permutations that are quite possible under this particular section, I think we have dealt with quite extensively last week...

The Chairman: Yes.

Mr. Forrestall: ...and for the sake of getting on we should stand it. The other changes we may make later on, I think, will make it pretty easy to straighten this out.

Mr. Duquet: It was only a suggestion I was making.

Mr. Richard: Mr. Chairman, I have been thinking all along that we are dealing with enumerators and revising agents; we are not dealing with political jobs. Whoever names the enumerator, wherever it comes from, is supposed to be an absolutely independent person: he is not doing a political job. If somebody thinks that enumerators should be named by a party because he is going from door to door to solicit votes, then we are way out from the Election Act completely. It does not matter very much, even if the candidate changes his party, if he is the one who names the enumerator. He is not doing a political job. Do not forget that he is supposed to be just a man who goes from door to door to get names. If you are thinking of something else, then we are way out of line.

Mr. Howe: But do not forget that in the rural areas there is only one enumerator. You cannot tell me that that is not a political appointment.

Mr. Forrestall: I think we should stand this vote.

Amendment stood.

On Rule 52.

Mr. Hamel: Mr. Chairman, Rule 52 is more or less consequential to the amendment proposed earlier in Rule 36. In fact, this is the main amendment and Rule 36 was consequential. This deals with the case of revising agents going to a place where the elector is

[Interpretation]

par son représentant désigné,» ne serait-il pas mieux de dire «ou par un représentant désigné»?

Le président: Du parti qu'il représentait.

M. Duquet: Donc on dirait «un» au lieu de «son». Si le candidat est décédé ou s'il a changé de circonscription ou n'est pas disponible, alors, ce serait le parti qui choisirait. Cela réglerait peut-être la question.

M. Forrestall: Nous avons discuté longuement de tous les changements possibles à faire dans cet article en particulier, la semaine dernière...

Le président: Oui.

M. Forrestall: ...et je crois que pour aller de l'avant nous devrions réserver cet article. Les autres changements que nous ferons plus tard, je crois, nous rendront la tâche facile.

M. Duquet: Ce n'était qu'à titre de suggestion.

M. Richard: Monsieur le président, nous avons parlé jusqu'ici de la situation des officiers reviseurs et des énumérateurs et non des partis politiques. Quiconque nomme l'énumérateur est censé être une personne absolument indépendante. Il ne doit pas jouer un rôle politique. Si l'on pense qu'un énumérateur devrait être nommé par un parti politique parce qu'il va de porte en porte pour solliciter des votes, nous violons l'esprit de la Loi électorale du Canada. Ce n'est pas important, même si le candidat change d'allégeance politique, pourvu que ce soit lui qui nomme l'énumérateur. Il n'exerce pas des fonctions politiques à ce moment-là. N'oubliez pas qu'il est censé être un homme juste qui fait du porte à porte pour recueillir des noms. Si telle n'est pas votre façon de penser, nous nous écartons de l'esprit de la Loi.

M. Howe: Mais n'oubliez pas que, dans les régions rurales, il n'y a qu'un énumérateur. Je ne me laisserai pas dire que ce n'est pas là une nomination politique.

M. Forrestall: Je pense qu'on devrait réserver cet article.

L'amendement est réservé.

Règle 52.

M. Hamel: Monsieur le président, la règle 52 découle plus ou moins par voie de conséquence de l'amendement proposé plus tôt à la règle 36. En fait, c'est l'amendement principal et la règle 36 en découle par voie de conséquence. Il s'agit des agents reviseurs qui se

[Texte]

absent and taking a sworn affidavit from somebody.

[Interprétation]

rendent à un endroit où l'électeur est absent et qui prennent une déclaration assermentée d'une personne.

On Rule (53A).

Rule (53A) is new. At the moment revising agents can do no wrong. They cannot be penalized if they do not do their jobs correctly. I suggest we treat them exactly as we treat other election officers; if they fail in the discharge of their duty they will be liable to prosecution.

Règle 53(A).

La règle 53(A) est nouvelle. Présentement, les agents reviseurs ne peuvent pas faire d'infractions. Ils ne peuvent pas être punis s'ils ne remplissent pas leur devoir. Je propose qu'on les traite exactement comme on traite les autres officiers d'élection, qu'ils soient sujets à des poursuites judiciaires s'ils ne remplissent pas leur devoir.

Rule (53A) agreed to.

La règle (53A) est adoptée.

On Rule (55).

Rule (55) is more or less an extension of what I suggested earlier in the case of enumerators enumerating in the wrong polling division. This has to do with revising agents picking up names in the wrong revisal district. This would allow the revising officer to send the notices to his counterpart in the other revisal district.

Règle (55).

La règle 55 est plus ou moins un prolongement de ce que j'ai dit au sujet des énumérateurs qui n'énumèrent pas dans le bon arrondissement de votation. Il s'agit des officiers reviseurs qui inscrivent des noms qui ne proviennent pas du bon arrondissement, et ils seraient par les présentes autorisés à faire parvenir ces noms à l'officier reviseur de l'arrondissement de votation pertinent.

The Chairman: Instead of saying that a revising officer "may", could we not say "must" or "shall"? It is quite a problem. If it is simply "may", he could forget. He must have to do it.

Le président: Au lieu de «un officier reviseur peut»—ne pourrait-on pas dire «un officier reviseur doit»? S'il n'est pas tenu de faire quelque chose, il peut oublier de le faire.

Mr. Duquet: He does it if he wants or he does not do it.

M. Duquet: Il le fait s'il le veut.

The Chairman: I believe it is one of the points where they are mixed up about the boundaries of electoral districts, and he knows that if he does not do it someone will be missed from the list. So, he has to do it. Could we not change the word "may" to "shall"?

Le président: C'est l'un des points qui prêtent à confusion quant aux frontières des arrondissements de votation. L'officier reviseur sait que, s'il ne le fait pas, la liste sera incomplète. Il doit le faire. Peut-on remplacer «peut» par «doit»?

Mr. Forrestall: I so move.**M. Forrestall:** Je le propose.

Rule (55) as amended agreed to.

La règle 55 amendée est adoptée.

On Clause 10.

Article 10.

Mr. Hamel: Clause 10 is a very minor thing. It is just to make the Act conform more to reality. At the moment in the electoral districts of Yukon and Northwest Territories if the returning officer does not have time to send his proclamations all over the place he has to publish them in newspapers. The Act specifies that he must publish this in a newspaper in Dawson, Whitehorse and Yellowknife, and for years there was no newspaper in Dawson and I do not think there is one there now. I believe it would be much simpler if we just said that he must publish in at least one newspaper in the Yukon and one newspaper in the Northwest Territories.

M. Hamel: L'article 10 du projet n'est pas très important. Il s'agit de rendre la loi plus conforme à la réalité. En ce moment, dans les districts électoraux du Yukon et des Territoires du Nord-Ouest, si l'officier reviseur n'a pas le temps de diffuser ses proclamations, il doit les publier dans les journaux. La loi stipule qu'il doit le faire dans un journal de Dawson, de Whitehorse et de Yellowknife, et pendant des années, il n'y avait pas de journal à Dawson; je ne crois pas qu'il y en ait encore aujourd'hui. Ne serait-il pas plus simple de dire qu'il doit publier dans au moins un journal des Territoires du Nord-Ouest et un journal du Yukon?

Clause 10 carried.

L'article 10 est adopté.

[Text]

Mr. Lefebvre: I would like to mention a point, although it has nothing to do with this particular item. This is a very thick book which we are going through and by the time we have finished I am sure that half of us—at least myself—will have forgotten most of the changes we have made. I was wondering if the returning officers are going to be called in for a special refresher course after this is completed

Mr. Hamel: That is my job, and as I pointed out to the Chairman earlier today, I do not think the Act was ever amended to that extent in the past and it will definitely be necessary. I am only dealing with my amendments here, I am not counting those that you will suggest, so I definitely intend to give a pretty extensive course.

• 1025

Mr. Lefebvre: There is one other matter I wanted to bring up, Mr. Chairman. When you bring the returning officers in they will be given a thorough refresher course, and this is important and a very good idea. What about the Canadian elector at large; does your Department have a sufficiently large budget that you could have notices printed for the major changes that will affect the individual electors? I think this is something that we should look into. A lot of people who know that I am a member of this Committee have asked me about the major changes we are bringing about prior to the next election. I hope you will have funds available so that the Canadian people will be able to understand the major changes that we are bringing forth. Have you given some thought to this?

Mr. Hamel: Mr. Chairman, I must admit that I get excellent co-operation from the news media and particularly from the Canadian Press, the big agencies. However, at the moment it is not a question of funds because every expense that is directly incurred in connection with an election is statutory and it does not have to be approved. The only thing is that at the moment I do not have authority to spend any money in public education.

Mr. Lefebvre: Do you have a press officer on your staff? The other day I noticed a question and answer column in quite a few newspapers which was put out to the Unemployment Insurance Commission. In some newspapers this is a paid advertisement and in other newspapers they print it as

[Interpretation]

M. Lefebvre: Permettez-moi une observation qui ne se rattache aucunement à notre sujet. Le livre que nous étudions est très volumineux, et d'ici la fin, nous aurons pour la plupart—moi en tout cas—oublié les modifications que nous avons proposées. Les agents reviseurs seront-ils tenus de suivre un cours de rattrapage quand nous aurons terminé?

M. Hamel: J'en fais mon affaire. Comme je l'ai dit plus tôt au président, la loi n'a jamais été amendée à ce point dans le passé, et il faudra un cours de rattrapage. Je ne parle ici que de mes amendements, je ne tiens pas compte des vôtres; oui j'ai l'intention de donner à ce sujet un cours assez élaboré.

M. Lefebvre: Les officiers reviseurs suivront un cours élaboré, très bien. Mais le votant canadien? Votre budget vous permet-il de le renseigner quant aux modifications qui le touchent? Nous devons y penser. Plusieurs personnes qui savent que je suis membre de ce Comité m'ont posé la question. J'espérerais que vous aurez les fonds suffisants. Y avez-vous songé?

M. Hamel: Monsieur le président, les agences de nouvelles, la Presse canadienne plus particulièrement, m'accordent une excellente coopération. Mais, pour le moment, ce n'est pas une question de fonds car toute dépense liée à l'élection est statutaire et n'a pas à être approuvée. Mais pour le moment, je ne suis pas autorisé à dépenser quelque somme que ce soit en vue de renseigner le public.

M. Lefebvre: Avez-vous dans votre personnel un agent d'information? L'autre jour, il y avait dans les journaux une série de questions et réponses publiée par la Commission d'assurance-chômage. Certains journaux la publient gratuitement, d'autres, non. Ne pourrait-on pas faire de même pour la Loi électorale, le

[Texte]

news. I was wondering if an attempt could be made to do something such as this for the Canada Elections Act when the time comes. If we are a bit mixed up I can imagine that the average person who is not here will be in difficulty in trying to understand what is going on.

Mr. Hamel: At the moment the only thing I can do is through the Canadian Press, for instance, and I have a specimen here of one of the news stories they put out during the last election on the functions of a returning officer. I am not authorized at the moment to spend any money on public education.

Mr. Duquet: Mr. Hamel, is it your intention or would it be possible to publish a small brochure of some kind which only contains the changes in the law, the articles that have been changed or the new articles?

Mr. Hamel: It was my intention to publish a small book aimed at the high school population.

The Chairman: We may discuss this matter later. We are very fair. We want the public to know what changes we are going to make and we must try to find some way of doing this. I agree that it is important, but I think we should do it after we have gone through this. Mr. Benjamin.

Mr. Benjamin: I just want to make one point. I agree, Mr. Chairman, that we should move on, but in the printing of the new Elections Act when all the changes have been made, and they are fairly extensive, would it be—Mr. Hamel may want to think about this and we can discuss it later—practical to use bold face type or asterisks at every place throughout the book where a change has been made? This would certainly make it easier for the election officials. I realize that every party instructs through scrutineer schools, and so forth, but this would be a readily available way of knowing where changes have been made by using some sort of designation in the printing of the book.

Mr. Hamel: Although I must admit I am talking off the top of my head, in this case you are assuming that the people who will be reading this book will already be familiar with the Act, but our experience with new returning officers has been that most of them know nothing about it.

Mr. Benjamin: But most of them will have been returning officers for many elections, or for several, and certainly party officials will have had experience with many elections and

[Interprétation]

moment venu? Si nous sommes un peu confus, imaginez la confusion des votants.

M. Hamel: Tout ce que je peux faire pour le moment est de recourir à la Presse canadienne et j'ai ici une copie de l'article qu'elle a publié lors des dernières élections au sujet des devoirs des officiers rapporteurs. Mais je ne suis pas, pour le moment, autorisé à dépenser quelque argent que ce soit en ce sens.

M. Duquet: M. Hamel, avez-vous l'intention, de publier une brochure imposant les changements apportés à la Loi?

M. Hamel: J'avais l'intention de publier une brochure pour les élèves des écoles secondaires.

Le président: Nous y viendrons plus tard. Naturellement, nous voulons que le public connaisse les changements que nous entendons faire à la Loi. Mais attendons pour ce, d'avoir fini notre présent travail. M. Benjamin.

M. Benjamin: Monsieur le président, je conviens que nous ne devons pas interrompre notre travail. Mais lorsqu'on imprimera la nouvelle loi, pourrait-on marquer d'un astérisque ou imprimer en caractère gras les modifications apportées? Le travail des officiers d'élection en serait sûrement simplifié. Je sais que chaque parti renseigne ses gens, mais ce serait un moyen bien simple de marquer les changements apportés.

M. Hamel: Vous prenez pour acquis que les officiers rapporteurs qui liront cette brochure connaissent déjà la Loi, mais notre expérience nous laisse croire que la plupart des nouveaux officiers rapporteurs ne connaissent rien de la Loi.

M. Benjamin: Mais la majorité d'entre eux auront agi en qualité d'officiers rapporteurs à plusieurs reprises déjà et, quant aux responsables du parti, ils auront connu déjà plu-

[Text]

it seems to me that it would really be much easier for the people who are going to be most responsible for the election in both a non-partisan and a partisan way. I have had a lot of experience in trying to conduct schools for scrutineers and it is difficult when you start wading through something like this where there has been a lot of changes. I just throw this out as a suggestion for you to think about.

The Chairman: Thank you for having raised the point, Mr. Benjamin.

Mr. Lefebvre: I do not want to continue this discussion, but I intend to come back to this because it is very important and I think the Canadian elector should be given the rules.

On Clause 10, subsection (5).

The Chairman: Clause 10, subsection (5), on page 26 deals with the fact that the postmaster cannot be fired.

Clause 10, subsection (5) agreed to.

On Clause 11, subsection (2) of section 20.

• 1030

Mr. Hamel: Clause 11, subsection (2) of section 20. This is only to reflect a change in the Public Service Employment Act. Up until 1967 public servants could not be candidates. Since 1967, as a result of the new Public Service Employment Act, public servants can now be candidates, so we have to amend the section which deals with the categories of people who are ineligible as candidates in order to reflect that change.

Clause 11, subsection (2) of section 20 agreed to.

Mr. Hamel: In the case of the following one on page 27, I must confess that perhaps I went beyond my own terms of reference. However, I will explain as briefly as possible why I suggest this. In the past we had candidates who knew that they were ineligible to run as candidates. Some of you may recall—I believe it was in 1962—that we had a candidate who ran who was still a member of the forces and by that token was ineligible to run. Yet he polled 10,000 votes. Another person ran who was under 21 years of age.

I believe that as an officer of Parliament, and in a sense in the conduct of elections responsible for the public funds, I had a responsibility because any additional candidate costs the public treasury money. Furthermore, if that officer in the forces had been elected, it would have meant undoubtedly a case under

[Interpretation]

sieurs élections. Ne serait-ce pas leur faciliter la tâche? L'expérience que j'ai acquise dans la préparation de cours de formation à l'intention des greffiers du scrutin m'a appris combien il est difficile d'étudier une affaire de ce genre lorsqu'il y a de nombreux changements.

Le président: Je vous remercie de nous avoir signalé cette particularité, M. Benjamin.

M. Lefebvre: Je n'ai pas l'intention de prolonger cette discussion, mais j'entends revenir sur ce point qui est très important: les Canadiens doivent connaître les règles.

Article 10, paragraphe (5).

Le président: L'article 10, paragraphe (5), page 26, stipule que le maître de poste ne peut être congédié.

L'article 10, paragraphe 5 est adopté.

Article 11 du projet, paragraphe 2, article 20.

M. Hamel: L'article 11 du projet, paragraphe 2 de l'article 20, ne fait que marquer une modification dans la Loi sur l'emploi dans la Fonction publique. Jusqu'à 1967, les fonctionnaires ne pouvaient être candidats. Mais ils le peuvent depuis. De là la modification.

L'article 11 du projet, paragraphe (2) de l'article 20 est adopté.

M. Hamel: A la page 27, j'avoue avoir débordé les cadres de mon mandat. Je vais vous expliquer pourquoi. Dans le passé, nous avions des candidats qui savaient qu'ils n'étaient pas admissibles à ce titre. En 1962, par exemple, nous avons eu un candidat qui était encore membre des Forces armées, et qui, de ce fait, ne pouvait pas se présenter. Il a reçu néanmoins 10,000 votes.

Un autre, était fonctionnaire du Parlement et responsable de la dépense des comptes du public—j'assumais une certaine responsabilité parce que chaque candidat coûte de l'argent au Trésor. Si ce membre des Forces armées avait été élu, l'élection eût été annulée et il aurait fallu une élection complémentaire qui

[Texte]

the Dominion Controverted Elections Act. The election would have been thrown out. There would be a by-election and the cost would be close to \$100,000. Therefore, what I suggest here is that we make it definitely an offence against the Act to consent to be nominated while knowing that the person is ineligible to do so. I am even going a little bit further, and this, of course, I will let you judge. I suggest that this be part of Section 71 of the Act, which would allow the Chief Electoral Officer to investigate and prosecute in those cases.

Mr. Lefebvre: On a point of information, how did a person under 21 years of age and an army officer become candidates? Did the returning officer accept their deposit? Is it not part of his job to check?

Mr. Hamel: A returning officer can reject a nomination paper only when the nomination paper is invalid at its face, in other words if there are not enough names and if the deposit is not there and that kind of thing. First of all, he does not have time to investigate, and furthermore, the army officer was not in uniform. That the candidate be 21 years old or 20 years and nine months...

The Chairman: I believe that if this is only a question of age, the returning officer should have the power to request the birth certificate and if the person is not 21 years old, then he might have the power to...

Mr. Lefebvre: If he suspects the age of the candidate he should have the power to ask him to produce a certificate.

Mr. Jerome: Mr. Chairman, may I say with respect that we are going to be in a very serious problem there, I think. In some provinces of this country it can take longer to get a birth certificate than it takes to run an election.

Mr. Trudel: Surely the job of the returning officer is not to investigate but only to receive the papers as they are filed.

Mr. Richard: Mr. Chairman, would it be an offence also for those who signed the nomination papers supporting the man, knowing he is ineligible?

The Chairman: Knowingly, yes.

Mr. Jerome: If the candidate swears his eligibility under the rules he is liable to very severe penalties as a result of that, I understand.

[Interprétation]

aurait coûté près de \$100,000. Je propose donc que ce soit une violation de la Loi que de consentir à être nommé lorsqu'on sait qu'on n'est pas admissible. Je vais encore plus loin, et de ceci je vous laisse juge, je suggère que ce soit intégré à l'article 71 de la Loi qui permettrait au directeur général des élections de faire enquête et d'entamer des poursuites.

M. Lefebvre: Comment une personne de moins de 21 et un officier de l'armée, ont-ils pu se présenter comme candidats? Mais, l'officier rapporteur a-t-il accepté son dépôt? N'est-ce pas à lui de vérifier?

M. Hamel: L'officier rapporteur ne peut rejeter un candidat que si son certificat de nomination est invalide, qu'il n'y a pas suffisamment de noms sur la liste, que le dépôt n'y est pas, etc. D'abord, il n'a pas le temps de faire enquête; ensuite, l'officier de l'armée n'était pas en uniforme; troisièmement, le candidat n'avait pas 21 ans, il en avait 20 et neuf mois...

Le président: Si ce n'est qu'une question d'âge, l'officier rapporteur devrait avoir le droit d'exiger le certificat de naissance, et si la personne a moins de 21 ans, il devrait avoir le pouvoir de...

M. Lefebvre: En cas de doute, il devrait avoir le droit d'exiger un certificat de naissance.

M. Jérôme: Nous allons ici nous créer un grave problème. Dans certaines provinces, il faut plus longtemps pour obtenir un certificat de naissance que pour faire une élection.

M. Trudel: Assurément, il ne revient pas à l'officier rapporteur d'effectuer des enquêtes mais plutôt de recevoir les documents dûment remplis.

M. Richard: Est-ce aussi un délit de la part des gens qui ont signé les documents de nomination d'un candidat qu'ils savaient non admissible?

Le président: Sciemment, oui.

M. Jérôme: Lorsqu'un candidat jure qu'il est éligible suivant les règles, il s'expose, je crois, à des sanctions très sévères.

[Text]

The Chairman: I believe that this proposal could be workable if we adopt the view of Mr. Richard, making it an offence for those who have signed the paper knowing that the candidate is not eligible.

Mr. Duquet: Does that change in Section 71 correct this situation now, Mr. Chairman?

Mr. Hamel: No.

Mr. Duquet: If he has the right to investigate under the new Clause, if the returning officer has the right to investigate, is that what you meant by changing Section 71?

• 1035

Mr. Hamel: No, in Section 71 it is only to put teeth in this, and it should be read in conjunction with subsection (4). The power in Section 71 would be useless if this subsection (4) of section 20 were not in. And this would be the Chief Electoral Officer who would investigate. In many cases the candidate himself may not appear at the time the nomination paper is filed with the returning officer, so the returning officer has no way of knowing. I would suggest, quite respectfully, that you can not ask too much of the returning officer because some of these nomination papers may be filed at the very last minute and he does not have time to investigate. He has to take the nomination paper at its face value.

Mr. Benjamin: Would there be a requirement that when the candidate is filing his paper the returning officer warns him before accepting the paper?

The Chairman: There is an agreement that everyone knows the law, so he does not have to teach them what the law is.

Mr. Richard: Mr. Chairman, the returning officer always has to check the names of those who sign in support to determine whether they are electors in that district. He checks every one of them. Oh yes.

Mr. Hamel: No, sir. He is not required to do so. He has only to find out whether there are 25 names or fewer.

Mr. Richard: Well, electors in the district, he has to.

Mr. Hamel: Yes.

Mr. Jerome: There are 25 names, and I am not so sure that the returning officer is not taking their statement as well that they are in fact on the electoral list, because when they sign they state that they are on the electoral list, the same way as the candidate states that

[Interpretation]

Le président: Cette proposition est pratiquement réalisable, si nous adoptons le point de vue de M. Richard: que ceux qui ont signé la demande, sachant que le candidat n'était pas admissible, soient coupables d'un délit.

M. Duquet: La modification de l'article 71 rend-t-elle compte de ce fait?

M. Hamel: Non.

M. Duquet: Le nouvel article vise-t-il à accorder à l'officier rapporteur le droit d'enquêter?

M. Hamel: Non; ce n'est que pour renforcer l'article 71 qui doit être lu conjointement avec le paragraphe 4. Les pouvoirs en vertu de l'article, seraient futiles sans le paragraphe 4 de l'article 20. Ce serait au directeur général d'entreprendre l'enquête.

Souvent le candidat lui-même ne se présente pas lorsque le certificat de nomination est soumis à l'officier rapporteur qui n'a donc aucun moyen de vérifier. On ne devrait pas trop demander à l'officier rapporteur, car certains certificats de nomination ne sont déposés qu'à la dernière minute, ce qui ne lui laisse pas le temps d'enquêter.

M. Benjamin: L'officier rapporteur prévient-il le candidat des sanctions de la Loi avant d'accepter son certificat?

Le président: Tous sont censés connaître la loi, il n'a donc pas à la leur enseigner.

M. Richard: Mais l'officier rapporteur est censé vérifier si toutes les personnes dont les noms figurent sur la liste annexée au certificat de nomination sont des électeurs de ce district électoral.

M. Hamel: Non, monsieur. Il n'est pas tenu de le faire. Il ne doit vérifier que s'il y a 25 noms ou moins.

M. Richard: Mais il le doit pour les électeurs du district.

M. Hamel: Oui.

M. Jérôme: Il y a 25 noms; et peut-être l'officier rapporteur exige-t-il en outre une déclaration à l'effet qu'ils se trouvent sur la liste de votants, car lorsqu'ils signent, ils déclarent, comme le candidat déclare qu'il a 21 ans et qu'il est admissible à la candidature.

[Texte]

he is 21 years of age and that he is eligible to be a candidate.

Mr. Duquet: But did subsection (4) cover all those points?

Mr. Hamel: No, sir.

Mr. Duquet: The one that we are studying now.

Mr. Forest: The man who is responsible is the one who consents to be put on the nomination list when he knows that he is not qualified. He should be the one to bear the penalty if he engages in a risk and something goes wrong. It is not the person who signs. He does not know whether the candidate is 21 or not. He is not supposed to make an inquiry. The person responsible is the one who knows he is not eligible because he is not 21. He should be the one liable for a fine.

Proposed Clause 11. (2) Section 20 agreed to.

On Proposed Clause 12.

Mr. Hamel: Proposed Clause 12. Here the change is mainly for drafting purposes. The Department of Justice when drafting these amendments suggested that we make two separate sections, "Polling Day and Nomination Day" At the moment it is all in one section, so this will add clarification. This is only the title.

This new Proposed Clause 12, subclause (2a) of Section 21 is to avoid the confusion we had in 1968 when polling day had to be postponed to Tuesday because Monday was a holiday. We had to send instructions to everybody, and in spite of this we had quite a bit of confusion. So we suggest that this be stated right in the Act, that when polling day has to be postponed by one day, everything else will take place as if polling day were on a Monday. Otherwise it would be ridiculous. You would have an advance poll on Sunday and Tuesday and that kind of situation.

Proposed Clause 12, subclause (2a) of Section 21 is agreed to.

On Section 21A.

Mr. Howe: Just a moment, in connection with this. Does this also take in the case where all advertising and radio and TV stops at a certain time? Is this considered here when the election day is on a Tuesday?

The Chairman: It is going to be considered by us when we make amendments to the publication and radio sections. In Section 99 this will be done. Mr. Richard, did you have any comments on this?

[Interprétation]

M. Duquet: Mais le paragraphe 4 renfermait-il tous ces points?

M. Hamel: Non, monsieur.

M. Duquet: Celui que nous étudions présentement.

M. Forest: Celui qui est responsable est celui qui accepte d'être porté sur la liste des nominations quand il sait qu'il n'est pas admissible. C'est lui qui devrait porter tout le fardeau de la responsabilité. Non celui qui signe. Il n'a pas à faire d'enquête. Il ne sait pas si le candidat a 21 ans, ou non. Le responsable est celui qui sait qu'il n'a pas 21 ans et, partant, n'est pas admissible. C'est à lui qu'on devrait imposer l'amende.

L'article 11 du projet (2). Article 20 est adopté.

Article 12 du projet.

M. Hamel: Article 12. Le changement est ici surtout aux fins de rédaction. Le ministère de la Justice nous avait suggéré de faire deux paragraphes distincts: «Jour du scrutin» et «Jour des présentations». Présentement, nous n'avons qu'un paragraphe. Ce nouvel article 12, paragraphe (2a), article 21 de la Loi dissipe la confusion qui a régné en 1968 quand il a fallu reporter l'élection au mardi parce que le lundi était jour férié. Il a fallu prévenir tout le monde, et malgré tout, il y a eu beaucoup de confusion. Nous proposons donc de stipuler dans la loi que, si le jour du scrutin doit être différé d'un jour, tout se passera comme si le scrutin avait eu lieu un lundi.

Le nouvel article 12, paragraphe (2a) de l'article 21 de la Loi, est adopté.

Article 21A.

M. Howe: Un instant. Tenons-nous compte aussi du cas où toute diffusion de la radio et de la télévision arrête à un certain temps. Est-ce qu'on en tient compte quand le jour du scrutin est un mardi.

Le président: Nous allons en tenir compte quand nous apporterons des amendements aux articles relatifs aux publications et à la radio. A l'article 99. Aviez-vous des commentaires à faire sur ce point, monsieur Richard?

[Text]

Mr. Richard: On Section 21A. I want to know why it has been changed. That is exactly what I was saying. Before it was any 25 or more electors qualified to vote. Now you have changed it to just electors whether they are on the list or not.

The Chairman: I am sorry. We are on Proposed Clause 13 now.

Mr. Richard: The old law said "qualified to vote."

Mr. Hamel: You could be qualified to vote without being on the list.

Mr. Richard: Well, you should be on the list.

Mr. Hamel: Not necessarily. Not in rural areas. Section 21A was completely redrafted and we added a few things to clarify. You will recall that in the past at the bottom of the nomination paper we had a series of *nota bene* which had been put there after consultation with the Department of Justice to try to clarify the procedure. So we feel that instead of having this series of *nota bene* on the nomination paper, it should be spelled out more clearly in the Act itself what the procedure for nomination should be. This is what we tried to do and we have not introduced anything new here, nothing new that was not in the Act before, or was not in the accepted practice.

• 1040

An hon. Member: Perhaps we should read from (1).

Mr. Hamel: Yes, this is a brand new section in a sense, from a drafting point of view, and it is also for clarification.

Mr. Duquet: On dit:

Vingt-cinq personnes ou plus qui sont habiles à voter dans un district électoral où une élection doit avoir lieu, que leur nom figure ou non sur une liste électorale...

Je ne saisis pas la nuance. Si elles sont habiles à voter, il faut que leur nom soit sur la liste.

Le président: Selon notre loi, un électeur d'un district rural peut ne pas être sur la liste et être habile à voter.

Mr. Duquet: C'est la même chose dans un district urbain.

Le président: Avant la revision, oui. Après la revision, il n'est pas nécessairement sur la liste...

[Interpretation]

Mr. Richard: Pourquoi l'article 21A a-t-il été changé? Il y avait autrefois, c'était 25 électeurs ou plus qui avaient droit de voter. Maintenant, il s'agit uniquement d'électeurs, qu'ils figurent à la liste ou non.

Le président: Je regrette, nous en sommes maintenant à l'article 13.

Mr. Richard: L'ancienne loi disait «habiles à voter».

Mr. Hamel: Mais vous pouvez être habile à voter sans que votre nom figure sur la liste.

Mr. Richard: Il devrait y être.

Mr. Hamel: Pas nécessairement. Pas dans les régions rurales. L'article 21A a été complètement rédigé de nouveau et nous avons ajouté quelque précisions. Vous vous souvenez que nous avions autrefois toute une série de *nota* à la fin du certificat de présentation; on les y avait placés après consultation avec le ministère de la Justice afin de préciser la procédure. Il faudrait, croyons-nous, les remplacer par un exposé plus clair dans la Loi. C'est ce que nous avons essayé de faire; il n'y a rien de neuf dans la Loi ou dans la pratique.

Une voix: Peut-être conviendrait-il de lire à l'article (1).

Mr. Hamel: Oui, c'est un nouvel article du point de vue de la rédaction qui vise encore à apporter des éclaircissements.

Mr. Duquet:

Any twenty-five or more persons qualified as electors in an electoral district in which an election is to be held may, whether or not their names are on any list of electors...

If they have a right to vote they should be on an election list.

The Chairman: According to the Act persons in a rural district may have the right to vote though their names may not be on the voter's list.

Mr. Duquet: The same as in urban districts.

The Chairman: Before revision, yes. After revision, an elector's name is not necessarily on the list.

[Texte]

M. Duquet: Il peut avoir été omis de la liste et être quand même habile à voter. Il ne peut pas voter à cette élection-là parce qu'il n'est pas sur la liste, mais il est habile à voter.

M. Hamel: De plus, il peut signer le bulletin de présentation avant la revision, par exemple, et son nom peut être ajouté à la liste lors de la revision. Vous pouvez aussi avoir le cas contraire, celui d'une personne qui signe un bulletin de présentation avant la revision et dont le nom est enlevé de la liste lors de la revision. Tout à l'heure, si on disait que l'officier rapporteur ne doit pas être obligé de vérifier les noms, c'est parce qu'il n'est pas en mesure de le faire. Il faut qu'il tienne compte du nombre de noms seulement.

M. Duquet: Selon la loi actuelle, il faut qu'il vérifie sur la liste.

M. Hamel: Non, seulement s'il y a le nombre suffisant de noms.

The Chairman: Surely it is part of the duties of the candidate himself.

Mr. Richard: A man might have 25 names only and it might be discovered only after the election that one of those named was not a qualified elector.

Mr. Forrestall: I am not clear as to the earliest possible date upon which a candidate can appear before the returning officer for the purpose of filing a statement

Mr. Hamel: The date of the issue of the writ.

Mr. Forrestall: So there is no way of referring to a list of electors because the enumeration has not taken place.

Mr. Lefebvre: Is there an official nomination date

Mr. Hamel: Yes, the end of the nomination period.

Mr. Lefebvre: That is the last day.

Mr. Hamel: The last day.

Mr. Lefebvre: You can go before that, can you not, but you are not an official candidate until that date

Mr. Hamel: You are an official candidate at the moment your nomination paper is filed with the returning officer and you have your receipt whether this be on the forty-ninth or fiftieth day before polling day. As to the electors signing a nomination paper, it is the responsibility of the person witnessing these

[Interprétation]

Mr. Duquet: His name may have been omitted from the list and he still is qualified as an elector. He cannot vote because he is not on the list but he is qualified as an elector.

Mr. Hamel: Moreover, he can sign a certificate of nomination before revision and his name may be added to the list during revision. The opposite is possible too. Electors can sign a nomination certificate before revision and have their names struck from the list during revision. The returning officer is not compelled to check the names because he is not in a position to do it. He only has to check the number of signatures.

Mr. Duquet: Under the Act, he has to check by means of the list.

Mr. Hamel: No. He checks only the number of signatures.

Le président: Certes, c'est là une partie des fonctions du candidat lui-même.

M. Richard: Il se peut qu'un sujet n'ait que 25 noms, et qu'on n'établisse qu'après l'élection, que l'un d'eux était celui d'une personne non admissible à voter.

M. Forrestall: Quelle est au juste la date où le candidat peut déposer sa déclaration chez l'officier rapporteur?

M. Hamel: La date d'émission du bref.

M. Forrestall: On ne peut donc pas s'en référer à une liste des électeurs, puisque l'énumération n'est pas faite.

M. Lefebvre: Y a-t-il un jour officiel pour les présentations?

M. Hamel: Oui, la fin de la période des présentations.

M. Lefebvre: Le dernier jour?

M. Hamel: Le dernier jour.

M. Lefebvre: On peut le faire avant, mais on est candidat officiel que ce jour-là?

M. Hamel: Le candidat est officiel dès la présentation de son certificat de présentation à l'officier rapporteur dont il obtient un reçu que ce soit le 49^e ou le 50^e jour avant celui du scrutin. Quant aux électeurs qui signent un certificat de nomination, c'est à celui qui témoigne de ces signatures de s'assurer que le

[Text]

signatures to ensure that these people are qualified to vote and that they are the persons they claim to be. It is not the responsibility of the candidate.

Mr. Richard: Mr. Chairman, then all this checking that returning officers do is merely a convenience for the candidate?

Mr. Hamel: They certainly do not do it as a result of my instructions to them.

M. Forest: Monsieur Hamel, vous avez un minimum de 25 personnes. Est-ce qu'il arrive que des candidats font signer le bulletin par 1,000 personnes pour essayer d'influencer les électeurs?

M. Hamel: Oui, peut-être pas 1,000, mais on a vu des cas où il y en avait une trentaine, une quarantaine.

M. Forest: Ne pourrait-on pas mettre un maximum, disons, de 100? Y voyez-vous des inconvénients?

M. Duquet: Pouvez-vous me nommer un candidat dont le bulletin de présentation serait signé par 600 ou 700 personnes et qui le publierait ensuite dans le journal? Ce n'est pas une élection générale.

M. Forest: Il peut essayer d'influencer les autres électeurs en montrant qu'il a de l'appui.

The Chairman: Well, you can do the same. if you think it is wise.

M. Hamel: Incidemment, le nombre minimum de noms requis est passé de 10 à 25 en 1960.

M. Marceau: Monsieur Hamel, faites-vous une distinction entre «apte à voter» et «habile à voter»? Une personne peut être apte à voter, c'est-à-dire remplir les conditions, mais ne pas être inscrite sur la liste. Faites-vous une distinction? En d'autres mots, si des électeurs d'un district urbain signent et, par la suite, ne sont pas inscrits sur la liste électorale, ils sont peut-être aptes à voter, mais ils ne sont pas habiles à voter d'une certaine manière, parce qu'ils ne sont pas inscrits sur la liste. Est-ce que le problème s'est déjà posé? Supposons que parmi les 25 noms, il y a des gens qui ne sont pas inscrits sur la liste électorale, à cause d'une circonstance particulière, mais qui remplissent les conditions pour l'être.

M. Hamel: Je suis en train de me demander s'il n'y a pas une distinction entre le texte français et le texte anglais. Le texte anglais "...qualified as electors..."

Une personne peut être, en anglais:

[Interpretation]

sujet est admissible à voter et qu'il est bien celui qu'il prétend être. Ce n'est pas la responsabilité du candidat.

M. Richard: Donc, toutes les vérifications auxquelles se livre l'officier rapporteur n'est qu'un service rendu au candidat?

M. Hamel: Il ne le fait sûrement pas à la suite de mes directives.

Mr. Forest: Mr. Hamel, do some candidates obtain 1,000 signatures in order to influence the electors?

Mr. Hamel: Yes, perhaps not 1,000 but some 30 or 40.

Mr. Forest: Why should you not put a maximum of 100?

Mr. Duquet: Can you name a candidate whose nomination certificate was signed by 600 or 700 persons and published on newspapers?

Mr. Forest: He might try to influence electors by showing that he has a lot of supporters.

Le président: Vous pouvez faire la même chose, si vous le croyez sage.

Mr. Hamel: Incidentally the minimum number of names required passed from 10 to 25 in 1960...

Mr. Marceau: Mr. Hamel, do you see a difference between "entitled to vote" and "qualified as an elector". A person may be entitled to vote, that is fill the requirements, but his name may not be on the list. In other words, if electors from an urban district sign a certificate of nomination without later being registered on the electoral list, they perhaps are entitled to vote but they are not qualified as electors. Was there ever such a problem? Supposing that among the 25 names there are people whose names are not on the voter's list although they are qualified to vote, what happens then?

Mr. Hamel: I wonder if there is not a difference between the English and French text. The English text says:

...«habile à voter».
a person may be...

[Texte]

"qualified as electors without being qualified to vote..."

M. Marceau: C'est exact.

M. Hamel: En français, je pense que lorsqu'on dit «habiles à voter», on entend «inscrits sur la liste». Si c'est dans un district rural, la personne sera «éligible comme électeur».

M. Duquet: «Qualifiée comme électeur».

M. Hamel: Je pense que le texte français ne rend pas tout à fait le sens de l'anglais.

Mr. Richard: Mr. Chairman, does the candidate in the nomination papers swear that he is qualified under the Election Act to be a candidate? And does the witness have to have certain qualifications as an elector?

The Chairman: No.

Mr. Richard: No?

The Chairman: The witness swears that the electors have duly signed before him.

Mr. Richard: Anybody can be a witness?

Mr. Hamel: Anybody can be a witness, yes.

Mr. Richard: What about the candidate? Does he have to swear that he is qualified to be a candidate?

Mr. Hamel: No. At present, the nomination paper requires only that he accept nomination. He does not have to swear that he is qualified to be a candidate. But this is something you may wish to consider adding.

M. Duquet: Ceci est compris dans le paragraphe 4 dont on a parlé tantôt.

The Chairman: Is 21A carried?

Some hon. Members: Carried.

The Chairman: Is there anything new, Mr. Hamel, in Section 21A?

Mr. Hamel: No. I just wanted to point out to Mr. Lefebvre that the point he raised is covered in the proposed section 21A (2) (e) on page 28:

(e) the nomination paper shall be filed, at any time between the date of the proclamation... and the time for the close of nominations,...

which is 2 o'clock on the day which is fourteen or twenty-one days before polling day.

[Interprétation]

...«qualifiée comme électeur sans être qualifiée pour voter.»

Mr. Marceau: That is correct.

Mr. Hamel: In French, I think "qualified to vote" means he is on the list. That is put on the list. In a rural district the person will be "eligible as an elector".

Mr. Duquet: "Qualified as an elector".

Mr. Hamel: I think the French text does not clearly translate the meaning of the English text.

M. Richard: Dans son certificat de présentation, le candidat jure-t-il qu'il est admissible à ce titre en vertu de la Loi électorale? Et le témoin doit-il avoir certaines qualités en tant qu'électeur?

Le président: Non.

M. Richard: Non?

Le président: Le témoin jure que les électeurs ont dûment signé devant lui.

M. Richard: N'importe qui peut servir de témoin?

M. Hamel: N'importe qui peut servir de témoin.

M. Richard: Et le candidat? Doit-il jurer qu'il est admissible à ce titre?

M. Hamel: Non. Ils ne lui font qu'accepter sa nomination. Peut-être voudrez-vous exiger qu'il le fasse.

Mr. Duquet: This is included in subsection (4) we spoke of earlier.

Le président: L'article 21a) est-il adopté?

Des voix: Adopté.

Le président: Y a-t-il quelque chose de nouveau à l'article 21A)?

M. Hamel: Non. Je voulais simplement signaler à M. Lefebvre que l'article 21A(2)(e) tient compte de l'objection qu'il a soulevée.

e) le bulletin de présentation doit être déposé, à tout moment entre la date de la proclamation... ..et le moment de la clôture des présentations,...

Soit 2 heures le quatorzième ou le vingt et unième jour avant celui du scrutin.

[Text]

Mr. Forrestall: There is no change, Mr. Hamel, in the procedure by which a nomination may be filed on the part of a candidate who is, for some very good reason, unable to appear at the time of nomination. He can still do it by filing his consent...

Mr. Hamel: That is correct.

Mr. Forrestall: ... and then his agent or the witness signs the actual document. There is no change in that, is there?

Mr. Hamel: No. We have not made any change in substance. Just a redrafting to make the procedures a little clearer.

Mr. Howe: Mr. Chairman, I have been trying to find out where the Act designates the number of days between the day of proclamation and nomination day.

Mr. Hamel: In the last paragraph on page 28, paragraph (e) of subsection (2) of 21A.

Mr. Benjamin: What would be the number of days, though.

Mr. Howe: Yes. Does the Act specify the number of days between the day of the official writ proclamation and nomination day?

Mr. Hamel: There is no fixed number of days because the returning officer has two days within which to publish his proclamation after being notified or six days after he receives the writ. The only fixed day is the first day of enumeration. Then there could be eight, nine or ten days before the issue of the writ. So, at the moment, in most districts, the period between proclamation and nomination could vary between 31 and 34 days, roughly. In districts where nomination is 28 days before polling day, of course, it would be two weeks shorter.

• 1050

The Chairman: At the bottom of page 29, it says:

(h) a deposit of two hundred dollars in legal tender or a cheque made payable to the Receiver General for that amount drawn upon and accepted by any chartered bank...

I would just like to know whether the caisse populaire should be included here.

An hon. Member: And credit unions.

Mr. Lefebvre: It should be changed to credit unions and the caisses populaires?

The Chairman: Is it agreed that we put credit unions and the caisses populaires?

[Interpretation]

M. Forrestall: Il n'y a aucun changement dans la procédure suivie par le candidat qui, pour une raison valable, ne peut se présenter à la date des nominations. Il peut encore le faire en signifiant son consentement...

M. Hamel: C'est exact.

M. Forrestall: Son agent ou le témoin signe alors le document. Ici, aucune modification?

M. Hamel: Nous n'avons fait aucun changement. Nous n'avons que rédigé le texte plus clairement.

M. Howe: J'ai cherché dans la Loi le passage qui décrète le nombre de jours entre la proclamation et la présentation.

M. Hamel: Au dernier paragraphe de la page 28, alinéa e) du paragraphe (2) de 21A.

M. Benjamin: Combien de jours?

M. Howe: La Loi précise-t-elle le nombre de jours entre le bref de proclamation et le jour des présentations?

M. Hamel: Elle ne précise pas le nombre de jours, vu que l'officier rapporteur a deux jours pour publier sa proclamation après avoir été avisé ou six jours après avoir reçu le bref. Le seul jour fixé est le premier de l'énumération. Il pourrait alors s'écouler 8, 9 ou 10 jours avant l'émission du bref. Donc, présentement, cette période peut dans la plupart des districts varier entre 31 et 34 jours. Dans les districts où les nominations se font 28 jours avant celui du scrutin, ce délai serait, bien sûr, deux semaines moins long.

Le président: Au bas de la page 29, on lit:

h) un dépôt de deux cents dollars en monnaie légale ou d'un chèque visé pour cette somme, payable au receveur général du Canada, tiré sur une banque à charte...

Je me demande si on devrait inclure ici les caisses populaires.

Une voix: Et les *Credit Unions*.

M. Lefebvre: Je crois qu'il faudrait inclure les Caisses populaires et les *Credit Unions*.

Le président: D'accord pour inclure les *Credit Unions* et les Caisses populaires?

[Texte]

Mr. Forrestall: Mr. Chairman, I think if you get into that you are going to have to get into all the trust societies, all the trust companies and loan societies. I think the accepted term is banks or near-banks. If you want to change it at all.

Mr. Benjamin: Or any recognized financial institution.

Mr. Lefebvre: I do not see why we should exclude them. Their cheques are accepted all over Canada. Why should we exclude them?

Mr. Benjamin: They need certified cheques with the credit unions.

Mr. Hamel: We do.

Mr. Lefebvre: I do not see why they should be excluded.

An hon. Member: Can they certify a cheque?

Mr. Lefebvre: Sure.

An hon. Member: Well, that is all you want.

Mr. Benjamin: They are not really excluded; they are not a chartered bank. The returning officer could not exclude them...

Mr. Lefebvre: ...under the act.

Mr. Benjamin: Yes, the fact is that they do accept their cheques.

The Chairman: Then we will accept the certified cheque.

Mr. Lefebvre: Put in certified cheque and leave chartered bank out of it.

The Chairman: No. Put in legal tender or...

Mr. Lefebvre: ...a certified cheque.

The Chairman: Put in a certified cheque made to the Receiver General.

An hon. Member: We will buy that.

The Chairman: Yes, we will leave it to Mr. Hamel to make the changes.

Mr. Hamel: We could perhaps prepare a draft which we could submit to you. Is it your intention to accept cheques drawn on any financial institution that can accept cheques?

The Chairman: I agree.

Mr. Jerome: Why not? Any one who can certify a cheque.

Mr. Hamel: We will draft something and submit it.

[Interprétation]

M. Forrestall: Si vous vous engagez dans ce sens, il vous faudra accepter les sociétés de fiducie, les trusts et les compagnies de prêts. On dit plutôt des banques ou quasi-banques.

M. Benjamin: Ou toute autre institution financière.

M. Lefebvre: Je ne vois pas de raison de les exclure. Leurs chèques sont négociables par tout le Canada.

M. Benjamin: Les chèques d'un *Credit Union* doivent être visés.

M. Hamel: Ils le doivent.

M. Lefebvre: Je ne vois pas de raison de les exclure.

Une voix: Peuvent-ils viser un chèque?

M. Lefebvre: Bien sûr.

Une voix: On ne saurait demander plus.

M. Benjamin: Ils ne sont pas réellement exclus; ce ne sont pas des banques à charte. L'officier-rapporteur ne saurait les exclure...

M. Lefebvre: En vertu de la loi.

M. Benjamin: Le fait est qu'on accepte leurs chèques.

Le président: Alors, nous accepterons leur chèque visé.

M. Lefebvre: Inscrivez «chèques visés» et supprimez les mots «banque à charte».

Le président: Non, mettez monnaie légale ou...

M. Lefebvre: Chèque visé.

Le président: A l'ordre du Receveur général.

Une voix: Nous sommes d'accord.

Le président: Nous nous en remettons à M. Hamel pour apporter les changements.

M. Hamel: Nous pourrions vous soumettre une modification. Voulez-vous accepter les chèques de toute institution financière qui peut les négocier?

Le président: Je suis d'accord.

M. Jerome: Pourquoi pas? Quiconque peut viser un chèque.

M. Hamel: Nous allons vous en soumettre une.

[Text]

Mr. Jerome: Incidentally, while you are at it, Mr. Chairman, I wonder if a note could be made. There was and I presume there still may be a precise distinction between this section and the section which provides for a deposit in the event of a recount. The section which provides for a deposit in the event of a recount says simply a deposit of \$200 in legal tender and does not say or by a cheque. Consequently, people who apply for a recount who have made a deposit by certified cheque in their initial nomination may frequently make the same kind of deposit and have it accepted, only to find that when they begin the recount they may be eligible for disqualification.

Mr. Hamel: That is right.

Mr. Jerome: I do not raise that from an intimate knowledge of the Act through my perusals in my spare time. I raise it because I was in a recount and had the point raised against me. The point was very well taken as far as I could see from my research. The judge reserved his decision until after the recount was over and since the recount did not change the result, I think the point vanished. But the fact is that the point was well taken and was really a technicality that should not exist.

The Chairman: We will have the subsection 7 redrafted.

Balance of proposed section 21a agreed to.

Mr. Hamel: Perhaps I should keep my comments for later on. But on page 30, do you still want the occupation and address of the candidates on the ballot papers. I must admit that the occupation of candidates at times gives us problems.

Mr. Lefebvre: If we put occupation and everything else I think we will have to drop something.

Mr. Hamel: If I may, this would be my suggestion. Otherwise you would have a ballot that long.

The Chairman: In fact Ontario does not prepare particulars of candidates.

Mr. Lefebvre: I do not think it is necessary.

Mr. Hamel: I will hold it.

The Chairman: On page 31 it is "Disposition of deposit" and we know where it goes.

• 1055

"Time and place for receiving nominations". This has been changed.

[Interpretation]

M. Jerome: Monsieur le président, tandis qu'on y est, pourrait-on ajouter une note. Il y a une distinction précise entre cet article et celui qui prévoit un dépôt en cas de recomptage. Dans ce dernier cas, on parle simplement d'une somme de \$200 en espèces légales et non de chèque. Aussi, les personnes qui exigent un recomptage et qui ont présenté un chèque lors de leur nomination pourront bien faire de même lors du recomptage et prêter à disqualification.

M. Hamel: C'est exact.

M. Jerome: Cela m'est arrivé. Le juge avait réservé son jugement jusqu'après le recomptage, qui, heureusement, n'a rien changé.

Le président: Nous allons rédiger à nouveau le paragraphe (7). Le reste de l'article 21a est donc adopté.

M. Hamel: Je devrais peut-être réserver mes observations pour plus tard, mais à la page 30, voulez-vous toujours que la profession et l'adresse des candidats soient inscrites sur le bulletin de vote? Cela nous embête à l'occasion.

M. Lefebvre: Il va nous falloir laisser tomber quelque chose.

M. Hamel: Telle serait ma suggestion. Autrement vous aurez un bulletin de vote d'une longueur démesurée.

Le président: L'Ontario ne mentionne pas les qualités des candidats.

M. Lefebvre: Je trouve que ce n'est pas nécessaire.

M. Hamel: Je le supprime donc.

Le président: A la page 31, disposition du dépôt, nous savons où cela va.

«Temps et lieux pour recevoir les présentations». Ceci a changé.

[Texte]

Mr. Hamel: On page 31 the only change is in Section (12) at the very bottom. It is to delete the reference to electoral district returning to members.

Mr. Forrestall: What have we done with all the in between? I am sorry, maybe I was a little behind you there. Did we carry subsections (4), (5), (6), (7), (8), (9), (10) and (11). How did we get to the bottom of page 31?

The Chairman: Let us have the old 21A stand until we have the redrafting complete.

Mr. Forrestall: In other words, (4) to (12) inclusive are all parts of 21A?

The Chairman: Yes.

Mr. Hamel: If we stand all of 21A we are now on page 32, Clause 14.

The Chairman: We are now on page 32, Clause 14. Is there anything new in it, Mr. Hamel?

Mr. Hamel: In subsection (3) it is only deletion of the dual ridings.

The Chairman: Right.

Mr. Hamel: And subsection (4) should stand, because it is consequential on a later amendment—the penalty and offences series of sections that you will deal with later on.

Subsections (3) and (4) stood.

Clause 15 is again just to delete the reference to districts returning to members.

Clause 15, proposed section 24 agreed to. Section 25—the first thing is to delete again the reference to districts returning to members. Furthermore we propose to delete the so-called notice of grant of a poll in urban areas, because this is a fairly expensive document. I beg your pardon?

Mr. Forrestall: A very useful one.

Mr. Hamel: It would be replaced by a list that would be provided to each candidate giving the same information as you have in the notice of a grant of a poll, but instead of being a printed document it would be a type-written document. Now I am quite open on this. If you prefer that we keep the notice of grant of a poll we will do it. In fact the economy would be in the vicinity of \$75,000 if we dropped this in urban areas. We would still keep it in rural areas but we propose to drop it in urban areas.

Mr. Forrestall: I just have the one observation to make about it. I think anything that would compress the list of the boundaries of the polling divisions and that would make it

[Interprétation]

M. Hamel: A la page 31, le seul changement se trouve à l'article 12, au bas. Il s'agit de supprimer la référence au district électoral qui retournerait aux députés.

M. Forrestall: Qu'avons-nous fait du reste? Avons-nous adopté les paragraphes 4, 5, 6, 7, 8, 9, 10 et 11. Comment sommes-nous arrivés au bas de la page 31?

Le président: Que l'article 21A soit réservé jusqu'à ce qu'il soit révisé à nouveau.

M. Forrestall: Les paragraphes 4 à 12 inclusivement feraient donc partie de l'article 21A

Le président: Oui.

M. Hamel: S'il en est ainsi, nous sommes donc à la page 32, article 14 du projet.

Le président: Oui. Y a-t-il du nouveau, M. Hamel?

M. Hamel: Au paragraphe (3), il ne s'agit que de supprimer la double circonscription.

Le président: D'accord.

M. Hamel: Le paragraphe 4 devrait être réservé car il découle par voie de conséquence d'un amendement à venir—les délits et les sanctions.

Les paragraphes 3 et 4 sont réservés.

L'article 15 vise encore à éliminer la mention d'une circonscription qui élirait deux députés. L'article 15 du projet, l'article 24 est adopté. Article 25. Nous voulons en outre supprimer le prétendu avis de consentement à la tenue d'un scrutin dans les régions urbaines, car c'est un document coûteux. Pardon?

M. Forrestall: Très utile?

M. Hamel: On le remplacerait par une liste remise à chaque candidat, donnant les mêmes renseignements que l'on trouve sur l'avis de consentement qu'un scrutin soit tenu, mais il serait dactylographié au lieu d'être imprimé. Mais si vous le préférez, nous le conserverons. Ce serait une économie de \$75,000 dans les régions urbaines. Nous le conserverons dans les régions rurales.

M. Forrestall: Je crois que toute mesure visant à réduire la délimitation géographique des circonscriptions électorales importe plus que cet avis qui m'intéresse. Qu'avez-vous

[Text]

easier to handle and deal with is what I was after more than the grant itself which is simply one sheet.

[Interpretation]

l'intention de faire au sujet de cette liste des limites de la circonscription?

Mr. Hamel: Yes.

M. Hamel: Bien.

Mr. Forrestall: I concur in that. What do you intend to do about the list of the polling division boundaries?

M. Forrestall: Je pense comme vous. Que voulez-vous faire au sujet de la liste des bornes des districts fédéraux.

Mr. Hamel: The description of the polling divisions? Well this is covered in subsection (2) on page 33. In paragraph (c) it says:

M. Hamel: Ceci se trouve à la page 33, paragraphe 2. A l'alinéa (c) on lit:

(c) a typewritten list, certified by the returning officer to be accurate and complete, of the name, if any, the boundaries and the number of each of the polling divisions and the address of each of the polling stations in that electoral district.

c) une liste dactylographiée que l'officier rapporteur certifie être exacte et complète, indiquant le nom, s'il en est, les limites et le numéro de chacun des arrondissements de votation et l'adresse de chacun des bureaux de votation dans ce district électoral.

So instead of having a large printed document, this would presumably be on foolscap paper and would give you the same information, but one copy to each candidate.

Au lieu d'un volumineux document imprimé, nous aurions une feuille de papier qui fournirait les mêmes renseignements, mais dont chaque candidat recevrait un exemplaire.

The Chairman: Gentlemen, we must vacate this room by 11 a.m., but I believe we should have a meeting this afternoon after the Orders of the Day. Is this agreed?

Le président: Nous devons quitter la pièce avant 11 heures ce matin, mais je crois qu'il nous faudra nous réunir de nouveau cet après-midi après l'ordre du jour. D'accord?

An hon. Member: At 3.30?

Une voix: A 3h 30?

The Chairman: Yes.

Le président: Oui.

An hon. Member: What happens to Section 25?

Une voix: Qu'advient-il de l'article 25?

The Chairman: We will resume at Section 25 this afternoon. This meeting is adjourned until 3.30 this afternoon.

Le président: Nous commencerons là cet après-midi.

La séance est levée jusqu'à 3h30 cet après-midi.

OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

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FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Deuxième session de la

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

ON

COMITÉ PERMANENT

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

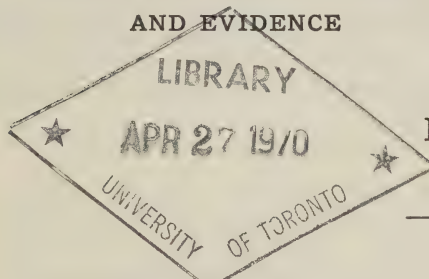
Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES



No. 11

THURSDAY, JANUARY 29, 1970

LE JEUDI 29 JANVIER 1970

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir le *procès-verbal*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président

and Messrs.

et MM.

Alkenbrack,
Benjamin,
Code,
¹Comtois
Duquet,
Forest,

Forrestall,
Fortin
Howard (Skeena),
Howe,
Jerome,
Lefebvre,

Marceau,
Peddle,
Richard,
³Serré,
Trudel,
²Turner
(London East)—(20).

(Quorum 11)

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b), Suivant l'article 65(4)b) du Règlement,

¹ Replaced Mr. Cobbe on January 28, 1970. ¹ Remplace M. Cobbe le 28 janvier 1970.

² Replaced Mr. Stafford on January 28, 1970. ² Remplace M. Stafford le 28 janvier 1970.

³ Replaced Mr. Guay (Levis) on January 28, 1970. ³ Remplace M. Guay (Levis) le 28 janvier 1970.

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, January 29, 1970.
(14)

The Standing Committee on Privileges and Elections met this day at 9:45 a.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Benjamin, Code, Comtois, Duquet, Forest, Howard, (Skeena), Howe, Jerome, Laflamme, Marceau, Richard, Serré, Trudel, Turner (London East)—(14).

Also present: Mr. Valade, M.P.

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed its consideration of the Draft amendments to the Canada Elections Act.

The Committee agreed that:
Section 21A

The said Act be further amended by adding thereto, immediately after section 21 thereof, the following heading and section

"Nomination of Candidates

21a. (1) Any twenty-five or more persons qualified as electors in an electoral district in which an election is to be held may, whether or not their names are on any list of electors, nominate a candidate for that electoral district in the manner provided in this section.

(2) A candidate shall be nominated as follows:

(a) a nomination paper in Form No. 27 shall be prepared containing a statement of

(i) the name, address and occupation of the candidate,

[Traduction]

PROCÈS-VERBAL

Le JEUDI 29 janvier 1970
(14)

Le Comité permanent des privilèges et élections se réunit ce matin à 9h 45. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Benjamin, Code, Comtois, Duquet, Forest, Howard (Skeena), Howe, Jerome, Laflamme, Marceau, Richard, Serré, Trudel, Turner (London)—(14).

Autre député présent: M. Valade.

Témoin: M. J. M. Hamel, directeur général des élections.

Le Comité reprend son étude des projets de modification à la Loi électorale du Canada.

Le Comité convient que:
Article 21A

Ladite loi soit en outre modifiée par l'insertion, immédiatement après l'article 21, de la rubrique et de l'article suivants:

«Présentation des candidats

21a. (1) Vingt-cinq personnes ou plus qui sont habiles à voter dans un district électoral où une élection doit avoir lieu, que leur nom figure ou non sur une liste électorale, peuvent présenter un candidat pour ce district électoral, de la manière prévue au présent article.

(2) Un candidat doit être mis en présentation de la façon suivante:

a) un bulletin de présentation doit être préparé selon la formule n° 27 énonçant:

(i) les nom, adresse et occupation du candidat,

(ii) the address designated by the candidate for service of process and papers under this Act and under the Dominion Controverted Elections Act, and

(iii) the name, address and occupation of the official agent appointed by the candidate pursuant to section 62;

(b) the nomination paper shall be signed by each of the twenty-five or more persons referred to in subsection (1), in the presence of a witness, and each of the persons so signing shall state in the nomination paper his address and occupation;

(c) the nomination paper shall be signed by a witness to the signature of each of the persons who sign the nomination paper pursuant to paragraph (b), and each of the witnesses so signing shall state in the nomination paper his address and occupation;

(d) except where the candidate is absent from the electoral district at the time the nomination paper is filed pursuant to paragraph (e), a statement in the nomination paper indicating that he consents to the nomination shall be signed by the candidate in the presence of a witness and the nomination paper shall be signed by that witness;

(e) the nomination paper shall be filed, at any time between the date of the proclamation referred to in subsection (1) of section 18 and the time for the close of nominations, with the returning officer for the electoral district by the witness who signed the nomination paper pursuant to paragraph (g);

(f) an oath in writing, in Form No. 28, sworn before the returning officer, of each witness who signed the nomination paper as witness to the signature of one or more of the persons who signed the nomination paper

(ii) l'adresse indiquée par le candidat pour la signification des documents et papiers sous le régime de la présente loi et en vertu de la *Loi sur les élections fédérales contestées*, et

(iii) les nom, adresse et occupation de l'agent officiel nommé par le candidat en vertu de l'article 62;

b) le bulletin de présentation doit être signé, en présence d'un témoin, par chacune des vingt-cinq personnes ou plus dont il est fait mention au paragraphe (1) et chacune des personnes qui signent doit indiquer dans le bulletin de présentation son adresse et son occupation;

c) le bulletin de présentation doit être signé par un témoin de la signature de chacune des personnes qui signent le bulletin de présentation, en conformité de l'alinéa b), et chacun des témoins qui signent doit indiquer dans le bulletin de présentation son adresse et son occupation;

d) sauf lorsque le candidat est absent du district électoral au moment où le bulletin de présentation est déposé en conformité de l'alinéa e), le candidat doit signer une déclaration dans le bulletin de présentation par laquelle il consent à la mise en présentation, et cela en présence d'un témoin qui signe le bulletin de présentation;

e) le bulletin de présentation doit être déposé, à tout moment entre la date de la proclamation mentionnée au paragraphe (1) de l'article 18 et le moment de la clôture des présentations, auprès de l'officier rapporteur du district électoral, par le témoin qui a signé le bulletin de présentation en conformité de l'alinéa g);

f) un serment d'attestation, selon la formule n° 28, prêté devant l'officier rapporteur, par chacun des témoins qui a signé le bulletin de présentation à titre de témoin de la signature de l'une ou plusieurs des personnes qui

pursuant to paragraph (b), stating that

(i) he knows each person to whose signature he is a witness, and

(ii) each such person signed the nomination paper in his presence, shall be filed with the returning officer at the time the nomination paper is filed;

(g) an oath in writing, sworn before the returning officer,

(i) in Form No. 28A, of the person who signed the nomination paper as a witness to the consent to nomination of the candidate, stating that

(A) he knows the candidate, and

(B) the candidate signed the consent to nomination in his presence, or

(ii) in Form No. 28B, of the person who filed the nomination paper with the returning officer stating that the candidate is absent from the electoral district for which the candidate is nominated, shall be filed with the returning officer at the time the nomination paper is filed; and

(h) a deposit of two hundred dollars in legal tender or a certified cheque made payable to the Receiver General for that amount shall be handed to the returning officer at the time the nomination paper is filed.

(3) For the purpose of subparagraph (i) of paragraph (a) of subsection (2),

(a) the name of the candidate shall not include any title, degree or other prefix or suffix but may include a nickname; and

(b) the occupation of the candidate shall be stated briefly and shall correspond to the occupation by which

ont signé le bulletin de présentation en conformité de l'alinéa b), déclarant

(i) que le témoin connaît la personne ou les personnes dont il atteste la signature, et

(ii) que chacune de ces personnes a signé en sa présence le bulletin de présentation, doit être déposé auprès de l'officier rapporteur au moment où le bulletin de présentation est déposé;

g) un serment par écrit, prêté devant l'officier rapporteur,

(i) selon la formule n° 28A, par la personne qui a signé le bulletin de présentation à titre de témoin du consentement du candidat à la mise en présentation, déclarant

(A) qu'elle connaît le candidat, et

(B) que le candidat a signé en sa présence le consentement à la mise en présentation, ou

(ii) selon la formule n° 28B, par la personne qui a déposé le bulletin de présentation auprès de l'officier rapporteur, déclarant que le candidat est absent du district électoral pour lequel il a été mis en présentation, doit être déposé auprès de l'officier rapporteur au moment où le bulletin de présentation est déposé; et

h) un dépôt de deux cents dollars en monnaie légale ou d'un chèque visé pour cette somme, payable au receveur général du Canada, tiré sur une banque à charte faisant affaires au Canada, doit être remis à l'officier rapporteur au moment où le bulletin de présentation est déposé.

(3) Aux fins du sous-alinéa (i) de l'alinéa a) du paragraphe (2),

a) le nom du candidat ne doit être ni précédé ni suivi de ses titres, degrés, ou autres genres de préfixes ou de suffixes, mais on peut y ajouter un surnom; et

b) l'occupation du candidat doit être déclarée brièvement et elle doit correspondre à l'occupation par laquelle

the candidate is known in the place of his ordinary residence.

(4) Where a nomination paper is signed by more than twenty-five persons, the nomination paper is not invalid by reason only that some of those persons are not qualified electors as provided in subsection (1), if at least twenty-five of the persons who so signed are such qualified electors.

(5) The returning officer shall not refuse to accept any nomination paper for filing by reason of the ineligibility of the candidate nominated, unless the ineligibility appears on the nomination paper.

(6) A nomination paper that the returning officer has refused to accept for filing may be replaced by another nomination paper or may be corrected, except that a new or corrected nomination paper shall be filed with the returning officer not later than the time for the close of the nominations.

(7) The returning officer shall not accept any deposit until after all the other steps necessary to complete the nomination of the candidate have been taken and, upon his accepting any deposit, he shall give to the person who pays the deposit to him a receipt therefor, which is conclusive evidence that the candidate has been duly and regularly nominated.

(8) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Receiver General.

(9) The amount deposited by a candidate pursuant to this section shall

(a) where the candidate is elected or obtains a number of votes at least equal to one-half of the votes polled in favour of the candidate elected, be returned to the candidate;

(b) where the candidate dies before the closing of the poll, be returned to the personal representative of the

le candidat est connu au lieu de sa résidence ordinaire.

(4) Lorsqu'un bulletin de présentation est signé par plus de vingt-cinq personnes, ce bulletin de présentation n'est pas invalide du seul fait que l'une ou plusieurs de ces personnes ne sont pas des électeurs habiles à voter comme il est prévu au paragraphe (1), si au moins vingt-cinq des personnes qui ont signé sont des électeurs habiles à voter.

(5) L'officier rapporteur ne doit pas refuser d'accepter pour dépôt un bulletin de présentation en raison de l'inéligibilité du candidat mis en présentation, à moins que l'inéligibilité n'apparaisse sur le bulletin de présentation.

(6) Un bulletin de présentation que l'officier rapporteur a refusé d'accepter pour dépôt peut être remplacé par un autre bulletin de présentation ou il peut être corrigé, sauf qu'un bulletin de présentation nouveau ou corrigé doit être déposé auprès de l'officier rapporteur au plus tard à l'heure de la clôture des présentations.

(7) L'officier rapporteur ne doit pas accepter un dépôt tant que toutes les autres formalités nécessaires pour compléter la présentation du candidat n'ont pas été remplies, et après son acceptation d'un dépôt, il doit délivrer à la personne qui le lui verse un reçu de ce dépôt, qui constitue une preuve péremptoire que le candidat a été présenté régulièrement et en bonne et due forme.

(8) L'officier rapporteur doit transmettre au receveur général le plein montant de chaque dépôt, immédiatement après l'avoir reçu.

(9) La somme ainsi déposée par un candidat *en conformité du présent article* doit

a) être restituée au candidat lorsque le candidat est élu ou lorsqu'il obtient un nombre de votes au moins égal à la moitié du nombre de votes déposés en faveur du candidat élu;

b) lorsque le candidat décède avant la clôture du scrutin, être restituée au représentant personnel du candidat ou

candidate or to such other person as may be determined by the Treasury Board; and

(c) in any other event, belong to Her Majesty for the public uses of Canada.

(10) At noon on nomination day the returning officer and the election clerk shall both attend at the place fixed for the nomination of candidates in the proclamation issued pursuant to subsection (1) of section 18 and shall remain until two o'clock in the afternoon of that same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate, as have not already been officially nominated.

(11) After two o'clock in the afternoon on nomination day, no further nominations shall be receivable or be received.

(12) Any votes given at an election for any person other than a candidate officially nominated in the manner prescribed by this Act are void."

Section 25 of the Act was permitted to stand.

Section 28

Subsection (2) of section 28 be repealed.

Section 29 of the Act was permitted to stand.

Section 30

Paragraph (4) of subsection (1) of section 30 of the said Act be repealed and the following substituted therefor:

"(d) at least ten copies of printed directions in Form No. 37 for the guidance of electors in voting;

Section 31

Subsections (6) and (7) of section 31 of the said Act be repealed and the following substituted therefor:

"(6) A returning officer may, where he deems it advisable establish a cen-

à toute autre personne que le conseil du Trésor peut déterminer; et

c) *en toute autre circonstance*, appartenir à Sa Majesté pour les usages publics du Canada.

(10) A midi le jour des présentations, l'officier rapporteur et le secrétaire d'élection doivent tous deux être présents *au lieu fixé pour la mise en présentation des candidats dans la proclamation émise en conformité du paragraphe (1) de l'article 18* et doivent y demeurer jusqu'à deux heures de l'après-midi de ce même jour, afin de recevoir les présentations des candidats que les électeurs désirent présenter et qui n'ont pas encore été officiellement mis en présentation.

(11) Après deux heures de l'après-midi le jour des présentations, aucune autre présentation n'est recevable ni reçue.

(12) Tous les votes donnés à une élection pour une *personne* autre qu'un candidat qui a été officiellement mis en présentation de la manière prescrite par la présente loi sont nuls.»

L'article 25 de la Loi est réservé.

Article 28

Le paragraphe (2) de l'article 28 est abrogé.

L'article 29 de la Loi est réservé.

Article 30

L'alinéa d) du paragraphe (1) de l'article 30 de ladite loi soit abrogé et remplacé par ce qui suit:

«d) dix exemplaires au moins des directives imprimées, selon la formule n° 37, pour guider les électeurs sur la manière de voter;»

Article 31

Les paragraphes (6) et (7) de l'article 31 de ladite loi soient abrogés et remplacés par ce qui suit:

«(6) Un officier rapporteur peut, lorsqu'il le juge à propos, établir un lieu

tral polling place where the polling stations of all or any of the polling divisions of any locality may be centralized, except that no central polling place so established shall comprise more than ten polling divisions unless it is the usual practice in a locality to establish a central polling place for civic, municipal or provincial elections and the Chief Electoral Officer has given his prior permission for the establishment of a central polling place comprising more than ten polling divisions.

(7) Upon the establishment of a central polling place under subsection (6), all of the provisions of this Act apply as if each polling station at the central polling place were within the polling division to which it appertains.

(8) Where a returning officer is unable to secure suitable premises to be used as a polling station within a polling division, he may establish a polling station in an adjacent polling division and, upon the establishment of such a polling station, all the provisions of this Act apply as if the polling station were within the polling division to which it appertains.

(9) Whenever possible a returning officer shall locate a polling station in a school or other suitable public building."

Section 34

(1) Subsection (1) of section 34 of the said Act be repealed and the following substituted therefor:

"34. (1) At each polling station, in addition to the deputy returning officer and the poll clerk, no person other than (a) the candidates, and

(b) two agents for each candidate or, in the absence of agents, two electors to represent each candidate, shall remain in the room where the votes are given for a period longer than

central de votation là où les bureaux de votation de l'un, de plusieurs ou de la totalité des arrondissements de votation d'une localité peuvent être centralisés, mais aucun lieu central de votation ainsi établi ne doit comprendre plus de dix arrondissements de votation, sauf si c'est la coutume dans une localité d'établir un lieu central de votation pour les élections municipales ou provinciales et si le directeur général des élections a donné au préalable son autorisation pour l'établissement d'un lieu central de votation comprenant plus de dix arrondissements de votation.

(7) Après l'établissement d'un lieu central de votation en vertu du *paragraphe* (6), toutes les dispositions de la présente loi s'appliquent comme si chacun des bureaux de votation en ce lieu central de votation était dans les limites de l'arrondissement de votation auquel il appartient.

(8) Lorsqu'un officier rapporteur est incapable d'obtenir un local approprié qui servirait de bureau de votation dans les limites d'un arrondissement de votation, il peut établir un bureau de votation dans un arrondissement de votation adjacent, et, après l'établissement de ce bureau de votation, toutes les dispositions de la présente loi s'appliquent comme si ce bureau de votation se trouvait dans les limites de l'arrondissement auquel il appartient.

(9) Dans tous les cas où cela est possible, l'officier rapporteur doit établir un bureau de votation dans une école ou un autre édifice public convenable."

Article 34

(1) Le paragraphe (1) de l'article 34 de ladite loi soit abrogé et remplacé par ce qui suit:

«34. (1) Dans chacun des bureaux de votation, outre le sous-officier rapporteur et le greffier du scrutin, personne d'autre que

a) les candidats, et

b) deux agents pour chaque candidat ou, à défaut d'agents, deux électeurs pour représenter chaque candidat, ne doit demeurer dans la salle où se

the period necessary to enable him to vote during the time in which the poll remains open.

(1a) Forthwith on being admitted to a polling station each agent shall deliver his written appointment in the form prescribed by the Chief Electoral Officer to the deputy returning officer."

(2) Subsections (3) and (4) of section 34 of the said Act are repealed and the following substituted therefor:

"(3) Any agent bearing a written authorization from a candidate or from the official agent of a candidate in the form prescribed by the Chief Electoral Officer shall be deemed an agent of the candidate within the meaning of this Act, and is entitled to represent the candidate in preference to, and to the exclusion of, any elector who might otherwise claim the right of representing the candidate.

(4) A candidate or the official agent of a candidate may appoint as many agents as he deems necessary for a polling station except that only two agents may be present in the polling station at any time.

(5) Agents of candidates or electors representing candidates may absent themselves from and return to a polling station at any time before the close of the poll and, after such absence,

(a) an agent is not required to produce a new written appointment from the candidate or the official agent of the candidate; and

(b) an agent or elector is not required to take another oath in Form No. 39.

(6) An agent of a candidate may

(a) during the hours of polling, but at no other time, examine the poll book and take any information therefrom except where an elector would be delayed in casting his vote thereby; and

donnent les votes, *pour une période de temps qui dépasse celle qui lui est nécessaire pour lui permettre de voter pendant les heures d'ouverture du bureau.*

(1a) Dès son admission au bureau de votation, chaque agent doit remettre au sous-officier rapporteur sa commission écrite *selon la formule prescrite par le directeur général des élections.*"

(2) Les paragraphes (3) et (4) de l'article 34 de ladite loi soient abrogés et remplacés par ce qui suit:

«(3) Un agent porteur d'une autorisation par écrit d'un candidat *ou de l'agent officiel d'un candidat selon la formule prescrite par le directeur général des élections*, est censé être un agent de ce candidat au sens de la présente loi et il a le droit de représenter le candidat de préférence à un électeur qui pourrait par ailleurs réclamer le droit de représenter le candidat et à l'exclusion de cet électeur.

(4) Un candidat ou l'agent officiel d'un candidat peut nommer un aussi grand nombre d'agents qu'il estime nécessaire pour un bureau de votation, pourvu que seulement deux de ces agents soient présents en même temps dans le bureau de votation.

(5) Les agents des candidats ou les électeurs représentant les candidats peuvent, à tout moment avant la clôture du scrutin, s'absenter du bureau de votation et y retourner *et, après cette absence*,

a) un agent n'est pas tenu de présenter une nouvelle nomination par écrit émanant du candidat ou de l'agent officiel du candidat; et

b) un agent ou un électeur n'est pas tenu de prêter un autre serment, selon la formule n° 39.

(6) Un agent d'un candidat peut

a) pendant les heures du scrutin seulement, examiner le cahier du scrutin et y puiser quelque renseignement, sauf dans le cas où un électeur s'en trouverait retardé pour déposer son vote; et

(b) convey, during the hours of polling, any information obtained by the examination referred to in paragraph (a) to any agent of the candidate who is on duty outside the polling station.”

Section 36

Subsection (1) of section 36 of the said Act be repealed and the following substituted therefor:

“36. (1) A deputy returning officer shall, on polling day, at or before the opening of the poll, cause such printed directions to electors as have been supplied to him in Form No. 37 to be posted up in conspicuous places outside of and near to the polling station and also in each compartment of the polling station.”

Section 37

Subsection (3) of section 37 of the said Act be repealed and the following substituted therefor:

“(3) No elector shall at an election vote more than once in an electoral district or vote in more than one electoral district.”

Section 38

Section 38 of the said Act be repealed.

Section 43

Subsection (1) of section 43 of the said Act be repealed and the following substituted therefor:

“43. (1) At any time between the close of nominations and ten o'clock in the evening of the Friday, the third day before polling day, upon production to the returning officer or election clerk of a document, signed by a candidate who has been officially nominated appointing a person whose name appears on the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or election clerk shall issue to the agent a transfer certificate in Form No. 44 entitling him to vote at the latter polling station.”

b) communiquer, pendant les heures du scrutin, tout renseignement obtenu par l'examen mentionné à l'alinéa a) à un agent du candidat qui est de service à l'extérieur du bureau de votation.»

Article 36

Le paragraphe (1) de l'article 36 de ladite loi soit abrogé et remplacé par ce qui suit:

«36. (1) Un sous-officier rapporteur doit faire afficher, le jour du scrutin, au plus tard à l'ouverture du bureau de votation, dans des endroits bien en vue à l'extérieur et à proximité du bureau de votation, ainsi qu'à l'intérieur de chaque compartiment du bureau de votation, les directives imprimées suivant la formule n° 37 qui lui ont été fournies et qui sont destinées aux électeurs.»

Article 37

Le paragraphe (3) de l'article 37 de ladite loi soit abrogé et remplacé par ce qui suit:

«(3) Aucun électeur à une élection ne doit voter plus d'une fois dans un district électoral, ni voter dans plus d'une district électoral.»

Article 38

L'article 38 de ladite loi soit abrogé.

Article 43

Le paragraphe (1) de l'article 43 de ladite loi soit abrogé et remplacé par ce qui suit:

«43. (1) Sur dépôt, entre les mains de l'officier rapporteur ou du secrétaire d'élection, à tout moment entre la clôture des présentations et dix heures du soir le *mardi sixième jour avant* le jour du scrutin, d'un *document* signé par un candidat qui a été officiellement mis en présentation et qui nomme une personne dont le nom figure sur la liste électorale officielle d'un bureau de votation dans le district électoral pour agir à titre d'agent dans un autre bureau de votation, l'officier rapporteur ou le secrétaire d'élection doit délivrer à cet agent un certificat de transfert selon la formule n° 44, l'autorisant à voter à ce dernier bureau de votation.»

Section 44

Section 44 was permitted to stand.

Section 45

(1) Subsection (3) of section 45 of the said Act be repealed and the following substituted therefor:

“(2a) An elector, before receiving a ballot paper from the deputy returning officer, shall give his name, address and occupation

(a) to the deputy returning officer and poll clerk; and

(b) upon request, to an agent of a candidate or an elector representing a candidate in the polling station.

(2b) The deputy returning officer, poll clerk, accredited agents of candidates or electors representing candidates shall not request, demand or order that an elector, to prove his right to vote at a polling station, produce

(a) a birth certificate;

(b) naturalization papers;

(c) in an urban polling division, a notice in Form No. 7; or

(d) any other document whatever.

(2c) The deputy returning officer, poll clerk, accredited agents of candidates or electors representing candidates may, before an elector is given a ballot paper, require that the elector

(a) take the appropriate oral oath mentioned in paragraph (i) of subsection (1) of section 30; or

(b) in an urban polling division, complete an affidavit in Form No. 42.

(2d) When an elector has been given a ballot paper, no one shall require him to take the oath or affidavit referred to in subsection (2c).

New subsection (3) of section 45 was permitted to stand.

Subsection 3(a) and 3(b) were agreed to as follows:

Article 44

L'article 44 est réservé.

Article 45

(1) Le paragraphe (3) de l'article 45 de ladite loi soit abrogé et remplacé par ce qui suit:

«(2a) Avant de recevoir un bulletin de vote du sous-officier rapporteur, un électeur doit décliner ses nom, adresse et occupation

a) au sous-officier rapporteur et au greffier du scrutin; et

b) sur demande, à un agent d'un candidat ou à un électeur qui représente un candidat, dans le bureau de votation.

(2b) Ni le sous-officier rapporteur, ni le greffier du scrutin, ni les agents accrédités des candidats ou les électeurs qui représentent des candidats ne doivent demander, exiger ou ordonner qu'un électeur, pour prouver son droit de voter à un bureau de votation, produise

a) un certificat de naissance;

b) des documents de naturalisation;

c) dans un arrondissement urbain, un avis selon la formule n° 7; ou

d) quelque autre document que ce soit.

(2c) Le sous-officier rapporteur, le greffier du scrutin, les agents accrédités des candidats ou les électeurs qui représentent des candidats peuvent, avant qu'un électeur ne reçoive un bulletin de vote, demander que cet électeur

a) prête le serment verbal approprié mentionné à l'alinéa i) du paragraphe (1) de l'article 30; ou

b) dans un arrondissement urbain, souscrive un affidavit selon la formule n° 42.

(2d) Lorsqu'un électeur a reçu un bulletin de vote, personne ne doit exiger qu'il prête le serment ou souscrive l'affidavit mentionnés au paragraphe (2c).

Le nouveau paragraphe (3) de l'article 45 est réservé.

Les paragraphes 3 a) et 3 b) sont adoptés sous la forme suivante.

(3a) Upon receipt of a ballot paper handed to him pursuant to subsection (3), the deputy returning officer shall forthwith,

(a) without unfolding it, ascertain by examination of the initials and printed serial number that it is the same ballot paper that was delivered to the elector; and

(b) if it is the same ballot paper, in full view of the elector and all others present, remove and destroy the counterfoil and himself deposit the ballot paper in the ballot box.

(3b) Every person who makes any written record of the printed serial number appearing on the back of the counterfoil of a ballot paper is guilty of an offence against this Act."

Section 45

Subsections (7), (8) and (9) of section 45 of the said Act be repealed and the following substituted therefor:

"(7) The deputy returning officer, on the application of any elector who is blind, unable to read or so physically incapacitated as to be unable to vote in the manner prescribed by this Act shall require the elector making the application to take an oath in Form No. 47 of his incapacity to vote without assistance and shall thereafter

(a) assist the elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and the sworn agents of the candidates or the sworn electors representing the candidates in the polling station and of no other person, and shall place the ballot paper in the ballot box; or

(b) where the elector is accompanied by a friend or relative and the elector so requests, permit the friend or relative to accompany the elector into the voting compartment and mark the elector's ballot paper.

(8) Where a friend or relative has marked the ballot paper of an elector as permitted pursuant to paragraph (b) of subsection (7), the poll clerk shall, in addition to the other requirements

(3a) En recevant un bulletin de vote qui lui est remis en conformité du paragraphe (3), le sous-officier rapporteur doit immédiatement

a) sans le déplier, constater par l'examen des initiales et du numéro de série imprimé, que ce bulletin de vote est le même que celui qui a été remis à l'électeur; et

b) si c'est le même *bulletin de vote*, à la vue de l'électeur et de toutes les autres personnes présentes, détacher le talon et le détruire, et déposer lui-même le bulletin de vote dans la boîte du scrutin.

(3b) Quiconque prend note par écrit du numéro de série imprimé au verso du talon d'un bulletin de vote est coupable d'une infraction à la présente loi.»

Article 45

(2) Les paragraphes (7), (8) et (9) de l'article 45 de ladite loi soient abrogés et remplacés par ce qui suit:

«(7) A la demande d'un électeur qui est aveugle, incapable de lire ou empêché, par une infirmité physique, de voter de la manière prescrite par la présente loi, le sous-officier rapporteur doit obliger l'électeur qui lui en fait la demande à prêter serment, suivant la formule n° 47, qu'il est incapable de voter sans aide, puis il doit

a) aider l'électeur en marquant son bulletin comme cet électeur l'ordonne, en présence uniquement du greffier du scrutin et des agents assermentés des candidats ou des électeurs assermentés qui représentent les candidats dans le bureau de votation et il doit déposer le bulletin de vote dans la boîte du scrutin; ou

b) lorsque l'électeur est accompagné d'un ami ou d'un parent et que l'électeur le demande, permettre à l'ami ou au parent d'accompagner cet électeur au compartiment de votation et de marquer le bulletin de vote de l'électeur.

(8) Lorsqu'un ami ou un parent a marqué le bulletin de vote d'un électeur comme il est permis de le faire en conformité de l'alinéa b) du paragraphe (7), le greffier du scrutin doit, en plus

prescribed in this Act, enter the name of the friend or relative of the elector in the remarks column of the poll book opposite the entry relating to such elector.

(8a) No person shall at any election be allowed to act for the purpose of marking a ballot paper as the friend or relative of more than one elector.

(9) Any friend or relative who is permitted to mark the ballot paper of an elector pursuant to paragraph (b) of subsection (7) shall first be required to take an oath in Form No. 48 that he

(a) will keep secret the name of the candidate for whom the ballot of the elector is marked by him; and

(b) has not already acted as the friend or relative of an elector for the purpose of marking his ballot paper at that election."

Draft amendments to sections 46, 49, 50 and 52 of the said Act were permitted to stand.

Section 54

(1) Subsection (5) of section 54 of the said Act be repealed and the following substituted therefor:

"(5) The judge to whom an application for a recount is made shall summon the returning officer to attend at the time and place appointed pursuant to subsection (4) with the parcels containing the used and counted, unused, rejected and spoiled ballot papers, or the original statements of the poll signed by the deputy returning officers, as the case may be, that are relevant to the recount that is to take place.

(5a) A returning officer shall obey a summons issued pursuant to subsection (5) and shall attend throughout the proceedings, at which proceedings each candidate is entitled to be present and to be represented by not more than three agents appointed to attend."

At 11:35 a.m., the Committee adjourned until 9:30 a.m. Tuesday, February 9, 1970.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

des autres prescriptions de la présente loi, inscrire le nom de l'ami ou du parent de l'électeur dans la colonne des remarques du cahier du scrutin, vis-à-vis l'inscription relative à cet électeur.

(8a) Nul ne doit, au cours d'une élection, agir à titre d'ami ou de parent de plus d'un électeur, aux fins de marquer un bulletin de vote.

(9) Un ami ou parent qui est autorisé à marquer le bulletin d'un électeur *en conformité de l'alinéa b) du paragraphe (7)* doit être tenu, en premier lieu, de prêter serment suivant la formule n° 48

a) qu'il ne divulguera pas le nom du candidat pour lequel il a marqué le bulletin de l'électeur; et

b) qu'il n'a pas déjà agi à titre d'ami ou parent d'un électeur aux fins de marquer son bulletin de vote à cette élection."

Les projets de modification aux articles 46, 49 et 50 de ladite loi sont réservés.

Article 54

(1) Le paragraphe (5) de l'article 54 de ladite loi soit abrogé et remplacé par ce qui suit:

«(5) Le juge à qui est faite une demande en vue d'un recomptage doit sommer l'officier rapporteur de comparaître aux temps et lieu fixés *en conformité du paragraphe (4)* et d'y apporter les paquets contenant les bulletins utilisés et comptés, les bulletins inutilisés, rejetés et gâtés, ou les relevés originaux du scrutin signés par les sous-officiers rapporteurs, selon le cas, *qui sont les documents pertinents en ce qui concerne le recomptage qui doit avoir lieu.*

(5a) Un officier rapporteur doit obéir à une sommation émise *en conformité du paragraphe (5)* et comparaître pendant toute la durée des opérations auxquelles chaque candidat a droit d'être présent et représenté par au plus trois agents nommés pour y assister.»

A 11h 35, le Comité suspend ses travaux jusqu'au mardi 3 février 1970, à 9h 30 du matin.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, January 29, 1970

• 0946

The Chairman: Order, please. I see that we have a quorum to hear evidence. Before dealing with specific motions, I think we could start discussing Section 25. As soon as we have a quorum we will come back to Section 21A to have motions put.

Mr. J. M. Hamel (Chief Electoral Officer): Mr. Chairman and gentlemen, as I explained very briefly the other day the main change in Section 25 is to drop this so-called Notice of Grant of a Poll in urban areas and replace the five copies you now receive with a type-written list of the descriptions. I must admit that I do not feel very strongly about this. You may prefer to keep this Notice of Grant of a Poll. The only purpose of suggesting that it be dropped is that it is a fairly expensive document and we would save quite a few thousand dollars.

On the other hand, this is what I call a Notice of Grant of a Poll, we would still keep it for rural areas. In cities it does not have the same use as in rural areas. It contains the descriptions of each polling division and on the last page, the list of the candidates with the names of the official agents. If we were to drop this in urban areas, we would save on the basis of the present rates, tariff of fees, roughly \$75,000. As I say, I do not feel strongly about this. If you prefer to keep it, we will do so. I may say that we have quite a few requests for this document, particularly from university people doing research.

Mr. Richard: Mr. Chairman, I do not see how we could do away with that. We use it. Other members must do the same in urban areas. We put that up on our wall, on our desks and we use that. It is much easier to read than a typewritten copy. It is an official document. There are no mistakes in it. We need that absolutely. I do not think we could do as well with typewritten copies. It would not be clear. This is official. I do not think the saving is that much over 267 ridings.

• 0950

Mr. Benjamin: Mr. Chairman, I do not feel that strongly about whether or not it is print-

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Jeudi le 29 janvier 1970

Le président: A l'ordre, s'il vous plaît. Je vois que nous sommes en nombre pour écouter les témoignages. Avant de passer à l'étude de motions spécifiques, je crois qu'on pourrait commencer la discussion de l'article 25. Dès que nous formerons un quorum, nous reviendrons à l'article 21a où il y aura des motions.

M. J. M. Hamel (directeur général des élections): Monsieur le président, comme je vous l'expliquais très brièvement l'autre jour, le changement principal à l'article 25, porte sur la radiation de l'octroi du scrutin dans les régions urbaines, la remplaçant par une liste dactylographiée des instructions. J'avoue que cette idée ne me sourit pas outre mesure. La seule raison pour laquelle on suggère son élimination est les frais élevés de ces documents et nous pourrions économiser quelque milliers de dollars.

D'autre part, on garderait cet avis d'octroi de scrutin pour les régions rurales. Il contient une description de chaque arrondissement de votation et, à la dernière page la liste des candidats avec le nom des agents officiels. Si nous l'éliminions dans les régions urbaines, nous réaliserions des économies très importantes d'environ \$75,000. Si vous préférez la conserver, il n'y a pas d'objection. Les universitaires qui font des recherches nous demandent très souvent ces documents.

M. Richard: Comment pourrions-nous nous en passer? Nous l'utilisons. D'autres députés doivent faire de même dans les régions urbaines. C'est beaucoup plus facile à lire que des documents dactylographiés. C'est un document officiel. Nous en avons absolument besoin. Je ne crois pas qu'on puisse avoir d'aussi bons résultats avec une copie dactylographiée qui serait moins claire à lire. Je ne crois pas que les économies soient si importantes sur 267 circonscriptions.

M. Benjamin: Monsieur le président, pour moi, ce n'est pas une question énorme. Je

[Text]

ed. I think something that is even more important is a map of the constituency with the poll boundaries drawn on it. The way the geographical description of a boundary has to be written out, it is just Greek to anyone reading it. If there were some provision to supply a returning officer, with his Notice of Grant of a Poll or separately, with not only a description of the boundaries but also a map of the riding, this would be of as much aid and comfort to the voters and to the parties as anything else you could do, I would think.

Mr. Richard: I think, Mr. Chairman, you will recall that I have been asking for years that every poll be outlined on a little map. Then our enumerators would not be making the mistake of crossing to the other fellow's side of the street and so on. They would know where they were going. Reading a description of boundaries is not that easy.

Mr. Hamel: Mr. Chairman, I believe the idea is an excellent one. The main problem is that the maps produced by the federal department, at least those that we had as a result of the redistribution of 1966, were not all that good. Very few in fact were adequate for this type of exercise. In many cases, we are faced with having to buy maps locally or from provincial governments and so on. Unfortunately, in some cases these maps, recent ones anyway, are just not available. So if it were to be mandatory, I am afraid some returning officers might be in difficulty. This is certainly something we will keep in mind and we will do whatever we can even if it adds to the over-all cost of the election.

Mr. Benjamin: I would be happy with the typewritten copies if the extra costs that we were saved were used for maps. Most city engineering or planning departments now have better maps than you get elsewhere. I think it would be very worth while making an extra effort to have detailed maps made well in advance. I am presuming that returning officers are now or will be very shortly working on poll boundaries. They have time to locate proper maps on which to draw those boundaries, get reprints made and be ready to go.

Mr. Hamel: Well, of course, returning officers have to prepare a map on which they trace the boundaries. They keep one copy and send one to us. The problem then is primarily one of reproduction for photocopying is not always the answer.

The Chairman: I am sorry to interrupt you, Mr. Hamel. This suggestion has been made not just because it might be useful but also

[Interpretation]

crois qu'il est encore plus important d'avoir une carte de la circonscription. De la façon dont la description géographique d'une limite doit être rédigée, c'est du chinois. Si on pouvait fournir à l'officier rapporteur avec un avis d'octroi de scrutin, une description des limites ainsi qu'une carte de la circonscription, ce serait un grand avantage pour les voteurs et les partis.

M. Richard: Je demande depuis des années que chaque bureau de votation soit indiqué sur une petite carte. Ainsi, nos recenseurs n'auraient pas à traverser la rue, et ainsi de suite. Lire une descriptoin de limites n'est pas chose si aisée.

M. Hamel: Monsieur le président, je crois que c'est une excellente idée. A mes yeux, le problème principal est que les cartes qui ont été faites par le ministère fédéral, à la suite du réajustement de 1966, n'étaient pas tellement bonnes. Peu répondaient aux besoins. Souvent, nous devons acheter les cartes en ville ou du gouvernement provincial. Malheureusement, ces cartes, surtout les dernières parues ne sont pas disponibles. Si c'était obligatoire, certains officiers rapporteurs auraient des ennuis. C'est quelque chose qu'il faut retenir à l'esprit et nous ferons tout ce que nous pourrons, même si cela augmente les frais.

M. Benjamin: Je me contenterais volontiers des copies dactylographiées si les économies étaient affectées à l'achat de cartes. Les départements municipaux d'urbanisme ont des meilleures cartes que celles qu'on peut obtenir ailleurs. Je crois que cela vaudrait le coup de fournir un effort supplémentaire pour avoir des cartes détaillées bien à l'avance. Je suppose que les officiers rapporteurs se mettront bientôt au travail pour délimiter les bureaux de votation. Ils ont le temps de trouver les cartes voulues.

M. Hamel: Les officiers rapporteurs sont tenus de préparer une carte qui indique les limites. Ils gardent un exemplaire et nous en envoient un autre. Il s'agit principalement d'un problème de reproduction, car le photocopie ne représente pas toujours la solution.

Le président: Excusez-moi de vous interrompre, monsieur Hamel. On a fait cette proposition pour le facteur utilitaire, mais aussi

[Texte]

because of the cost factor. We would like to know if you can suggest to us how those who want it may have it without the high cost of printing? Could it be done in a different way?

Mr. Howe: Do you mean for each individual member of the Committee?

The Chairman: No, no, during an election. It has been suggested that we do not publish these notices anymore.

Mr. Hamel: Using a lower quality of paper...

The Chairman: Or a different form of printing.

Mr. Richard: I think it is the style of printing that is very expensive. It could be done in a much...

The Chairman: The point raised by Mr. Richard is not that it be a large notice, well printed and so on, but the description of polls, be there...

Mr. Richard: ...and printed clearly.

The Chairman: It could not be printed and distributed without having this.

Mr. Richard: I know, but if it could be on smaller, cheaper paper, the cost could be cut down very quickly. It does not need all that...

Mr. Duquet: Mr. Chairman, this goes to prove that the electoral organizers do not work the same way in every riding. Personally, I never use them and I would not mind if they disappear. We make what we call a "poll key" and we work on that poll key which is so clear that we can tell you in 15 seconds, if we know your street and house number, where you vote and where the poll will be.

• 0955

Mr. Richard: But in order to do that, Mr. Chairman, you must know where your polls are and the poll limits. Everybody makes a key. I have had keys for everything. But I must know the boundaries of my riding and I must be able to trace them on a map.

Mr. Duquet: We have the boundaries of the riding, Mr. Richard, because the returning officer usually makes a list of all the polls, their description, their limits and this we can be busy sketching.

The Chairman: Mr. Marceau.

M. Marceau: Je crois, monsieur le président, que nous avons à prendre une décision

[Interprétation]

pour le facteur coût. Nous aimerions savoir si vous pouvez suggérer la façon de fournir ce document à ceux qui en ont besoin, sans subir les frais élevés? Pourrait-on procéder différemment?

M. Howe: Pour chaque député?

Le président: Non, non, au cours d'élections. On a proposé de ne plus publier cet avis.

M. Hamel: Si l'on utilise une qualité de papier inférieure...

Le président: Ou un mode d'impression différent.

M. Richard: Je crois que le genre d'impression est fort onéreux. On pourrait...

Le président: M. Richard ne veut pas que ce soit un grand avis, bien imprimé et tout, mais que la description des bureaux y figure...

M. Richard: ...et qu'elle soit imprimée clairement.

Le président: On pourrait l'imprimer et la distribuer sans cela.

M. Richard: Je sais, mais si ça pouvait être sur du papier de plus petit format et meilleur marché, les frais seraient réduits très vite. Pas besoin de...

M. Duquet: Monsieur le président, cela prouve que les organisateurs électoraux ne procèdent pas de la même façon dans chaque circonscription. Personnellement, je ne m'en sers jamais et cela m'est égal que ce document disparaisse. Nous avons une sorte de guide qui indique rapidement les adresses et les rues, l'endroit du vote et ainsi de suite.

M. Richard: Monsieur le président, il faut savoir où sont les bureaux de votation et quelles en sont les limites. Tout le monde établit des guides, mais il faut que je connaisse les limites de ma circonscription.

M. Duquet: On les connaît déjà parce que l'officier rapporteur fait d'habitude une liste de tous les bureaux ainsi que les descriptions géographiques et les limites.

Le président: Monsieur Marceau.

Mr. Marceau: This is a pretty important decision. I do not think we can make it imme-

[Text]

assez importante. Je ne crois pas que nous soyons en mesure de la prendre immédiatement. Il faudra faire des vérifications; beaucoup de gens travaillent avec nous et peuvent nous indiquer d'autres points de vue. De prime abord, je suis porté à croire que ce document est d'une grande utilité. Il faudrait sûrement trouver un moyen d'avoir les mêmes informations tout en payant moins cher. Mais, en principe, je crois que ce document devrait être conservé, à moins qu'après vérification, on ne nous dise que c'est véritablement d'aucune utilité.

Le président: Monsieur Comtois.

M. Comtois: Monsieur le président, il est peut-être assez facile pour une circonscription urbaine de se passer de cette liste. Mais, dans une circonscription rurale ou semi-rurale, elle est très importante. Les différences sont tellement grandes. Il y a des paroisses, des villages, des moitiés de rang. Souvent, les arrondissements de votation sont fixés d'après les limites des terres. Si on n'a pas une description exacte de ces arrondissements, ça amène une foule de complications pour l'énumérateur, pour la revision, etc.

Le président: La suggestion de M. Hamel conserve cet avis pour les districts ruraux.

M. Comtois: Oui, mais des circonscriptions sont mi-rurales, mi-urbaines. De toute façon, il faut une liste.

M. Hamel: On la garderait pour la partie rurale, mais non pour la partie urbaine.

M. Comtois: A ce moment-là, est-ce que cela représente tellement une économie?

The Chairman: Just a minute please. Mr. Jerome.

Mr. Jerome: Mr. Chairman, I just wanted to comment on one aspect of the returning officer's work that I have seen on several occasions not being done well.

I know on one occasion many enumerators in a general election were going back constantly to the returning officer's office to say—"We have run into some confusion. What side of this street should we be on? And so on and so on". Frankly, the returning officer's answers were very unsatisfactory. Naturally, the people involved, not only the enumerators but poll workers working on behalf of all the parties, felt that if they could not get accurate information from the returning officer as to the boundaries of each individual poll, then where could they turn for it?

I do not really care whether you have a notice of a grant of a poll or anything else

[Interpretation]

diately. We will have to check. Many people work with us and could indicate other points of view. At first sight, I would say this is a very useful document. We should find ways and means to obtain the same information at a lesser cost. In principle, however, I believe this document should be kept, unless, upon investigation, we are told it is worthless.

The Chairman: Mr. Comtois.

Mr. Comtois: Mr. Chairman, perhaps an urban riding could do without this list, however, in a rural or semi-rural riding, it is most important. Differences are tremendous. There are parishes, villages and concession halves. Polling divisions are often established upon land limits. If they do not have an accurate description of division, there are many problems for the enumerator, for revision and so forth.

The Chairman: Mr. Hamel's suggestion maintains this for rural district.

Mr. Comtois: Yes, but some constituencies are half rural and half urban. At any rate, a list is needed.

Mr. Hamel: We would key it for the rural part, but not for the urban part.

Mr. Comtois: Then are you really saving money?

Le président: Un moment, monsieur Jerome.

M. Jerome: Monsieur le président, j'ai voulu commenter sur un aspect du travail de l'officier rapporteur, qui, j'ai pu le constater plusieurs fois, n'était pas bien fait. Une fois, beaucoup d'énumérateurs dans les élections générales revenaient régulièrement au bureau de l'officier rapporteur pour lui faire part de tels ou tels ennuis. Franchement, les réponses de l'officier rapporteur étaient très peu satisfaisantes. Les travailleurs, ceux qui travaillent pour les partis, avaient l'impression que s'il n'y avait pas moyen de se faire renseigner suffisamment par l'officier rapporteur quant aux limites du bureau, où donc pourraient-ils les trouver?

Je crois, pour ma part, que chaque bureau doit être clairement délimité. Il

[Texte]

but I do think that every poll should be clearly defined. There should be an official master map that has the polls not only described but outlined and copies of that map should be available to all the candidates from the returning officer. As I say, like most members, I do not care whether this notice of grant of a poll is continued or discontinued but I do think that we should have access to an official map of the boundaries of the individual polling stations.

Le président: Monsieur Marceau.

M. Marceau: Est-ce que M. Hamel pourrait nous expliquer de quelle façon cette liste est faite? Est-ce l'officier rapporteur de notre circonscription qui nous donne les informations? Est-ce que vous exercez un contrôle ou bien faites-vous tout simplement répéter les informations qui vous sont déjà données par les officiers rapporteurs? Si c'est le cas, le document devient moins important.

• 1000

M. Hamel: Ce document-là n'est pas imprimé par mes soins, c'est-à-dire il est imprimé sur place par les soins d'officiers rapporteurs. Tout d'abord, lorsque le directeur du scrutin prépare les délimitations d'arrondissements de votation, d'après les instructions qu'il a, il doit consulter les organisations politiques de son district électoral, et une fois qu'il en est arrivé à une répartition qui semble acceptable à la majorité des gens, il m'envoie son rapport que nous vérifions suivant certains critères qu'on lui a donnés. En même temps, il nous envoie une carte sur laquelle il a tracé les limites de chaque arrondissement de votation. Naturellement, nous sommes assez peu en position de vérifier si le travail est satisfaisant parce que nous sommes loin, nous ne connaissons pas les conditions locales, nous ne connaissons pas certains accidents géographiques, etc., mais une fois que son rapport a été approuvé, ce sont ces descriptions-là que, lui, transmet à son imprimeur qui les imprime dans le document que vous avez devant vous.

M. Duquet: Question supplémentaire, monsieur le président. Lorsque le directeur du scrutin d'une circonscription a préparé cette délimitation d'après laquelle ceci est imprimé, n'en donne-t-il des exemplaires à chacun des candidats?

M. Hamel: En vertu de la loi, il doit en donner cinq à chaque candidat.

M. Duquet: Je ne sais pas ce qui se produit ailleurs, mais, pour ma part, je prétends que d'après la liste de la délimitation qui nous est remise par le directeur du scrutin, c'est nous qui préparons une carte des bureaux de scru-

[Interprétation]

devrait y avoir une carte-guide officielle qui indique les bureaux avec une description et des détails et que ce devrait être disponible à tous les candidats. Comme la majorité des députés, il m'est égal qu'on garde cet avis d'octroi d'un scrutin, mais je crois qu'il doit exister une carte officielle.

The Chairman: Mr. Marceau.

Mr. Marceau: Could Mr. Hamel tell us how this list is made. Does the returning officer in our riding give us the information? Is there any control on your part, or do you simply repeat the information already provided by the returning officers? If so, the document is not as important.

Mr. Hamel: This document is not printed by my office, it is printed on the spot by the returning officers. First of all, when the Returning Officer establishes the limits of the polling division, according to the instructions he has, he must consult the political organizations in his electoral district, and when he arrives at a distribution which is acceptable to most people, he sends his report and we check it according to certain criteria he has. At the same time, he sends us a map on which he has marked the limits of each polling division. Obviously, it is fairly hard for us to check whether his work is adequate or not, because we are far, we are not aware of the existing local conditions, we do not know geographical circumstances and so on, but once his report is approved, he sends this information to the printer who prints it in the document you have at hand.

Mr. Duquet: A supplementary question, Mr. Chairman. When the Returning Officer of the Riding has established this limit according to which this is printed, does he not give copies to each candidate?

Mr. Hamel: Under the Act, he must give five copies to each candidate.

Mr. Duquet: I do not know what happens elsewhere, but as far as I am concerned, I claim that according to the list which is given to us by the Returning Officer, we are the ones who prepare a map of the polls, or we

[Text]

fin ou préparons, pour les recenseurs, la description du territoire qu'ils ont énuméré.

Mr. Hamel: Si vous me permettez, monsieur le président, j'aimerais ajouter ceci. Lorsque l'officier rapporteur a préparé les délimitations des arrondissements de votation, il doit, après que mon bureau les aura approuvées, en donner une copie à chaque organisation politique. Cela se fait bien avant l'élection. Alors, si certaines descriptions, ne donnent pas satisfaction, il a le droit au début de l'élection, de faire des changements mineurs avant l'impression de ce document. Alors, s'il y a des descriptions qui ne rencontrent pas votre approbation, vous pouvez toujours le lui faire remarquer et il peut faire certains rajustements.

Pour revenir à ce que M. Jerome disait tout à l'heure, ce serait certainement possible de demander à l'officier rapporteur, probablement qu'il ne pourrait pas le faire personnellement, mais lui demander de préparer des cartes tracées et lorsqu'une carte adéquate est disponible, d'en faire préparer pour chacun des partis politiques. Naturellement, ceci entraînerait des frais.

Mr. Duquet: C'est-à-dire, monsieur Hamel, ce que vous voulez économiser là-dessus, vous le dépenseriez pour faire imprimer des cartes. Le directeur du scrutin ne peut tout de même pas nous donner une carte d'une grandeur extraordinaire. Or, quand il nous remet des cartes des délimitations des comtés ou que nous nous en faisons faire, il arrive qu'elles sont à peu près illisibles parce que trop petites, les délimitations sont trop restreintes sur une carte et le nom des rues est à peu près illisible. A moins de faire une très grande carte, ce qui coûterait énormément cher.

Une voix: Ça coûte \$2.

Mr. Hamel: C'est évident que c'est assez coûteux...

Mr. Richard: Mr. Chairman, what we do—of course it is expensive—is make a blow up of the little map. We spend quite a bit of money then making the divisions ourselves on the blown-up map. We have to have that latest description. As you said, at the time of election, in Ottawa East and in other places, they had to provide additional polls because many people had moved in since the year before. I do not know if we are talking about saving very much; I think we will spend it somewhere else.

• 1005

Mr. Hamel: That is what I was going to say, Mr. Chairman.

[Interpretation]

prepare for the enumerators a description of the Territory they enumerated.

Mr. Hamel: If I may, Mr. Chairman, I would like to add this. When the Returning Officer has prepared the limits of the polling division, he must after our approval give a copy to each political organisation. This is done well before the election. So if some descriptions are not satisfactory, he is entitled early in the election to make minor changes before printing. So if there are descriptions which do not meet your approval, you can always draw his attention to this fact and he can make certain adjustments.

Now, to get back to what Mr. Jerome said a few moments ago, it would certainly be possible to ask the returning officer—he might not be able to do personally,—to prepare a marked map, to prepare an adequate map when available for each political party. This would obviously cost money.

Mr. Duquet: Mr. Hamel, what you want to save on this, you would spend to print map. The Returning Officer cannot give you a very large map. Now, when he gives us maps indicating boundaries or when we have maps printed, it happens that they are practically illegible because they are too small, the boundaries are too limited on a map and the names of the streets are almost illegible. Unless you have a very large map printed, which would be extremely expensive.

An hon. Member: It costs \$2.

Mr. Hamel: Yes, obviously the expenses would be considerable.

Mr. Richard: Nous faisons agrandir une photographie de la petite carte. Nous devons avoir les descriptions les plus à jour. Au moment des élections, un peu partout, il faut fournir des bureaux supplémentaires car il y a de nouveaux arrivés. Nous dépensons de l'argent de toute façon.

Mr. Hamel: J'allais le dire.

[Texte]

The Chairman: I believe that whether or not we keep this notice of election printed as it is, the main problem remains. This has been raised by Mr. Benjamin and Mr. Jerome. I think it is a very crucial point. There must be a way in which the enumerators can have before them the full lists and the full description of the poll they have to enumerate. This is the source of all the problems. To do that, the Chief Electoral Officer and the returning officers have to make in advance an accurate description of the polls in any constituency. It might be hard for the Chief Electoral Officer in some instances, but I just would like to know, Mr. Hamel, if you can assure us that you have the means and the power to get this description done accurately before the election starts?

Mr. Hamel: The only thing we can do is perhaps ask our returning officers to be more specific and precise in the wording they use when describing their polling division boundaries. Before the last election, in an attempt to assist everybody involved, we asked each returning officer in urban constituencies to prepare keys to their electoral district. We paid them for that because we knew that a large number of candidates and political organizations actually did so at their own expense. We asked returning officers to prepare keys and distribute them to the candidates and the parties. This was the first time it was done and may not have been perfect. But the only guarantee that I can give you is to try to convince my returning officers through instructions to be accurate and to use different terms or to define their boundaries differently.

Le président: Monsieur Trudel.

Mr. Trudel: Si j'ai bien compris, vous recevez du directeur du scrutin une copie de la liste des limites de chaque arrondissement électoral. Maintenant, recevez-vous aussi une carte?

Mr. Hamel: Oui, une carte tracée.

Mr. Trudel: Tracée.

Mr. Hamel: Oui.

Mr. Trudel: Pour chaque district électoral au Canada?

Mr. Hamel: C'est cela.

Mr. Trudel: Bon. Pourrait-on savoir alors s'il est possible de reproduire cette carte et de la faire parvenir aux candidats?

Mr. Hamel: C'est ce que je disais tout à l'heure: il y aurait possibilité de permettre au

[Interprétation]

Le président: Je crois que, que nous conservions ou non cet avis d'octroi d'un bureau de scrutin, le problème principal demeure. Cela a été soulevé par MM. Benjamin et Jerome. C'est très crucial. Il doit y avoir moyen que les énumérateurs aient sous les yeux une liste complète et une description. C'est là la source de tous les problèmes. Pour ce faire, le Directeur général des élections et les officiers rapporteurs doivent préparer d'avance une description exacte des bureaux de scrutin. Ça sera peut-être difficile pour le Directeur général des élections dans certains cas. Je voudrais savoir, monsieur Hamel, si vous pouvez nous donner l'assurance que vous disposez des moyens et de l'autorité de faire préparer une telle description avant les élections?

M. Hamel: Tout ce que nous faisons, c'est de demander aux officiers rapporteurs d'être plus précis. Avant les dernières élections, pour tenter d'aider tous les intéressés, nous avons demandé aux officiers rapporteurs dans les circonscriptions urbaines de préparer des guides pour leurs districts électoraux. Beaucoup de députés l'avaient fait à leurs propres frais. Nous avons donc demandé aux officiers rapporteurs de préparer eux-mêmes ces guides et de les distribuer aux candidats et aux partis. C'était la première fois qu'on procédait de cette façon, de sorte qu'on n'a peut-être pas atteint la perfection. La seule garantie que je puisse vous donner, c'est que de chercher à convaincre nos officiers rapporteurs, par des directives, qu'ils devraient peut-être être plus exacts et définir les limites différemment.

The Chairman: Mr. Trudel.

Mr. Trudel: I understand that you receive from the Returning Officer a copy of the list of the boundaries for each polling division. Do you also receive a map?

Mr. Hamel: Yes, a marked map.

Mr. Trudel: Marked.

Mr. Hamel: Yes.

Mr. Trudel: For each electoral district in Canada?

Mr. Hamel: Yes.

Mr. Trudel: Could one know whether its is possible to reproduce that map and send it to the candidates?

Mr. Hamel: That is what I said a moment ago. It would be possible to allow the Return-

[Text]

directeur du scrutin de faire faire des copies, soit par un technicien ou au moyen de photocopies. Le seul petit embêtement qui pourrait survenir, c'est que s'il y a des changements à la dernière minute, la carte ne reflétera peut-être pas exactement les descriptions qui apparaîtront éventuellement sur l'avis d'octroi d'un scrutin.

M. Trudel: Oui.

M. Hamel: C'est le seul petit inconvénient qu'il y aurait.

M. Trudel: C'est préférable d'avoir un ou deux changements à faire que d'avoir à tracer une carte, si c'est possible.

M. Hamel: Si je comprends bien, la plupart des candidats jugent nécessaire de faire des cartes eux-mêmes, alors à ce compte-là ce sont les candidats, les partis qui en supportent le coût. C'est à vous à décider de toute façon. Mais peut-être que l'État devrait aussi en assumer le coût, alors, c'est nous qui devrions le faire.

The Chairman: Mr. Jerome. I am sorry; Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, I was just wondering whether the Chief Electoral Officer, Mr. Hamel, would be willing to authorize or instruct—preferably instruct—returning officers to issue to each candidate some small number of maps at no charge, perhaps half a dozen, or ten, or something like this, and anyone who wanted more would be charged for them. I do not think we would object or the parties would object to paying for them. One of the big problems in thinking of maps is time; you know how long it can take to get maps reprinted. It is just the saving of time along. I think if I wanted 300 maps because there were 300 polls in my riding to give one to a person in each poll, for example, who was working on my behalf, it would perhaps be a little awkward to get that many done. If I could go to the returning officer and say, "I would like 300", and he charges me for 290 of them, I would not complain as long as I could get them quickly and they were duplicates of the official map of the constituency.

Mr. Duquet: Mr. Benjamin, do I understand that you are talking about a map for each and every poll?

The Chairman: Well, this might be a very interesting discussion but I believe we will end up with a lot of problems if we are going to discuss each other's suggestions. Yes. Mr. Code.

[Interpretation]

ing Officer to have copies made either by a technician or by a photocopy. The only problem would be last minute changes and the map may not reflect exactly the descriptions which will appear eventually when granting a poll.

Mr. Trudel: Yes.

Mr. Hamel: That would be the only small problem.

Mr. Trudel: It would be preferable to have to make one or two changes rather than mark a map if possible?

Mr. Hamel: If I understand well, most candidates feel it is necessary to make maps themselves so it is the candidates, the parties, who bear the costs. Perhaps the State should bear the cost of these maps, we should then do it.

Le président: Monsieur Jerome. Excusez-moi, monsieur Benjamin.

M. Benjamin: Je me demande si le Directeur général des élections, M. Hamel, pourrait autoriser, ou donner instructions aux officiers rapporteurs, de remettre à chaque candidat un petit nombre de cartes gratuitement, disons 6 ou 12. S'ils en veulent davantage, on pourrait leur faire payer. Un des grands problèmes pour les cartes, c'est le temps. Faire reproduire des cartes prend du temps. Si je voulais 300 cartes, car j'ai 300 bureaux dans ma circonscription, une pour chacun de mes représentants, ce serait trop. Si je demandais à l'officier rapporteur 300 cartes et qu'il me fasse payer le prix de 290, peu m'importerait, si j'avais les cartes rapidement.

M. Duquet: Voulez-vous dire une carte pour tous les bureaux?

Le président: Je crois que cela pourrait donner lieu à toutes sortes de problèmes si nous discutons des propositions de chacun. Oui, monsieur Code?

[Texte]

• 1010

Mr. Code: Mr. Chairman, about these maps. I do not know how it is in other areas but up in my area—I have run in two different ridings—you just go to the town engineer or city engineer and get a map of the municipality.

I worked with the returning officer who marked off the boundaries. We just cut maps on those boundary lines and gave them to the enumerators. Those maps only cost a dollar or two each and I do not think any candidate would worry about that. Now, it could be different in Montreal or Toronto, of other cities like those, but in smaller municipalities those maps are available.

The Chairman: Mr. Marceau? Mr. Comtois? Monsieur Comtois.

M. Comtois: Monsieur le président, ayant une expérience personnelle de la chose, je peux vous dire que, dans notre milieu rural, nous utilisons des cartes de la Voirie provinciale qui indiquent toutes les routes, tous les rangs, toutes les limites des villages, des paroisses, des villes. C'est sur ces cartes que nous traçons les limites des arrondissements électoraux dans le milieu rural et c'est à une échelle de 100 pieds au pouce et c'est très facile à lire.

Maintenant, quant aux villes, nous nous procurons les cartes des différentes villes. Je pense bien que toutes les municipalités ont des cartes de leur territoire et nous y traçons les limites des milieux urbains. Il y aurait peut-être lieu de prévoir un certain montant à l'égard du président d'élection pour l'achat de ces cartes en plus grande quantité, elles coûtent \$1 ou \$2 seulement.

M. Hamel: Je pense que le point principal, ce n'est pas le coût de la carte, mais plutôt le temps requis pour tracer une ligne et, dans certains cas du moins, les présidents d'élection n'auront pas à leur disposition l'équipement voulu pour la reproduction, ils devront faire une deuxième et une troisième copies. Alors, c'est pour cela que je veux être en position de vous en procurer une copie, mais de là à m'engager à en donner quatre, cinq ou six à chaque candidat, cela pourrait créer certains embêtements et j'hésite à le faire.

The Chairman: Yes, Mr. Turner.

Mr. Turner (London East): Mr. Hamel, in London East we did not have too much trouble because we went to the City Clerk and bought a city map for \$1.50. The official map that was sent to your office—we put that all on the city map.

[Interprétation]

M. Code: A propos de ces cartes, je ne sais pas comment on procède dans d'autres régions, mais dans ma circonscription, je m'adresse tout simplement à l'ingénieur de la ville pour obtenir une carte de la municipalité.

J'ai travaillé avec l'officier rapporteur qui a indiqué les limites. Ces cartes ne coûtent qu'un dollars ou deux chacune et je ne crois pas que ce soit un inconvénient pour les candidats. C'est peut-être différent à Montréal ou à Toronto ou ailleurs, mais dans les petites municipalités, ces cartes sont disponibles.

Le président: Monsieur Marceau, monsieur Comtois?

Mr. Comtois: Mr. Chairman, according to my personal experience, in our rural environment, we use the maps of the provincial highways department showing all roads, concessions, the boundaries of villages, parishes and cities. This is our way of designating polls. It is on these maps that we draw the boundaries of rural polling divisions, with a scale of 100 feet to the inch and it is easy to read.

For the cities, we get maps from the different cities. I think that all cities have maps of their territory and we draw the boundaries of the urban districts. Perhaps we could provide a certain amount for the Returning Officer to buy a larger quantity of these maps which cost only \$1 or \$2 each.

Mr. Hamel: I think the main point is not the cost of the map but the period of time required for drawing a line and, in some cases at least, they do not have the necessary equipment to reproduce these maps, they will have to make a second and a third copy. So that is why I want to be able to provide you with a copy but undertaking to give four, five or six copies to each candidate could create problems, and I am hesitating.

Le président: Monsieur Turner?

M. Turner: Monsieur Hamel, nous n'avons pas eu trop de difficultés à London parce que nous nous sommes adressé au greffier de la ville. Nous avons acheté une carte de la ville à \$1.50. Le seul problème, a été dans le quartier où il n'y avait pas des lignes hydro-électriques. C'était un champ ouvert. La description a été difficile.

[Text]

The only problem was in the east end where there were no hydro lines, no railway crossings, nothing: just an open field. We had to split it with a lot line. It was difficult to define where the lot line should start and end.

Where it was heavily populated, we did not restrict the polling subdivision to 350 if it meant splitting in the middle of a block. We took it to the nearest street. Sometimes this put us about 100 over but there was no way we could get around this. We found this very effective. We were not keeping within your restriction of 350 but it was the easiest way out as far as enumerating was concerned.

Mr. Benjamin: Mr. Chairman, when the Notice of Grant of a Poll is sent, regardless of whether it is printed or typewritten, if it could be accompanied by a map from which candidates and parties might much more quickly and easily produce maps of their own as Mr. Turner has mentioned...

Mr. Hamel: The map could even be provided before—it could be provided at the time you get the typewritten copy of the description.

Mr. Benjamin: Right, that is what I meant.

Mr. Hamel: And this is the time when you should have the maps.

Mr. Benjamin: Yes.

Mr. Hamel: And then, later on during the election, if you decide to keep the Notice of Grant of a Poll, you would still receive five copies of this.

Mr. Benjamin: Yes. Would you want a line added to that paragraph (c) of subsection (2): "and at least one copy of an official map".

Mr. Hamel: I do not think so because (2) (c) deals strictly with Notice of Grant of a Poll. The first copies of the description are sent to you pursuant to Section 11 of the Act whereby the returning officer is instructed to make a review of his polling division's arrangements. So this is the time when he should give you a map. Now it may not be necessary to put it in the Act. I could cover this by instructions.

Mr. Benjamin: Fair enough.

Mr. Hamel: And having the views of the Committee this morning I would certainly be able to put the necessary fee in the tariff to cover that cost.

The Chairman: Do we, Mr. Hamel, have to make an amendment to Section 25(1) just to

[Interpretation]

Là où la population était dense, nous n'avons pas limité le bureau à 350. On a obtenu d'excellents résultats. Je crois que c'était la meilleure façon de faciliter la tâche des énumérateurs.

M. Benjamin: Lorsqu'un avis d'octroi de scrutin est adressé, il devrait être, accompagné d'une carte dont pourraient se servir les candidats et les partis très facilement pour les faire reproduire.

M. Hamel: Elle pourrait être même fournie au moment où vous obtenez une copie dactylographiée de la description.

M. Benjamin: Oui, c'est ce que je voulais dire.

M. Hamel: Et c'est à ce moment que vous devriez avoir les cartes.

M. Benjamin: Oui.

M. Hamel: Plus tard, au cours des élections, si vous décidez de conserver l'avis, vous recevriez encore 5 exemplaires.

M. Benjamin: Oui. Pourrait-on ajouter une ligne à l'alinéa c) du paragraphe 2: «et au moins un exemplaire d'une carte officielle.»

M. Hamel: Je ne crois pas, car l'article 2) c) traite exclusivement de l'avoir d'octroi d'un scrutin. Les premières exemplaires de la description vous sont envoyés lorsque l'officier rapporteur reçoit instruction de faire une révision des arrondissements de scrutin. C'est à ce moment-là que la carte pourrait être fournie. Il n'est peut-être pas nécessaire de l'inscrire dans la loi. Cela pourrait se faire d'après les directives.

M. Benjamin: Cela me paraît équitable.

M. Hamel: D'après ce que le Comité a dit ce matin, je pourrais certainement prévoir les droits nécessaires pour couvrir ce coût.

Le président: Monsieur Hamel, pourrait-on modifier l'article 25 (1) pour vous permettre

[Texte]

enable you to give all the candidates the substance of this Notice of Grant of a Poll without incurring the expenses that you have mentioned.

Mr. Richard: Printed but not so elaborate as that.

Mr. Hamel: In that case we will have to draft something else to keep the present provision in the Act. And then add something in the Act which says what the format of this is, what the quality of the paper is. This was strictly an administrative decision. It could be changed at any time.

The Chairman: You have our consent to do this.

Mr. Hamel: We will be back with a new draft of Section 25.

The Chairman: Perfect. We will turn back then to Section 21a). As decided at an earlier session with respect to the proposed Section 21a) we have prepared a new amendment.

An hon. Member: What page is that on?

The Chairman: It is on page 27. The amendment proposed is to change the French Text. It had been suggested by Mr. Marceau to have a precise definition of persons qualified as electors. The proposed amendment will read as follows:

21a) (1)

Vingt-cinq personnes ou plus qui ont qualité d'électeurs

...habiles à voter.

Mr. Hamel: Mr. Chairman, if I may, this is a slight change over what we have in the Act at the moment. In the Act at the moment it says:

21. (5) Any twenty-five or more electors qualified to vote..

It means that in an urban area they must be on the list. But if the nomination papers are submitted before revision an elector may be qualified as an elector but may not then be qualified to vote. It becomes extremely difficult. We suggest that it be changed to "twenty-five persons qualified as electors".

The Chairman: We just had the French version in accordance with the English one. Does it carry.

Amendment agreed to.

Now we want to go back to 21A. At the very bottom of page 29. After the discussion we had, it has been suggested that we do propose an amendment to the proposed Section 21A, subsection (2) paragraph (h).

[Interprétation]

de donner à tous les candidats la substance de cet avis sans subir les dépenses dont vous parlez?

M. Richard: Par impression, mais pas aussi détaillé.

M. Hamel: Il faudra faire un autre libellé pour garder cette disposition dans la loi. Puis ajouter quelque chose pour établir le format. C'est une décision purement administrative et elle peut être modifiée n'importe quand.

Le président: Vous avez notre consentement.

M. Hamel: Nous avons un nouveau libellé pour l'article 25.

Le président: Parfait. Nous revenons à l'article 21a) donc. Lors d'une séance récente à propos de 21a), nous avions préparé une nouvelle modification.

Une voix: A quelle page?

Le président: Page 27. L'amendement proposé est pour changer le texte français. Cela a été proposé par M. Marceau pour avoir une définition précise des qualités requises de l'électeur. L'amendement se lira comme suit:

Twenty-five persons or more qualified as electors

...qualified to vote.

M. Hamel: C'est un petit changement par rapport à la loi actuelle. On dit actuellement:

215) vingt-cinq électeurs ou plus habiles à voter...

Dans les régions urbaines, elles doivent figurer sur la liste. Mais si les mises en candidature sont présentées avant la révision, un électeur peut être habilité comme électeur mais il ne peut pas être qualifié pour voter. Cela devient très difficile. Nous proposons: «vingt-cinq personnes habilitées comme électeurs».

Le président: Les deux versions concordent. Adopté?

La modification est adoptée. Nous revenons à 21A, au bas de la page 29. On a proposé, après nos discussions un amendement à l'article 21a), paragraphe 2) alinéa h).

[Text]

(h) a deposit of two hundred dollars in legal tender or a cheque made payable to the Receiver General for that amount drawn upon and accepted by any bank or drawn upon and accepted by any credit union, caisse populaire or trust company carrying on business in Canada shall be handed to the returning officer at the time the nomination paper is filed.

This paragraph has been drafted by the law officers of the Crown. Yes?

Mr. Benjamin: We were talking about the words certified cheque the other days. Do you feel that they are not necessary?

Mr. Hamel: It says: "...accepted by any bank..."

Mr. Benjamin: Whether or not it is certified the returning officer may accept it.

The Chairman: If it is marked "...that amount drawn upon and accepted..."

Mr. Benjamin: By the word "accepted" you mean "certified cheque". Mr. Chairman, why do we not say the word "certified" because nobody else is going to know that is what you mean.

The Chairman: Yes, Mr. Howe?

Mr. Howe: Let us make that read: "a deposit of two hundred dollars in legal tender or a certified cheque made payable to the Receiver General for that amount..."

The Chairman: I would suggest the same.

Mr. Hamel: It would be much simpler.

Mr. Howe: You do not get it certified unless it is through some authorized organization or bank.

The Chairman: Would you repeat your motion, Mr. Howe?

Mr. Howe: I would suggest that "a deposit of two hundred dollars in legal tender or a certified cheque made payable to the Receiver General for that amount..." Insert the word "certified"—"certified cheque"—instead of describing banks and credit unions.

The Chairman: Yes, I fully agree. So Section 21A with the amendments already passed is carried.

Section 21A as amended carried.

Now we go back to Section 25, page 32 to 34.

[Interpretation]

h) un dépôt de deux cents dollars en monnaie légale ou d'un chèque visé pour cette somme, payable au receveur général du Canada, tiré sur une banque à charte, par n'importe quelle banque ou par une caisse populaire mutuelle de crédits ou une compagnie de fiducie exerçant son activité au Canada est remis à l'officier-rapporteur au moment où le bulletin de présentation est déposé.

Cet alinéa a été rédigé par des juristes de la Couronne.

M. Benjamin: Nous utilisons les mots «chèque visé» l'autre jour. Croyez-vous qu'ils soient nécessaires?

M. Hamel: On dit: «par n'importe quel banque..."

M. Benjamin: Qu'il soit visé ou non, l'officier rapporteur peut l'accepter.

Le président: S'il est marqué «tiré sur une banque à charte. . .»

M. Benjamin: Vous voulez dire «chèque visé» monsieur le président, pourquoi ne pas dire «visé», car personne d'autre ne comprendra ce que vous voulez dire?

Le président: Oui, monsieur Howe?

M. Howe: Adoptons le libellé suivant: «un dépôt de deux cent dollars en monnaie légale ou d'un chèque visé pour cette somme payable au receveur général du Canada..."

Le président: Je suis de cet avis.

M. Hamel: Ce serait beaucoup plus simple.

M. Howe: Vous ne pouvez le faire viser que par le truchement d'un organisme reconnu ou d'une banque.

Le président: Voulez-vous répéter votre motion, monsieur Howe?

M. Howe: Je propose: «un dépôt de deux cents dollars en monnaie légale ou d'un chèque visé pour cette somme payable au receveur général du Canada». Il faudrait insérer le mot «visé» «chèque visé» au lieu de décrire les banques et les *credit unions*.

Le président: Oui, je suis parfaitement d'accord. En conséquence l'article 21a, avec ses modifications est adopté.

L'article 21a, sous sa forme modifiée, est adopté.

Retournons à l'article 25, de la page 32 à la page 24.

[*Texte*]

Mr. Hamel: Page 34 is Clause 17 which is repealed because this dealt strictly with ridings returning two members.

Clause 17 carried.

The Chairman: Clause 20?

Mr. Forest: Section 25.

The Chairman: Yes. Before we stand Section 25 for redrafting, perhaps it would be appropriate if we discussed the implications of the Official Languages Act and the interpretation of what the Chief Electoral Officer should do.

This relates to Section 25, clause 16 (4) on page 34.

On clause 16, proposed Section 25 (4)—*Notice to be in English and French languages*

I will ask Mr. Hamel to explain some of the difficulties he may encounter in this respect.

Mr. Hamel: Thank you, Mr. Chairman. At the moment the Canada Elections Act makes reference in two sections, to the use of English and French, namely, Section 18 for the proclamation and Section 25 for the publication of the notice of grant of a poll.

The obligation to publish these two documents in both English and French in Quebec and Manitoba was put into the Act in 1874. In 1960 the same obligation was extended to New Brunswick. As a result, at the moment in every electoral district of these three provinces we have to publish these two documents in both English and French. In the other electoral districts it is left to the discretion of the Chief Electoral Officer. As an example, at the last election we published these two documents in both languages in roughly 12 electoral districts of Eastern Ontario. It does not go beyond that. Apparently it does not go as far as the Official Languages Act because it does not provide for service to be provided to the public in both English and French where you have a substantial minority.

The Chairman: Are there any comments?

An hon. Member: You mean your amendment will propose it?

Mr. Hamel: I did not propose any amendments, but if the Act is re-enacted with the provisions as they are at the moment they may be quite restrictive vis-à-vis the Official Languages Act because it will have been adopted after the other one. What the

[*Interprétation*]

M. Hamel: La page 24 est l'article 17 qui est abrogé, car il porte exclusivement sur les circonscriptions qui retournent deux députés.

L'article 17 est adopté.

Le président: L'article 20?

M. Forest: L'article 25.

Le président: Oui. Avant de réserver l'article 25 afin de le remanier, il serait peut-être approprié de discuter des implications de la Loi sur les langues officielles et de l'interprétation de ce que doit faire le Directeur général des élections.

Cela se rattache à l'article 25, disposition 16 (4) page 34.

A l'article 16, l'article proposé 25 (4):

L'avis doit être en anglais et en français.

Je voudrais demander à M. Hamel de nous expliquer quelles sont les difficultés auxquelles il pourra faire face à cet égard.

M. Hamel: Merci, monsieur le président. La Loi électorale du Canada, à l'heure actuelle, parle de l'emploi de l'anglais et du français dans deux articles, en l'occurrence l'article 18 pour les proclamations et article 25 pour la publication de l'avis de l'octroi d'un scrutin.

L'obligation de publier les deux documents en anglais et en français au Québec et au Manitoba a été inscrite dans la Loi, en 1874. En 1960, cette même obligation a été étendue au Nouveau-Brunswick. En conséquence, actuellement, dans tous les districts électoraux de ces trois provinces, il nous faut publier ces documents dans les deux langues. Dans les autres districts électoraux, la publication bilingue est laissée à la discrétion du Directeur général des élections. Par exemple, aux dernières élections, nous avons publié ces deux documents dans les deux langues dans environ douze districts électoraux de l'est de l'Ontario, mais la loi ne va pas plus loin. Il semble qu'elle n'aille pas aussi loin que la Loi sur les langues officielles puisqu'elle ne prévoit aucun service pour le public en anglais et en français là où il existe une minorité appréciable.

Le président: Y a-t-il des commentaires?

Une voix: Voulez-vous dire que vous formulerez cette proposition dans votre amendement?

M. Hamel: Je n'ai pas proposé d'amendements, mais si la Loi est remaniée avec les dispositions telles qu'elles existent, elles peuvent être assez restrictives vis-à-vis de la Loi sur les langues officielles, parce qu'elle aura été adoptée après l'autre. Les avocats sont

[Text]

implications of this are, the lawyers may be in a better position to tell than I am.

The Chairman: Just a minute, Mr. Duquet. Mr. Trudel?

M. Trudel: Monsieur le président, si j'ai bien compris ce que M. Hamel nous dit, il est en son pouvoir de donner les services en regard de ces deux documents, bien qu'il n'y soit pas tenu par la Loi.

M. Hamel: Strictement à l'endroit de ces deux documents-là, pas plus.

M. Trudel: Pas plus. Maintenant, lors de la dernière élection, avez-vous eu des demandes à l'effet d'étendre vos services en dehors de ce qui est stipulé ici?

M. Hamel: Lors des dernières élections générales, la Loi sur les langues officielles n'avait pas encore été adoptée, alors, le problème ne se présentait pas. Il se présentera certainement à la prochaine élection là où il y a une minorité linguistique, qu'elle soit française ou anglaise, assez forte et, je présume qu'elle se croira en droit d'exiger qu'on lui donne ce service. Alors, cela implique naturellement, non pas tellement une question de dépense que d'équiper le bureau du directeur du scrutin de façon à pouvoir donner ce genre de service bilingue, ce que je ne peux pas faire pour le moment.

M. Marceau: Pardon, est-ce que ce serait dispendieux, monsieur Hamel, si ces avis-là étaient publiés à travers le pays? Cela entraînerait-il une dépense considérable?

M. Hamel: Non, ce n'est pas une question de dépenses. Je ne vois pas de problème quant à la proclamation, on leur donne un modèle et n'importe quel imprimeur peut le faire. C'est différent dans le cas de l'avis d'octroi d'un scrutin. Les descriptions sont préparées localement par le directeur du scrutin et normalement traduites par lui, ou par quelqu'un qui peut le faire, et imprimées sur place. J'ai ici toute la liste des districts électoraux où on indique le pourcentage des minorités linguistiques. Dans un district électoral où il y a, par exemple, une minorité de 0.09 p. 100, je doute que le directeur du scrutin puisse trouver quelqu'un pour faire des traductions et un imprimeur en mesure d'en faire l'impression.

Le président: Monsieur Forest.

M. Forest: Monsieur le président, je pense bien qu'il va falloir suivre les principes généraux qui ont été établis dans la Loi sur les langues officielles. Ils sont obligatoires pour les autres organismes du gouvernement et les autres ministères, c'est-à-dire que dans tous

[Interpretation]

peut-être mieux placés que moi pour en indiquer les répercussions.

Le président: Un moment, monsieur Duquet. Monsieur Trudel?

Mr. Trudel: Mr. Chairman, if I have understood what Mr. Hamel said, he has the necessary authority to give service with respect to these two documents, even though he is not bound to do so by the Act.

Mr. Hamel: Strictly for these two documents, but no more.

Mr. Trudel: No more. Did you have any requests to extend your services beyond those provided here, at the time of the last election?

Mr. Hamel: At the time of the last general election, the Official Languages Act had not yet been passed so the problem did not exist. But it will certainly exist at the next election in those areas where we have a fairly strong linguistic minority, whether French or English. I imagine that they will request to be given this service. Naturally, it is not so much a question of cost as a question of providing the Chief Electoral Officer's office with the facilities to give a bilingual service. I cannot do it for the time being.

Mr. Marceau: Excuse me, but would it be expensive, Mr. Hamel, if those notices were published throughout the country?

Mr. Hamel: No, it is not a matter of expenses. There is no problem for the proclamation. We give them a master sheet and any printer can do it. But for the notice of grant of a poll it is different. The descriptions are prepared locally by the Returning Officer and usually translated by him or by somebody else, and printed on the spot. I have the whole list here of the electoral districts where the percentages of the linguistic minorities are indicated. I doubt whether the Returning Officer could find someone to translate the document and then a printer to print it, in an electoral district with a minority of, let us say, 0.09 per cent.

The Chairman: Mr. Forest.

Mr. Forest: Mr. Chairman, I think we shall have to follow the principles set down in the Official Languages Act. They are mandatory for the other government bodies and Departments, i.e. in all sectors where there is at least 10 per cent of English-speaking or

[Texte]

les secteurs où il y a au moins 10 p. 100 de Canadiens français ou de Canadiens anglais, il faudra donner un service bilingue assez complet, du moins en ce qui a trait aux formulaires et au bureau du président des élections. On pourra peut-être faire certaines exceptions dans des régions où il peut y avoir une agglomération de gens parlant une autre langue comme cela se présente dans certains comtés. Je prends comme exemple Maillardville, en Colombie-Britannique ou même dans la province de Québec, certaines régions où il y aurait une concentration de gens qui parleraient une autre langue. Je pense bien qu'en général, il va falloir s'en tenir au principe que le Parlement a établi dans la Loi sur les langues officielles, et il doit être possible d'incorporer cela dans la Loi électorale.

Le président: Monsieur Duquet.

M. Duquet: Monsieur Hamel, si on amendait l'article 4 pour dire: «doit être en anglais et en français dans tout district électoral ou de l'avis du directeur général des élections» que vous auriez discrétion.

M. Hamel: Je crois que cela va plus loin. Ceux d'entre vous qui sont avocats sont plus en mesure que moi de se prononcer sur le point soulevé par M. Forest. Mais en vertu du soi-disant principe des droits acquis, il est possible que nous devions continuer à publier ces deux documents-là en anglais et en français où on l'a fait jusqu'à maintenant.

Mais il y a plus que cela: prenons un district électoral où il y a une minorité anglophone ou francophone, même en Ontario, dans certains districts électoraux, la minorité est anglophone; il y en a quatre au Nouveau-Brunswick où la minorité est anglophone et non pas francophone. Alors, je pense que ces gens-là, en vertu de la Loi sur les langues officielles, ont droit d'être servis en français et en anglais, c'est-à-dire, la minorité anglophone en anglais et la minorité francophone en français. Si je peux me permettre une suggestion, je pense qu'il serait préférable de bien préciser dans la Loi même, quelles sont les indications linguistiques, pour la même raison que l'on explique plus tard, et nous y reviendrons, toute la question des pénalités pour toute infraction commise en vertu de la loi. Cela pourrait fort bien être prévu dans le Code criminel, mais la Loi sur les langues officielles comme le Code criminel, pendant l'élection est beaucoup moins accessible au peuple que ne l'est la Loi électorale, parce qu'on en distribue des milliers et des milliers d'exemplaires. Mais je pense que la Loi électorale doit être complète en elle-même autant que possible.

[Interprétation]

French-speaking citizens, a fairly complete bilingual service will have to be provided, at least with regard to the forms and the Returning Officer's office. Perhaps certain exceptions could be made in some areas where there may be a concentration of people in some ridings speaking another language. For instance, in Maillardville, in British Columbia, or even in the Province of Quebec, there are certain places where there is a concentration of people speaking another language. I think that, in general, we will have to follow the principle established by Parliament in the Official Languages Act, and it should be possible to insert that in the Elections Act.

The Chairman: Mr. Duquet.

Mr. Duquet: Mr. Hamel, if section 4 were modified to read: "must be in English and in French in any electoral district, or in the opinion of the Chief Electoral Officer", and you would have the discretionary power.

Mr. Hamel: I think it goes farther than that. Those among you who are lawyers are perhaps in a better position than I am to voice an opinion on the point raised by Mr. Forest. But by virtue of the so-called principle of acquired rights it is possible that we may have to go on publishing these two documents in English and French as we have done so far.

But there is more than that. Let us take an electoral district where there is an English-speaking or a French-speaking minority. Even in Ontario, in some electoral districts, the minority is English-speaking. There are four such districts in New Brunswick where the minority is English-speaking, not French-speaking, I think that these people, in accordance with the Official Languages Act, have a right to be served in their own language, i.e. the English-speaking minority in English, and the French-speaking minority in French. And if I may be permitted a suggestion, I think it would be preferable to specify quite clearly in the Act itself, what the linguistic considerations are, for the same reasons brought up later on—we will come back to this later—i.e. the whole question of sanctions for any violation of the Act. That could be inserted in the Criminal Code, but the Official Languages Act, as well as the Criminal Code, is less available to the population than the Electoral Act because copies of the latter are widely distributed. But I do think the Elections Act should be as complete as possible.

[Text]

Le président: Monsieur Serré.

M. Serré: Monsieur le président, je remarque, dans cet article 4, qu'on ne mentionne que les provinces de Québec, du Manitoba et du Nouveau-Brunswick. Je me demande si M. Hamel pourrait nous dire pourquoi l'Ontario a été exclu, étant donné que cette province a, dans certains districts électoraux, de fortes concentrations des deux groupes linguistiques.

M. Hamel: Monsieur le président, en vertu du pouvoir discrétionnaire qui m'est dévolu dans cet article, nous avons publié à la dernière élection et même à l'élection précédente, les deux documents en cause en anglais et en français, entre autres dans Cochrane et Gengarry-Prescott et dans au moins une dizaine de districts électoraux de l'Est de l'Ontario où la minorité linguistique était suffisamment élevée.

M. Serré: En conformité des principes énoncés dans la *Loi sur les langues officielles*, on pourrait résoudre le problème en incluant, dans cet article, que ce soit publié en anglais et en français dans tous les districts qui seront désignés comme bilingues, où le groupe minoritaire a une population d'au moins 10 p. 100.

Mr. Benjamin: I was going to suggest the same thing. Where the Official Languages Act declares a bilingual district, any constituency that is partially or all located in a bilingual district, would be automatically supplied sufficient copies of everything in the two languages.

The Chairman: I believe we could reach a consensus of the members without redrafting subsection (4) but by adding another section to it. The law concerning the official languages would apply to the Canada Elections Act wherever applicable or something like that. We will ask the officers of the Crown to draft something, if it meets the consensus of the members, so that when the bilingual districts are established we won't have to put the new amendment in the House to have the Canada Elections Act amended in accordance with the other laws passed by Parliament.

Would it meet the approval of the Committee?

Mr. Howe: Have you had any discussions with the Chief Election officer of the Province of Ontario in connection with this.

Mr. Hamel: No, Mr. Howe.

Mr. Howe: They, no doubt, will be running up against this too, will they not?

[Interpretation]

The Chairman: Mr. Serré.

Mr. Serré: Mr. Chairman, I see in section 4 that only the provinces of Quebec, Manitoba and New Brunswick are mentioned. I wonder if Mr. Hamel could tell us why Ontario was excluded, since this Province has high concentrations in some electoral districts of both language groups.

Mr. Hamel: Mr. Chairman, by virtue of the discretionary powers given to me under this section, we published at the last election, and the previous election, both documents in French and English, in Cochrane, and Gengarry-Prescott and in at least 10 odd electoral districts in Eastern Ontario where the linguistic minority was sufficiently high.

Mr. Serré: In accordance with the principles as set out in the Official Languages Act, we could solve the problem by including, in that clause, that it be published in English and French in all districts which are designated as bilingual, where the minority group has a population of at least 10 per cent.

M. Benjamin: J'allais suggérer la même chose. Si un district est reconnu comme bilingue d'après la *Loi sur les langues officielles* toute circonscription qui se trouve partiellement ou entièrement dans un district bilingue, sera pourvu automatiquement d'assez d'exemplaires de tout le nécessaire dans les deux langues.

Le président: Je crois qu'on pourrait en arriver à un accord général parmi les députés sur cette question sans remanier le paragraphe (4) mais en y ajoutant un autre article la *Loi* concernant les langues officielles s'appliquerait à la *Loi* électorale du Canada dans tous les cas appropriés, ou quelque chose de ce genre. Nous demanderons aux officiers de la Couronne de rédiger quelque chose, si les députés sont d'accord, de telle façon que quand les districts bilingues seront établis, il ne nous sera pas nécessaire de proposer un nouvel amendement à la Chambre afin de modifier la *Loi* électorale du Canada en conformité des autres lois adoptées par le Parlement. Le Comité est-il d'accord.

M. Howe: Avez-vous discuté ceci avec le Directeur général des élections de la province d'Ontario?

M. Hamel: Non, monsieur Howe.

M. Howe: C'est un problème qu'ils auront n'est-ce pas?

[Texte]

Mr. Hamel: I really do not know about this. The only province that I know of at the moment, which does everything bilingual, even its ballot-papers at the moment is Quebec. Perhaps New Brunswick also. I was talking to my colleague from Quebec yesterday and this has been the way.

Mr. Howe: I understand that, but I was just wondering if since the Official Languages Act has been passed there has been any discussion in Ontario in connection, with the changes.

Mr. Hamel: I believe this will be the responsibility of the so-called advisory board which should be established by the government. One of the responsibilities of the advisory board is to consult with provincial governments in establishing so-called federal bilingual districts.

Mr. Chairman, if I may, these so called federal bilingual districts have not been established yet. What they will be, I do not know. It may very well be that they will cover more than one electoral district and in some of the cases an area may be designated as a federal bilingual district and include only a very minor portion of an electoral district. I must admit that I am a bit concerned about the administrative implications of these definitions.

It seems to me that for the purposes of the Canada Elections Act, it might be much clearer to work on the basis of the electoral districts. It is very easy for us to establish in consultation with the Dominion Bureau of Statistics the linguistic minority within each federal electoral district. In fact we have already done it for the present districts on the basis of the 1961 census. We have the documents here and we can tell you how many districts there are where the linguistic minority is 10 per cent or more.

The Chairman: I believe then that we could cover the Official Languages Act by saying that in every electoral district where there is a minority of 10 per cent and more. Mr. Benjamin.

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Mr. Benjamin: I can think of such a district that will be declared in southern Saskatchewan which will be mostly in the federal riding of Assiniboia, but there will probably be half a dozen polls in the federal riding of Swift Current-Maple Creek, which will be in that bilingual district. If that returning officer

[Interprétation]

M. Hamel: Je ne sais pas, à vrai dire. La seule province que je connaisse qui fait tout en version bilingue même les bulletins de vote, c'est le Québec. Peut-être aussi le Nouveau-Brunswick. Je parlais avec mon collègue du Québec hier, et il m'a informé que c'est ainsi que cela se fait.

M. Howe: Je comprends mais, depuis l'adoption de la Loi sur les langues officielles, je me demandais s'il y a eu des discussions en Ontario à l'égard des changements?

M. Hamel: Je crois que cela relève du conseil consultatif que le gouvernement est censé établir. Monsieur le président, si vous me le permettez ces districts fédéraux n'ont pas encore été établis. Je ne sais pas quelle sera leur étendue. Mais dans certains une des responsabilités du Conseil consultatif est d'entrer en consultation avec le gouvernement provincial en ce qui concerne l'établissement des districts bilingues.

Monsieur le président, ces districts bilingues n'ont pas été établis encore. Que seront-ils? Je ne le sais pas, il se peut qu'ils englobent plus d'un district électoral et il se peut qu'une certaine région soit désignée comme district fédéral bilingue, mais qu'elle ne comprenne qu'une partie infime d'un district électoral. J'avoue que les implications administratives de ces définitions m'inquiètent un peu.

A mon avis, pour ce qui est de la Loi électorale du Canada il serait peut être beaucoup plus clair de s'en tenir aux districts électoraux. Il nous est très facile d'établir en consultation avec le Bureau fédéral de la statistique la minorité linguistique dans chaque district fédéral électoral. En fait, nous l'avons déjà fait pour les districts actuels en nous basant sur le recensement de l'année 1961. Nous avons les documents ici. On sait dans quels districts il y a une minorité linguistique de 10 p. 100 ou plus.

Le président: Je crois qu'on pourrait alors régler le cas de la Loi sur les langues officielles en disant «dans chaque district électoral où il y a une minorité de 10 p. 100 ou plus». Monsieur Benjamin.

M. Benjamin: Je connais un district de ce genre, dans le sud de la Saskatchewan, qui sera désigné, et qui se trouvera presque entièrement dans la circonscription fédérale d'Assiniboia, mais il y aura probablement six bureaux de votation dans la circonscription fédérale de Swift-Current-Maple Creek qui

[Text]

has to get lists of voters and what not done in the second language for just 6 polls, he has a real problem.

The Chairman: This is precisely the problem raised by Mr. Hamel.

Mr. Benjamin: I think the Chief Electoral Officer should have the discretion in a case like that to say, "Well, you do not have to do it for those 6 polls in another federal electoral district".

The Chairman: If we apply the 10 per cent minority inside the federal boundaries then it covers the principle.

Mr. Benjamin: You will still be in conflict somewhat with what is declared a bilingual district.

The Chairman: If he does not apply it precisely to the electoral boundaries.

Mr. Benjamin: Yes.

The Chairman: But if we do apply the law to the electoral boundaries, then it covers these points if we agree on this, we could have a draft.

Would you first agree to the principle that wherever applicable the Official Languages Act will apply to the Canada Elections Act. To avoid the kind of difficulties that Mr. Hamel has raised before us, the electoral boundaries must be considered wherever and whenever the bilingual districts are established or something like that. They must cover the whole electoral boundary.

Is this the consensus of the Committee?

Some hon. Members: Yes.

The Chairman: We will allow the clause to stand.

Clause 16 allowed to stand.

M. Marceau: La proclamation dont il a été question ne constitue pas un problème. Vu qu'elle ne comporte pas de dépenses considérables, on pourrait tout de même accepter immédiatement que la proclamation d'élection soit faite dans les deux langues et partout.

Il y a un principe, je pense, qu'il faut reconnaître: il ne faut pas commencer à faire des distinctions. Je sais qu'à Jonquière, où il y a peut-être quelques familles anglaises, la publicité au Bureau de la main-d'œuvre est faite en anglais et en français. Je ne m'oppose pas à cela, parce que je me dis qu'on a accepté un principe. Ce n'est pas uniquement la question qu'il y ait une ou deux familles,

[Interpretation]

sera dans ce district bilingue. Si cet officier rapporteur doit préparer les listes des électeurs et beaucoup d'autres choses dans la deuxième langue pour six bureaux de votation, il a un vrai problème.

Le président: M. Hamel a précisément soulevé ce problème.

M. Benjamin: Je crois que le Directeur général des élections doit être libre dans ces cas-là de dire qu'on n'est pas obligé de le faire pour ces six bureaux de votation dans un autre district électoral fédéral.

Le président: Si nous appliquons le concept de la minorité de 10 p. 100 à l'intérieur des limites fédérales, alors le principe est respecté.

M. Benjamin: Il y aura encore un certain degré de conflit avec ce qui est déclaré district bilingue.

Le président: Si on ne l'applique pas aux limites électorales.

M. Benjamin: Oui.

Le président: Mais si nous appliquons la loi aux limites électorales, alors ces points sont réglés. Si on peut se mettre d'accord sur la question, nous pourrions rédiger un projet.

D'abord, seriez-vous d'accord avec le principe que là où elle peut être appliquée, la Loi sur les langues officielles s'appliquera à la Loi électorale du Canada? Pour éviter le genre de difficultés que M. Hamel a déjà soulevées, les limites électorales doivent être prises en considération là où les districts bilingues sont établis, ou quelque chose de ce genre. Toutes les limites électorales doivent être incluses.

Le Comité est-il d'accord?

Des voix: Oui.

Le président: Nous allons réserver l'article.

L'article 16 est réservé.

Mr. Marceau: The proclamation which has been referred to, is not a problem. Since it does not involve any considerable expenditure, we could agree immediately to have the election proclamation made everywhere in both languages.

There is a principle here that we have to recognize, namely that we must not start making distinctions. I know that in Jonquière where there may be a few English families, the Manpower Office publicity is carried out in English and French. I have no objection to that, because we have accepted the principle. It is not solely a matter of there being one or two families, or no matter what number;

[Texte]

ou quel que soit le nombre; on a un principe en jeu. Il faut essayer de l'appliquer honnêtement et sans faire de dépenses exagérées. Il faudrait tout de même essayer de respecter le principe, en autant que c'est possible.

Mr. Hamel: I have just one observation. I do hope that in those so-called bilingual electoral districts we will not have to print the preliminary lists of electors in both languages because this is absolutely impossible. We can perhaps print the headings of the list, but certainly not translate the occupations.

On clause 17.

The Chairman: We go back to Clause 17 at the bottom of page 34. This is a clause whereby Subsection (2) of Section 28 of the said Act is repealed.

Mr. Hamel: Strictly because it refers to an electoral district returning two members.

Clause 17 agreed to.

On Clause 18.

On page 35, Section 29 is repealed. Perhaps it should be allowed to stand because it becomes now Section 65 in the rearrangement of penalty and offensive sections.

Clause 18 allowed to stand.

On Clause 19.

Clause 19 is strictly to drop reference to form 38 which was the direction to electors and electoral districts returning two members.

Clause 19 agreed to.

On Clause 20—*Central polling place*

This is a suggestion I am making to give more discretion to returning officers in centralizing their polling stations. At the moment if he cannot find a suitable polling place within the boundaries of the polling division, or if he wants to use a school or a church or a community hall to group a number of polling stations, he has to seek permission from me. In fact I am only rubber-stamping because most of the time this is what people like. My suggestion is that he be given the authority to do that and to centralize up to 10 polls.

Mr. Benjamin: Is there any provision prohibiting or allowing the location of a polling station in another electoral district.

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Mr. Hamel: Yes.

Mr. Benjamin: There is nothing wrong with that?

[Interprétation]

there is a principle at stake here. We must try to apply it honestly without incurring exaggerated expenses. We should try to respect the principle, in so far as possible.

M. Hamel: Juste un commentaire. J'espère que dans les districts électoraux bilingues il ne faudra pas publier les listes préliminaires des électeurs dans les deux langues, parce que cela est absolument impossible. On pourrait peut-être imprimer les en-têtes des listes, mais certainement pas traduire la profession des intéressés.

Le président: Nous nous reportons donc à l'article 17, au bas de la page 34. C'est un article qui abroge le paragraphe (2) de l'article 28 de ladite Loi.

M. Hamel: Strictement parce qu'il porte sur un district électoral représenté par deux députés.

L'article 17 est adopté.

L'article 18.

La page 35, l'article 29 est abrogé. Peut-être devrait-il être réservé car il devient maintenant l'article 65 dans le réarrangement des articles sur les sanctions et les infractions.

L'article 18 est réservé.

L'article 19.

L'article 19 vise strictement à éliminer la formule 38 qui contenait les instructions aux électeurs et aux districts électoraux représentés par deux députés.

L'article 19 est adopté.

L'article 20—*Lieu central de votation.*

C'est une suggestion que je fais pour donner plus de liberté à l'officier rapporteur pour centraliser les bureaux de votation. A présent, s'il ne peut pas trouver un lieu de votation convenable dans les limites de l'arrondissement de votation, ou s'il veut se servir d'une école ou d'une salle communautaire pour plusieurs bureaux de votation, il faut qu'il me demande la permission. En fait, c'est automatique, ce n'est qu'une pure formalité, parce qu'en général, c'est ce que les gens préfèrent. Moi je propose qu'on lui donne l'autorité de centraliser jusqu'à dix bureaux de votation.

M. Benjamin: Y a-t-il une disposition qui interdit ou qui permet qu'il y ait un bureau de votation dans un autre district électoral.

M. Hamel: Oui.

M. Benjamin: Il n'y a pas d'erreur dans cela?

[Text]

Mr. Hamel: Oh yes. It has to be within the boundaries; otherwise it would create tremendous confusion.

Mr. Benjamin: I was just curious, sir. I had a rural poll of two townships in the northeast corner of my riding and they put the polling station in a home in the next electoral district. Some of them had to drive 25 miles.

The Chairman: Is Clause 20 carried?

M. Valade: Monsieur le président, je ne suis pas membre du Comité, mais je pense que le Règlement m'autorise quand même à poser des questions à titre de député.

Je pense, monsieur le président, que M. Hamel est au courant d'une expérience que j'ai vécue à cause d'un bureau de votation central, lors de la dernière élection fédérale. Il s'agissait d'un local situé au deuxième étage d'une propriété, dont l'accès était excessivement difficile et qui comportait également un certain risque pour la sécurité des votants ou des personnes qui avaient affaire au bureau de l'officier rapporteur.

Je me demande si cet article prévoit les outils nécessaires au directeur général des élections pour assurer qu'un local convenable, répondant aux critères que nous essayons d'établir, soit fourni par l'officier rapporteur du comté à la demande et sous la surveillance du directeur général des élections.

Mon expérience de la dernière élection a été désastreuse. Malgré des représentations multiples que je vous ai faites, monsieur Hamel, tant par téléphone que par télégramme, vous m'avez toujours répondu que vous ne pouviez pas, que vous n'aviez pas le personnel nécessaire pour faire une enquête, et qu'il vous était impossible de faire autre chose que de vous fier aux rapports que vous receviez. Je me demande si cet article va corriger cette anomalie.

M. Hamel: Monsieur le président, si je comprends bien la question qui m'est posée, elle comporte deux aspects: premièrement, vous parlez de la location des bureaux de votation. Au paragraphe 9 de la page 37, je suggère respectueusement au Comité de prévoir que:

(9) Dans tous les cas où cela est possible, l'officier rapporteur doit établir un bureau de votation dans une école ou un autre édifice public convenable.

Si vous voulez aller plus loin et faire comme l'Ontario et le Manitoba, et insister pour que ce soit au niveau de la rue, j'en suis.

Maintenant, la deuxième partie de votre question, je pense, traite du bureau de l'offi-

[Interpretation]

M. Hamel: Oui. Il faut que ça soit dans les limites, autrement il y aurait beaucoup de confusion.

M. Benjamin: J'étais tout simplement curieux, monsieur. J'avais un bureau rural dans deux communes au nord-est de ma circonscription et on a placé le bureau de votation dans une maison située dans le district électoral voisin. Il y avait des gens qui devaient voyager 25 milles.

Le président: L'article 20 est-il adopté?

Mr. Valade: Mr. Chairman, I am not a member of the Committee, but I do think that according to the Standing Orders I am allowed to ask questions as an MP.

Mr. Chairman, I think that Mr. Hamel is aware of the experience I have had with respect to a central polling place during the last federal election. It was situated on the second floor of a house which was very difficult of access and which included some risks as to the safety of the voters or the people who had to go to the office of the Returning Officer.

I wonder whether this clause provides the Chief Electoral Officer with the necessary machinery whereby decent premises which meet the criteria we are trying to establish be made available by the returning officer of the riding at the request and under the supervision of the Chief Electoral Officer.

My experience during the last election was disastrous. In spite of the many representations I made to you, Mr. Hamel, both by telephone and by means of telegrams, you always answered me that you did have the necessary staff to carry out an investigation and that it was impossible for you to do anything else but rely on the reports sent to you. Now I wonder if this clause will correct this anomaly.

Mr. Hamel: Mr. Chairman, if I have understood the question correctly, it consists of two aspects. First of all you talked about the location of the polling stations. In subclause 9 on page 37 I respectfully suggest to the Committee that:

(9) Whenever possible a returning officer shall locate a polling station in a school or other suitable public building.

If you want to go further and follow Ontario and Manitoba and insist that it be at street level, I agree.

Now, the second part of your question has to do with the office of the Returning Officer.

[Texte]

cier rapporteur. Naturellement, la Loi ne prévoit pas de critères pour ce bureau. Elle dit simplement que l'officier rapporteur doit ouvrir un bureau dans un endroit central de son district électoral. Nous n'avons vraiment pas le temps de visiter les 264 bureaux des officiers rapporteurs. Lors de la dernière élection nous en avons obligé trois à changer d'endroit parce qu'on s'était plaint que ce n'était pas convenable. Si je me rappelle bien un cas, et je pense que c'est celui auquel vous faites allusion, la plainte était fondée, d'après les renseignements que j'ai eus par la suite. Mais la plainte voulant que le bureau de l'officier rapporteur soit inaccessible et dangereux ne m'est parvenue que le samedi précédant le jour de l'élection. Je pense qu'il était un peu tard pour l'obliger à déménager à ce moment-là.

Mais dans au moins trois districts électoraux nous avons obligé l'officier rapporteur, à la suite de plaintes reçues des agences de presse, des candidats ou du public, à ouvrir un bureau ailleurs. Alors, si nous le savons suffisamment tôt pour faire les corrections nécessaires, nous le faisons.

M. Valade: Si vous permettez, monsieur Hamel, je serai plus précis. Vous dites dans votre réponse: «Si nous le savons suffisamment tôt» Mais lorsqu'un candidat à une élection se plaint, est-ce que, selon les amendements que vous suggérez, vous avez les outils nécessaires pour faire ce travail de vérification immédiatement? Moi, je me suis plaint bien avant le samedi précédant l'élection, monsieur Hamel, et vous m'avez dit plusieurs fois au téléphone que vous alliez faire enquête, mais que vous n'aviez pas le personnel nécessaire pour vérifier immédiatement. Je regrette de ne pas avoir apporté ces documents...

Le président: Monsieur Valade, je ne veux pas interrompre cette discussion, mais je pense qu'à ce point, il serait un peu laborieux pour les autres membres du Comité qu'un cas particulier soit soulevé, alors que l'ensemble du Comité est en train de réviser la Loi.

M. Valade: Monsieur le président...

Le président: Je ne cherche pas du tout à vous empêcher de soulever un point valable. Si vous avez un amendement à suggérer pour corriger ce que vous considérez avoir été dans le passé une anomalie ou une imprécision dans la Loi, allez-y. Mais j'empêcherai sûrement qu'il y ait entre vous et M. Hamel une discussion sur un fait précis, survenu dans un comité, et qui ne regarde pas des amendements à la Loi.

[Interprétation]

Of course, the criteria for this office are not stated in the Act. All it says is that the Returning Officer must open an office in a central place of his electoral district. We really cannot visit the 264 offices of the returning officers. At the last election, we obliged three of them to change premises because there were complaints that the premises were not suitable. I remember one case, and I think it is the case you refer to. According to the information I got later on, the complaint was justified. But the complaint according to which the office of the Returning Officer was inaccessible and dangerous reached us only on the Saturday preceding election day. I think it was a bit late to have him move.

But in at least three electoral districts we obliged the Returning Officer, as the result of complaints received from press agencies, candidates or the public, to open an office elsewhere. So, if we are told early enough to make the necessary corrections, we do so.

Mr. Valade: If you will allow me, Mr. Hamel, I think this calls for more explicitness. You state in your answer, "If we are told early enough". But when a candidate complains, do you have the necessary machinery to check immediately according to the amendments you are proposing? I complained long before the Saturday preceding the election, Mr. Hamel, and you told me over the telephone that you would investigate, but that you did not have the necessary staff to do so immediately. I am sorry I did not bring those documents along...

The Chairman: Mr. Valade, I do not wish to interrupt this discussion, but I think this is making it a bit difficult for the other members of the Committee to raise, at this point, a particular case, whereas the Committee as a whole is revising the Act.

Mr. Valade: Mr. Chairman...

The Chairman: I do not want to prevent you from making a valid point. If you have an amendment to suggest to correct what you considered, in the past, to be an anomaly or a lack of precision in the Act, that is fine. But I shall certainly prevent you and Mr. Hamel from carrying on a discussion on a specific fact which has occurred in a riding and which has nothing to do with the amendments to the Act.

[Text]

M. Valade: Monsieur le président, je sais que c'est laborieux pour certains membres du Comité, mais nous avons tous été des candidats; nous avons certainement une expérience qui nous...

Le président: Non, non. Je vous ai déjà donné le droit de parole, monsieur.

M. Valade: J'essaie d'expliciter mon point de vue.

Le président: Très bien.

M. Valade: C'est à la lumière d'expériences que nous avons vécues que nous discutons de certains articles. Et si, pour appuyer mon argument, je cite mon cas, qui est connu de M. Hamel, c'est pour lui demander si, dans l'article qu'il suggère, le directeur général des élections peut à coup sûr intervenir immédiatement à la moindre plainte, pour corriger une situation et assurer que des locaux adéquats soient pourvus.

M. Hamel: Oui, monsieur Valade.

M. Richard: Monsieur Hamel, avez-vous des agents locaux qui peuvent agir pour vous directement, en temps d'élection?

M. Hamel: Non, je n'ai que mes officiers rapporteurs.

Mr. Howe: I mentioned my experience when we were originally discussing the returning officer. My riding is probably not as big as some others but it is 75 miles long and the returning officer lived right at the very end of the riding. I got lost two or three times trying to find his place. I think in situations like this if the electoral officer gets complaints he should tell the man to put his office in a place that is readily accessible to people who are going to use it.

Mr. Hamel: I quite agree with you, Mr. Howe. In fact, I pointed out that in two places, one in Newfoundland and one in western Ontario, the returning officer was too far from the main centres of the district and we forced him to open his office in a more centrally located place.

The Chairman: You have the power to do so?

Mr. Hamel: Yes, definitely so.

Mr. Richard: May I ask, Mr. Hamel, once this office is open is it not supposed to be open from a certain hour to a certain hour or is the door supposed to be locked?

[Interpretation]

Mr. Valade: Mr. Chairman, I know it is annoying for some members of the Committee, but we all have been candidates, and we certainly have an experience which...

The Chairman: No. I have already given you the floor, sir.

Mr. Valade: I am trying to explain my point of view.

The Chairman: All right.

Mr. Valade: It is in the light of experience we have had that we discuss certain clauses. And if I am quoting my own case with which Mr. Hamel is familiar, it is to ask him whether in the clause he is proposing the Chief Electoral Officer can definitely intervene at the slightest complaint, to correct the situation and ensure that adequate premises are provided.

Mr. Hamel: Yes, Mr. Valade.

Mr. Richard: Mr. Hamel, do you have any local officers who can act directly for you at election time?

Mr. Hamel: No, I only have my Returning Officers.

M. Howe (Wellington-Grey): J'ai cité mon expérience lorsqu'on parlait des officiers rapporteurs. Ma circonscription n'est probablement pas aussi grande que certaines autres, mais elle est longue de 75 milles et l'officier rapporteur habite au fin fond de la circonscription. Je me suis perdu à plusieurs reprises en essayant de trouver son foyer. Je crois que si l'agent électoral reçoit des plaintes dans de telles situations, il devrait dire à l'officier rapporteur de mettre son bureau dans un endroit accessible.

M. Hamel: Je suis d'accord avec vous, monsieur Howe. J'ai signalé qu'à deux endroits, l'un à Terre-Neuve et l'autre dans l'ouest de l'Ontario, l'officier rapporteur était trop éloigné des principaux centres du district et on l'a forcé à installer son bureau dans un endroit plus central.

Le président: Avez-vous les pouvoirs de le faire?

M. Hamel: Oui, certainement.

M. Richard: Monsieur Hamel, lorsque ce bureau est ouvert, n'est-ce pas pour une période précise, ou bien la porte est-elle censée être fermée à clef.

[Texte]

Mr. Hamel: There is nothing in the Act which says that it should be open from-to. It says only that he shall maintain an office in the electoral district in a convenient location.

The Chairman: Mr. Benjamin?

Mr. Benjamin: We are on the location of polling stations, not returning officers.

Do you have anything in your instructions to returning officers as a guide to them as to what is or what is not a suitable polling station?

Mr. Hamel: No. We try to cover this at the time we call them for training. It is very difficult to give them precise criteria because conditions change so much from one electoral district to another even within the same city.

Mr. Benjamin: May I be more specific? We had an instance in the City of Weyburn during the federal election where the polling station was located in the committee room of a political party. When we tried to get it moved, we sent a telegram to the Chief Electoral Officer and on consultation with the returning officer, the returning officer told him there was no suitable location.

There are 10 motels and 6 hotels in that city where he could have got a room, a facility. There was a restaurant that would have offered half of the floor space, several booths and what not. There was any one of many places, yet, we were unable to get it changed and people had to walk through the committee room of the political party. They were even handing them leaflets and the polling station was in the back part of the committee room.

An hon. Member: You were elected then.

Mr. Jerome: No wonder you won.

Mr. Benjamin: On that particular occasion it was not required to move.

Mr. Hamel: I must admit I do not recall that particular instance.

Mr. Richard: Mr. Chairman, I seem to have heard about the same case except that the returning officer insisted that everybody in the committee room be moved out of the building and then put his poll in the committee room. That was all right, they moved everybody else out.

Mr. Benjamin: Surely it should be automatic in your instructions like this sort of thing and the other instance like it...

[Interprétation]

M. Hamel: Rien ne prévoit dans la Loi que le bureau doive être ouvert de telle heure à telle heure. La Loi prévoit simplement que son bureau soit situé à un endroit commode dans le district électoral.

Le président: Monsieur Benjamin?

M. Benjamin: Nous discutons de la situation des bureaux de votation, et non des officiers rapporteurs. Vos instructions indiquent-elles à vos officiers rapporteurs ce qui est convenable comme bureau de votation?

M. Hamel: Non. Nous essayons d'en discuter pendant leur formation. Il est très difficile de leur donner des indications précises parce que les situations sont tellement différentes d'un district électoral à un autre, même dans la même ville.

M. Benjamin: Puis-je être plus précis? On a eu une situation dans la ville de Weyburn, durant les élections fédérales où le bureau de votation était situé dans la salle de comité d'un parti politique. Quand on a essayé de le faire déménager on a envoyé un télégramme au Directeur général des élections et après consultation avec l'officier rapporteur, ce dernier lui a dit qu'il n'y avait pas de local convenable.

Il y a 6 hôtels et 10 motels dans cette ville où il aurait pu trouver une salle pour s'installer. Il y avait même un restaurant qui aurait offert la moitié de sa superficie. Il y avait bien des endroits convenables. Et pourtant, nous n'avons pu changer la situation et il a fallu que les gens traversent la salle du comité du parti politique où on leur offrait des feuillets publicitaires tandis que le bureau de votation était dans la partie arrière de la salle du comité.

Une voix: C'est alors que vous avez été élu.

M. Jerome: Il n'est pas étonnant que vous ayez gagné.

M. Benjamin: Dans ce cas-là, on ne les a pas obligés à déménager.

M. Hamel: J'avoue ne pas me rappeler de ce cas particulier.

M. Richard: Monsieur le président, j'ai déjà entendu parler d'un cas semblable, excepté que l'officier rapporteur a forcé tout le monde à évacuer la salle de comité et à sortir de l'immeuble et ensuite il a installé le bureau de votation dans cette même salle. C'était régulier puisque tout le monde était sorti.

M. Benjamin: C'est le genre de cas qui devrait être prévu automatiquement par vos instructions...

[Text]

The Chairman: Did it happen in your constituency, Mr. Benjamin?

Mr. Benjamin: No, the next one to the south, Assiniboia.

Le président: Monsieur Valade.

M. Valade: Je pense que cet article est très important. Je ne sais pas si, dans une autre partie de la Loi, on couvre les institutions, les hospices, hôpitaux ou les résidences pour les vieillards.

Le président: Monsieur Valade, ceci sera fait plus tard.

M. Valade: Mais, il s'agit d'un endroit central. Je cite toujours un exemple concret pour bien illustrer que je m'attaque à des choses réelles. Dans mon comté, aux dernières élections, un bureau central de votation a été établi dans une résidence pour personnes âgées. On voulait concentrer un certain nombre de bureaux de votation. Ce bureau a été changé par l'officier rapporteur.

M. Hamel sait que j'avais fait des représentations, parce que le bureau central de votation avait été placé de l'autre côté d'une rue assez achalandée. On exposait donc la sécurité des personnes âgées. Monsieur Hamel, vous m'aviez vous-même assuré que le bureau central serait placé dans l'institution pour éviter que les vieillards aient à traverser une rue commerciale. Le président des élections ou l'officier rapporteur avait donné cette assurance; il a changé, sans votre autorisation, la décision que vous m'aviez donnée ou la certitude que vous m'aviez donnée.

Est-ce qu'il n'y aurait pas lieu d'assurer que, dans ce bureau central de votation, nous tenions compte également de la sécurité des personnes âgées qui doivent voter à cet endroit? Vous pouvez avoir le choix entre une rue où la circulation est très dense, et je prends ici l'exemple de la rue Sainte-Catherine, à Montréal, que des vieillards doivent traverser à des périodes de la journée où la circulation est très dense, et une rue latérale où il y a très peu de circulation. Ne devrait-on pas inclure dans cet article que ce bureau central de votation doit également tenir compte de la sécurité des votants?

Vous avez là un cas où 500 ou 600 personnes sont impliquées, et non pas quelques personnes seulement. On les a obligées, par une décision unilatérale qui n'a pas tenu compte du facteur de sécurité, à traverser une rue qui mettait leur vie en danger. Je regrette de ne pas avoir eu le temps de préparer un amendement. Mais, comme suggestion, je me demande s'il n'y aurait pas lieu de tenir compte de ce facteur de sécurité pour les électeurs.

[Interpretation]

Le président: Cela s'est-il produit dans votre circonscription, monsieur Benjamin

M. Benjamin: Non, dans celle qui est adjacente au Sud, Assiniboia.

The Chairman: Mr. Valade.

Mr. Valade: I think that this clause is very important. I do not know whether another part of the Act covers institutions, homes, hospitals or old peoples' homes.

The Chairman: Mr. Valade, that will be dealt with later.

Mr. Valade: But we are dealing with a central place. I am quoting a concrete example to show you that I am being realistic. In my riding at the last election, a central polling station was set up in an old people's home. A certain number of polling stations had to be concentrated. That office was changed by the Returning Officer.

Mr. Hamel knows that I made representations, because the central polling station was on the other side of a fairly busy street. The old people were therefore exposed to a certain amount of danger. Mr. Hamel, you had assured me yourself that the central office would be placed in the institution to avoid having the old people go across a busy street. The Returning Officer had given that assurance, but he changed your decision or your assurance, without your authorization.

Should we not make some attempt to insure that, in that central polling station the safety of old people who have to vote at this place also be kept in mind. You can have the choice between a street where the traffic is very heavy, and here I am taking as an example St. Catharine Street in Montreal, where old people have to cross at times of the day when the traffic is very heavy, and a side street where there is very little traffic. Should you not include in this clause that the central polling station should also take into account the safety of voters

There you have a situation where perhaps 500 or 600 people are involved, and not just a few people. They have been forced, through a unilateral decision which does not take into account the safety factor, to cross a street where their lives were endangered. I am sorry that I did not have the time to prepare an amendment. But as a suggestion, I wonder whether we should not take into account this safety factor for voters.

[Texte]

M. Hamel: Dans la Loi, c'est l'officier rapporteur qui a la première responsabilité, parce qu'il est au courant des conditions locales. Je pense que la sécurité est un des facteurs. Mais, il y a d'autres facteurs. En plaçant le bureau central dans un édifice d'une rue latérale, on sera peut-être obligé de centraliser les bureaux de votation dans une maison privée où ils ne seront séparés que par un rideau. Il y a donc différents facteurs à considérer. C'est l'officier rapporteur qui doit prendre cette décision.

M. Valade: Est-ce que les candidats, qui sont directement intéressés, ne pourraient pas avoir aussi le droit de faire certaines représentations dans des cas aussi clairs que celui-là? Est-ce que vous tenez compte de ces représentations, monsieur Hamel, quand elles vous sont faites?

M. Hamel: Certainement, mais il n'y a pas qu'un seul candidat; il faut essayer d'avoir un consensus la plupart du temps.

M. Valade: Lorsque le candidat peut vous prouver, monsieur Hamel, qu'il y a un danger à la sécurité de 300, 400 ou 500 votants, en vertu de cet article, vous pouvez intervenir et prendre une décision. Est-ce que vous le faites, ou bien laissez-vous la décision entre les mains de l'officier rapporteur de la circonscription?

M. Hamel: Je peux toujours intervenir, mais la décision appartient toujours à l'officier rapporteur. Ce n'est pas moi qui place les bureaux de votation, c'est l'officier rapporteur.

M. Valade: Alors, si l'officier rapporteur refuse d'accepter une situation logique, la loi ne permet pas que cette situation soit placée dans une optique logique ou intelligente.

M. Marceau: Monsieur le président, je pense que nous sommes injustes envers M. Hamel. D'après mon expérience...

M. Valade: Vous, vous l'êtes, mais moi, je ne le suis pas. J'ai vécu cela.

M. Marceau: Vous supposez, monsieur Valade, qu'il n'y a que vos représentations qui sont logiques et que si M. Hamel prend une décision et qu'il n'accepte pas la vôtre, elle est nécessairement mauvaise. Vous pouvez avoir des problèmes, mais il est injuste de laisser supposer que M. Hamel a pris, à votre endroit, de mauvaises décisions. Je m'oppose à ces discussions contre le...

M. Valade: Monsieur le président, je suis ici à titre de député qui doit se soumettre à une élection. Je pense que les droits...

[Interprétation]

Mr. Hamel: In the Act the Returning Officer is basically responsible, because he is aware of local conditions. I think that safety is one of the factors involved here. But there are other factors involved. By placing the central office in a building on a side street, we may have to centralize the polling station in a private home where they will be separated by a curtain only. Therefore, there are a number of factors to be taken into account. It is the Returning Officer who must take that decision.

Mr. Valade: But could the candidates who are directly involved, not be entitled also to make certain representations in cases which are as clear as that one? Do you take any account of these representations, Mr. Hamel?

Mr. Hamel: Certainly, but there is more than one candidate, and there has to be a consensus most of the time.

Mr. Valade: But when a candidate can prove to you, Mr. Hamel, that there is a danger to the safety of 300, 400 or 500 voters, by virtue of this clause you can intervene and make a decision. Do you do this, or do you leave the decision in the hands of the returning officer of the riding?

Mr. Hamel: I can always intervene but the decision is still the returning officer's. I am not the one who chooses the location for the polling stations, it is the Returning Officer.

Mr. Valade: But if the Returning Officer refuses to accept a logical location, the Act does not allow to correct that situation by dealing with it logically and intelligently.

Mr. Marceau: Mr. Chairman, I think we are being unfair to Mr. Hamel. According to my experience...

Mr. Valade: You are being unfair, but not I. I have experienced that.

Mr. Marceau: You are assuming, Mr. Valade, that only your representations are logical, and that if Mr. Hamel makes a decision and does not accept yours his decision is necessarily bad. You may have problems, but it is unfair to give us the impression that Mr. Hamel has made bad decisions where you are concerned. I object to those discussions against...

Mr. Valade: Mr. Chairman, I am here as a Member who has to stand for election. I think that the rights...

[Text]

Le président: Nous aussi.

M. Valade: Mais oui! Je vous apporte des faits et je n'accuse pas M. Hamel. Je demande si la loi, que l'on veut suggérer, va corriger une situation comme celle-là. Si vous venez d'une circonscription où des vieillards ont été victimes d'accidents mortels sur une artère de la circulation, lorsque arrive le temps d'une élection, vous allez tenter par la loi d'éviter une répétition de telles choses. On demande au directeur général des élections quelle est son autorité pour corriger une telle anomalie. Il nous répond: «C'est l'officier rapporteur de la circonscription qui décide». Mais si l'officier rapporteur de la circonscription décide illogiquement ou stupidement qu'il n'y aura pas de changement pour des raisons que j'ignore, je demande alors au directeur général des élections quelle est la protection, quelle est la sécurité, la soupape de sûreté.

Le président: La soupape de sûreté est nécessaire, indépendamment du cas personnel que vous soulevez. Évidemment, je ne peux pas donner d'opinion en tant que président. Mais comment voulez-vous qu'un directeur général des élections décide de la légitimité de l'emplacement d'un bureau de votation dans tous les districts ruraux du pays, à moins d'avoir un personnel composé de 500 à 600 personnes qui vont vérifier sur place et lui faire un rapport. Le directeur général des élections n'est pas un juge de dernier appel dans des cas aussi nombreux. Il y a des milliers de bureaux de votation à travers le pays pour une journée d'élection. Est-ce que c'est à lui ou à l'officier rapporteur de la circonscription que vous allez demander de juger la décision de l'officier rapporteur local?

M. Valade: Ce que je demande, monsieur le président, c'est justement que nous prévoyions dans cette loi un mécanisme qui empêchera cela. Je demande à M. Hamel si, dans les circonstances, l'article lui permet d'intervenir. Sinon, qu'on le corrige et qu'on évite de telles situations!

M. Duquet: Monsieur le président, il y a deux choses dans l'argumentation de M. Valade. Dans l'article que nous étudions présentement, on parle d'établir des bureaux de votation dans des écoles. Or, si, à un demi-mille de cette école où on ira voter, il y a un foyer pour vieillards, il est évident qu'en tenant compte des arguments de M. Hamel, cette école ne pourra même pas servir comme bureau de scrutin.

Deuxièmement, il parle d'établir un bureau de votation dans une institution. Or, vous savez ce qui arrive dans un pareil cas: qu'il s'agisse d'un foyer pour vieillards ou d'un

[Interpretation]

The Chairman: We also.

Mr. Valade: Of course! I am presenting facts. I am not accusing Mr. Hamel. I am asking whether the Act, as proposed, will correct that kind of situation. You come from a riding where old people were killed by street traffic, when election time comes around, you will try to avoid this happening again through legislation. All I am asking is what authority does the Chief Electoral Officer have to redress such an anomaly. And Mr. Hamel answers, "It is the Returning Officer of the riding who decides". But, if the Returning Officer of the riding has been illogical or silly in his decision that there will not be any change for reasons which I ignore, I then ask the Chief Electoral officer what provisions there are for safety and protection.

The Chairman: Safety provisions are necessary independently of the personal case you are raising. Of course, as Chairman, I cannot voice my opinion. But how can you expect a Chief Electoral Officer to decide on the proper location of a polling station in every single rural district of the country, unless he has a staff made up of 500 to 600 persons in charge of making on the spot investigations and reporting to him. The Chief Electoral Officer is not a judge of final appeal in cases as numerous as those. There are thousands of polling stations throughout the country on election day. Is it to him or to the returning officer of the riding that you are going to ask to judge the decision of the local returning officer?

Mr. Valade: What I am asking, Mr. Chairman, is precisely that we make provision in this Act for some mechanism to prevent that. I am asking Mr. Hamel whether, under the circumstances, the clause allows him to intervene. If not, let us correct it so as to avoid such situations.

Mr. Duquet: Mr. Chairman, there are two points in Mr. Valade's arguments. In the clause we are considering at present, reference is made to the setting up of polling stations in schools. Now, if there is an old people's home half a mile from that school where the voting will take place, it is obvious that if we keep Mr. Hamel's arguments in mind, that school will not even be able to be used as a poll.

Secondly, he talks about setting up a polling station in an institution. Now you know what happens in such cases: whether it is a hospital or an old peoples' home, generally

[Texte]

hôpital, généralement, les gens ne veulent pas avoir un bureau de scrutin dans ces institutions parce que cela identifie le vote, non pas individuellement, mais par la majorité du vote. Alors, on dit: «A tel endroit, on a voté en bloc pour tel ou tel parti.» Prenons le cas d'hôpitaux où il y a environ 300 religieuses, si on ne voit pas à ce qu'il y ait des laïques qui votent au même bureau de scrutin qu'elles, elles se diront: «Si nous allons voter à tel bureau nous serons 300 contre 50. Tout le monde va savoir comment les religieuses ont voté».

Troisièmement, je vois mal un président d'élection scruter chaque location de bureau de scrutin pour savoir s'il y a danger pour la sécurité de quelques personnes qui ne pourraient pas traverser la rue.

Dans les institutions pour vieillards, la plupart du temps, les organisations électorales de quelque parti que ce soit voient à ce que ces gens-là votent et elles leur facilitent les choses. Leur sécurité est déjà protégée.

The Chairman: In fact, Mr. Valade, I could make the same complaint myself.

Mr. Valade: Well, you make it.

The Chairman: Yes, I have a 500-bed cripple hospital in my constituency and complaints were made by the other candidates that there should be a poll there. Each candidate believed the patients would vote for him so I went to see the director myself and asked if he would allow a poll inside the institution. He refused and I had the complaint publicly that I was the one who refused to have the poll there and it was the director of the institution who refused. We will have to discuss this when we establish the proxy system.

Mr. Duquet: I had 5,000 voters in Saint-Michel-Archange.

Mr. Howe: Yes, I think this arises in every electoral district because the time has come when people do not want to give their homes. Suppose it is a day in March when it is all muddy and sloppy, they do not want people tramping in and out of their homes. It is the same thing with institutions. Schools are frowning on this now. They do not want to be bothered. You know, Mr. Hamel, a lot of schools just will not have polling booths in them any more. So it must be getting more difficult all the time to find places—just as you have said in your situation out there, probably the returning officer unthinkingly put it in there, I do not know. I know in my

[Interprétation]

people do not want too have a poll in those institutions because it identifies the vote, not individually, but through the majority of the vote. So, people will say, "In such and such a place, the people voted solidly for such or such a party." Let us take the hospitals where there are about 300 nuns. Now, if laymen do not vote at the same polling station they do, they will say among themselves, "By voting at such and such a polling station we shall be 300 against 50. Everyone will know how the nuns voted."

Thirdly, I can hardly see a Chief Electoral Officer checking each polling station location to know whether there is any danger for the safety of some persons who might not be able to cross the street.

In most instances, where homes for the aged are concerned, the electoral organizations of no matter what party see to it that those people vote and help them in doing so. Their safety is already taken care of.

Le président: De fait, monsieur Valade, je pourrais faire moi-même la même plainte.

M. Valade: Faites-la donc.

Le président: Dans ma circonscription, il existe un hôpital pour infirmes d'une capacité de 500 têtes, et les autres candidats se sont plaints qu'il n'y avait pas de bureau de votation dans cette institution. Tous les candidats étaient assurés du vote de ces malades, et j'ai consulté moi-même le directeur de l'hôpital afin d'établir un bureau de votation dans cette institution. Le directeur de l'institution a refusé et l'on m'a accusé publiquement de ne pas vouloir établir un bureau de votation dans cet hôpital, alors que c'était un refus du directeur. Nous devons étudier la question lors de la mise en vigueur du système de vote par procuration.

M. Duquet: J'avais 5,000 votants à l'hôpital Saint-Michel Archange.

M. Howe: Oui, à mon avis, le même problème se retrouve dans toutes les circonscriptions, car de plus en plus, les gens ne veulent pas qu'on se serve de leur maison pour établir un bureau de votation. Supposons que des élections aient lieu au mois de mars et que les rues sont sales et pleines de boue, ils ne veulent pas qu'on vienne salir leur maison. La même situation s'applique dans le cas des institutions et des écoles. On ne veut pas se faire déranger. Vous savez, monsieur Hamel, que bon nombre de directeurs d'école ne veulent plus qu'on établisse des bureaux de votation dans leurs locaux. Il est de plus en plus difficile de trouver des endroits disponibles pour

[Text]

own area it is getting more difficult all the time to find places where you can put polling booths.

The Chairman: The suggestion made in the section we are discussing right now is just to authorize the returning officers to have polls in public institutions, wherever suitable, acceptable and so on. It is not suggested that it be mandatory because it applies in different ways in so many places. As much as possible this will prevent the kind of situation that arises in many cities, for instance, where no private home will accept the poll.

Mr. Valade: For the sake of being positive, why do we not put in this section a safeguard whereby either parties or candidates could be consulted? I do not see what is wrong in the returning officers consulting. They are supposed to but they do not do it. I wonder if it would not be a safeguard, some kind of consultation with the parties involved. Mr. Hamel you said that you could not supervise all the constituencies and all the polls, but who can best do it?

The Chairman: We can put it in the law but it gives no teeth at all to put in the law "consultation". Someone has to make a decision and if we do put in the law that the parties will be consulted then you know just what kind of trouble the returning officers will be in in any constituency.

Mr. Valade: I am sorry, Mr. Chairman, I do not want to delay the discussion. I intend to propose an amendment in the House when the report comes up. I just wanted to review this section because in my riding it caused some very critical situations. I am opening up this discussion to correct this and if the Committee wants to adopt a safeguard, I do not mind accepting it here. If it is not made here, I will make it in the House of Commons.

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Mr. Forest: Monsieur Valade, il y a des limites que la loi ne peut pas dépasser. Lorsqu'on dit au paragraphe 9, qu'il doit établir le bureau dans une école, dans un édifice qui doit être convenable, nous ne devons pas lui dire: «Tu n'iras pas sur une rue principale, tu iras sur une rue transversale». Nous ne

[Interpretation]

les bureaux de votation comme vous l'avez mentionné dans le cas de votre circonscription, l'officier l'a probablement établi là sans y penser. Je ne sais pas. Dans ma propre région, la situation est aussi compliquée.

Le président: La proposition faite dans l'article que nous étudions en ce moment, vise à autoriser l'officier rapporteur à établir des bureaux de votation dans des institutions publiques, là où c'est acceptable et convenable. On ne propose pas que ce soit obligatoire, car cela s'applique de façon différente suivant l'endroit. Néanmoins, cela permettra de prendre des mesures préventives contre les cas qui se produisent dans bon nombre de villes, où, par exemple, à cause du refus des propriétaires on ne peut établir des bureaux de votation dans aucune maison privée.

M. Valade: Pour être positif, pourquoi ne pas inclure dans cet article une garantie permettant de consulter les partis ou les candidats? Je ne vois ce qui pourrait empêcher un officier rapporteur de consulter les candidats. Ils devraient le faire mais ils ne le font pas. Je me demande si l'établissement d'une certaine consultation des partis en cause ne constituerait une garantie. Monsieur Hamel, vous avez dit que vous ne pouviez pas surveiller l'ensemble des circonscriptions et des bureaux de votation, mais, qui peut accomplir cette tâche de la meilleure façon?

Le président: Nous pouvons insérer cette disposition dans la loi, mais il ne sert à rien d'y inclure le mot «consultation». Il faudra prendre une décision à ce sujet, et si nous stipulons dans la loi qu'on consultera les partis vous savez très bien que les officiers rapporteurs connaîtront toutes sortes de difficultés dans les diverses circonscriptions.

M. Valade: Je m'excuse, monsieur le président, je ne veux pas retarder nos travaux. J'ai l'intention de proposer un amendement lors de la présentation du rapport à la Chambre. Je voulais simplement réviser cet article parce que, dans ma circonscription, cela a donné lieu à des situations très critiques. Je soulève cette question pour régler ce problème, et si le Comité veut inclure une garantie dans la Loi, je n'ai pas d'objection, sinon j'en parlerai à la Chambre.

Mr. Forest: Mr. Valade, there are limits that the Act cannot go beyond. When it is stated in subclause 9, that he must set up the polling station in a school, in a building which must be suitable, we must not tell him, "You will not go on a main street, you will choose a side street". We must not put the

[Texte]

devons pas placer le directeur-général des élections dans une position où il sera obligé d'établir une cour d'appel pour des milliers d'arrondissements de votation. Il faut laisser une certaine discrétion au directeur du scrutin qui connaît sa localité et n'empêche pas le candidat ou le parti de faire des suggestions, mais il faut tout de même lui laisser une discrétion qui lui permette de trouver des endroits convenables. Monsieur Valade, c'était peut-être un cas isolé, mais...

M. Valade: Non. Dans mon cas, on a fait de la politique à ce sujet-là et je voudrais éviter que cela se répète.

Une voix: On en a fait dans ma circonscription.

The Chairman: Order, please. Everyone here has been elected, my friends.

Mr. Richard: Mr. Chairman, I just wanted to add that the returning officer must have an awful lot of discretion. In my urban riding a week before the last election about 35 polls refused. In the last week they said, "we do not want the poll any more." The returning officer was begging us to find a place, to help him. He has to have an awful lot of discretion. It is hard to find a poll and I do not think we should limit him.

The Chairman: Do we agree to the principle of the proposed Section 34.

Some hon. Members: Agreed.

The Chairman: If you want just to give Mr. Valade some more explanations on the proposed amendments, if you go forward to page 60, the proposed amendment to Section 93, at the bottom of the page reads:

93. Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who

(a) has reason to believe that he will be absent...

Then on page 61:

(b) because of advanced age, infirmity or the probable termination of pregnancy, finds it more convenient to vote at an advance polling station, or

(c) because of his religious beliefs or his membership in a religious order is unable to vote in the polling division throughout the hours or the greater part of the hours of polling...

[Interprétation]

Chief Electoral Officer in a position where he is obliged to set up a court of appeal for thousands of polling divisions. We must leave a certain amount of discretionary power to the Returning Officer who knows his locality and does not prevent the candidate or the party from making suggestions, but he must have the discretionary power enabling him to find suitable locations. Mr. Valade, this was perhaps an isolated case, but...

Mr. Valade: No. In my case, it became mixed up with politics and I do not want that to happen again.

An hon. Member: That also happened in my own riding.

Le président: A l'ordre, messieurs. Nous avons tous été élus.

M. Richard: Monsieur le président, je voulais simplement dire que l'officier rapporteur doit être très discret. Dans ma circonscription une semaine avant les dernières élections, les propriétaires d'environ 35 locaux où devaient se tenir des bureaux de votation ont refusé, ils ont tout simplement dit: «Nous ne voulons plus qu'on établisse des bureaux de votation dans nos locaux.» L'officier rapporteur nous a suppliés de l'aider à lui trouver des endroits disponibles. Il est très difficile de trouver des locaux pour établir des bureaux de votation, et à mon avis, il ne faudrait pas limiter son champ d'action.

Le président: Acceptez-vous le principe de l'article 34?

Des voix: Adopté.

Le président: Si vous voulez simplement donner à M. Valade plus d'explications au sujet des projets d'amendements, vous pouvez vous reporter à la page 60 et lire au bas de la page l'amendement proposé à l'article 93:

93. Un électeur dont le nom apparaît sur la liste des électeurs préparée pour un arrondissement de votation compris dans un district provisoire de votation, qui a des motifs de croire qu'il sera absent...

ensuite à la page 61:

b) qui trouve plus commode de voter à un bureau provisoire de votation, en raison de son grand âge, d'une infirmité ou d'un accouchement prochain, ou

c) qui est incapable de voter dans l'arrondissement de votation durant les heures d'ouverture ou la majeure partie des heures d'ouverture du bureau, le jour ordinaire du scrutin, à cause de ses

[Text]

... may vote at the advance polling station established. . .

M. Hamel: Très brièvement, si vous me le permettez, monsieur le président, j'aimerais expliquer le principe que j'ai suivi. J'ai essayé, dans l'article qui traite de la location des bureaux de votation, de clarifier les critères que le directeur de scrutin doit essayer de suivre en établissant ces bureaux et je suggère plus loin, si le Comité voulait bien l'approuver quand nous y serons, que l'on étende les facilités du bureau provisoire de votation aux personnes âgées et infirmes pour éviter la bousculade la journée du scrutin. Si vous voulez aller plus loin, vous pouvez faire comme dans certaines provinces et exiger que les bureaux provisoires de votation soient établis dans des immeubles accessibles à des chaises roulantes. C'est le principe que j'ai suivi.

M. Valade: Ceci ne s'applique pas à l'argument que j'ai avancé, ce n'en est pas le but, qui est d'éviter que des personnes d'un certain âge soient exposées à être victimes d'accidents.

A ce propos, je voudrais expliciter ma pensée, car nous sommes tout de même dans un parlement démocratique. Lorsqu'on a le choix et qu'on établit le bureau de scrutin dans un endroit difficile d'accès, il peut arriver que des vieillards, âgés de 75 ou 80 ans, qui voient et entendent mal, désirent aller voter seuls, même si, comme disait M. Richard tout à l'heure, on peut aller les chercher et les aider à voter. J'ai vécu cette expérience-là moi-même. Par contre, il y a tout près, un immeuble facile d'accès et offrant des possibilités d'y établir un bureau de scrutin, qui ne présenterait aucun risque d'accident en traversant la rue, mais on refuse d'accepter les suggestions.

A mon avis, monsieur le président ceci peut constituer un moyen de défranchiser certaines personnes qui hésiteraient à s'exposer à aller voter pour le risque que cela comporte ou encore les religieuses, dans un établissement où elles ont la garde des personnes âgées diraient: «Écoutez, ne vous exposez pas à aller voter, c'est trop risqué. Restez à la maison, vous voyez mal, vous entendez mal, vous avez de la difficulté à marcher.» C'est la situation qui s'est produite. J'essaie de la corriger en vous demandant de bien vouloir envisager la possibilité de consulter les personnes impliquées, soit les candidats ou les partis. Mon argument n'est pas tellement compliqué.

[Interpretation]

croyances religieuses ou de son appartenance à une congrégation religieuse, peut voter au bureau provisoire de votation établi...

Mr. Hamel: If you will allow me, Mr. Chairman, I would like to explain very briefly, the principle I have followed. I have tried in the clause dealing with the renting of polling stations to clarify the standards to be followed by the Returning Officer when setting up polling stations, and further on I suggest—if the Committee agrees to approve this when we get there—that the facilities of the advance poll be extended to elderly and disabled persons to avoid crowding on election day. If you want to go further, you can do as in some provinces and demand that the advance polls be set up in buildings accessible to wheelchairs. That is the principle I have followed.

Mr. Valade: This does not apply to the argument I have advanced. This was not the basis of my argument. I wish to avoid that people of a certain age be exposed to accidents.

I would like to explain my views on this, since we are, after all, members of a democratic parliament. When we have the choice and the polling station is established in a place which is not easily accessible, it may happen that old people of 75 or 80 who do not see or hear will want to go and vote on their own, even though, as Mr. Richard said a moment ago, these people can be taken to the polling stations. I have witnessed this myself. On the other hand, nearby there is a building which is easily accessible and which offers possibilities for the setting up of a polling station which would not involve risking an accident by crossing the street, but the suggestions are brushed aside.

In my opinion, Mr. Chairman, this might be a means to disenfranchise some people who would not like to take the risk to go and vote, or the nuns in charge of the elderly in an institution might say, "Do not take the risk of going to the polling station. Stay home. You don't hear well and you don't see well and you have difficulty walking." That is the situation that occurred. I am trying to correct it by asking you to consider the possibility of consulting the people involved, i.e. the candidates or the parties. It is not terribly complicated.

[Texte]

M. Hamel: Non, non, je comprends.

M. Comtois: Monsieur le président, dans le cas cité par M. Valade, il y avait quand même quatre candidats dans ce comté. Combien ont fait des plaintes à ce sujet-là?

M. Valade: Je dois vous dire que j'ai porté plainte au nom des personnes en cause, mais le directeur du scrutin n'en a pas tenu compte. Si la question est posée, j'y réponds.

M. Comtois: Mais je la posais à M. Hamel.

M. Valade: M. Hamel ne le sait pas lui, c'est moi qui le sais.

M. Comtois: Mais c'est lui qui a reçu les plaintes.

Le président: Je ne pense pas que ce soit une question qui nous permette d'avancer bien rapidement. . .

M. Hamel: En vertu de l'article 58 que tout candidat peut invoquer pour déposer une plainte, je n'ai reçu aucune plainte.

M. Comtois: Bon, merci.

M. Valade: Vous n'avez reçu aucune plainte de ma part, monsieur Hamel?

M. Hamel: En vertu de l'article 58, non!

M. Valade: Monsieur le président, je souleve la question de privilège parce que, je pense, la réponse de M. Hamel met en doute l'argument que j'apporte ici. Monsieur Hamel, c'est un jeu de technique que vous jouez: l'article que vous citez dit qu'on peut vous communiquer «par écrit» telle ou telle chose. Vous savez très bien que mes organisateurs ont communiqué avec vous par téléphone. Et si les circonstances m'ont empêché de faire cette communication par téléphone, monsieur le président, je ne voudrais pas que le Comité ait l'impression que je n'ai pas fait et que mes gens n'ont pas fait de représentations à ce sujet.

M. Marceau: Nous avons l'impression que vous ne vous êtes pas conformés à la Loi.

M. Valade: D'accord.

Le président: Messieurs, comme président du Comité, je ne permettrai pas qu'on tienne une discussion de cette nature.

M. Valade: Je ne vois pas pourquoi on ne prévoit pas dans la Loi des mécanismes qui empêcheraient tout cela.

Le président: Vous l'avez fait, monsieur Valade, votre suggestion. Quand nous parlerons des personnes pour lesquelles il y a des

[Interprétation]

Mr. Hamel: I understand.

Mr. Comtois: Mr. Chairman, in the case quoted by Mr. Valade, there were four candidates in that riding. How many did complain about that?

Mr. Valade: I complained myself for the people involved, but the Returning Officer did not take this complaint into account. Since you ask, that is my reply.

Mr. Comtois: But I was asking Mr. Hamel.

Mr. Valade: Mr. Hamel does not know, I am the one who knows.

Mr. Comtois: But he is the one who received the complaints.

The Chairman: I do not think that we can move ahead with such questions. . .

Mr. Hamel: I have received no complaints, pursuant to section 58 which any candidate may refer to for that purpose.

Mr. Comtois: Thank you.

Mr. Valade: You received no complaint from me, Mr. Hamel?

Mr. Hamel: Not under section 58!

Mr. Valade: Mr. Chairman, I raise a question of privilege, because I think Mr. Hamel's reply questions my argument. Mr. Hamel, this is a technicality you are playing on. The section you refer to states that one may communicate "in writing" such and such a thing. You know very well that my organizers did communicate with you over the telephone. And if circumstances prevented me from communicating by telephone, Mr. Chairman, I would not like the Committee to have the impression that my organizers did not make any representations on this subject.

Mr. Marceau: We have the impression that you did not abide by the Act.

Mr. Valade: I agree.

The Chairman: As Chairman of the Committee, I will not allow such discussions.

Mr. Valade: I do not see why no provision is made in the Act for machinery whereby to avoid all that.

The Chairman: You have made your suggestion, Mr. Valade. When we shall discuss persons for whom these problems of security

[Text]

problèmes de sécurité qui doivent être considérés, nous allons prendre en considération les suggestions que vous avez faites.

Pour le moment, nous sommes à l'article...

M. Forest: Vingt-six.

Le président: ...trente-quatre...

M. Forest: C'est 26...

Le président: ... dans lequel on demande que l'officier rapporteur soit autorisé à établir des bureaux de votation dans des endroits publics. C'est ça que nous avons à décider pour le moment. Si vous voulez rester avec nous, quand viendra le temps, nous pourrions discuter des questions que vous soulevez, et si vous avez un amendement à proposer, vous le soumettez. Pour le moment, nous étudions ce document article par article. Tout à l'heure, je vous ai référé à l'article 93 des amendements proposés, parce qu'il touche au problème de la sécurité: il autorise les personnes âgées, qui se sentent incapables d'aller voter le jour de l'élection à aller voter à des bureaux provisoires. Alors, cet article règle le problème de la sécurité de ceux qui disent ne pas pouvoir aller voter le jour du scrutin à cause de l'achalandage, de la circulation, etc: ils pourront aller voter dans des bureaux provisoires. Cela ne répond peut-être pas complètement au problème que vous soulevez, mais en somme, vous voulez demander aux membres du Comité de décider que telle institution dans la ville de Montréal serait un bon endroit pour placer un bureau de votation. Il faudrait d'abord savoir si la direction de l'institution le permet ou l'autorise.

M. Richard: Monsieur le président, nous pourrions définir plus tard la location des bureaux provisoires. Il y a certainement autre chose de plus important à faire pour le moment.

Le président: C'est ça.

M. Forest: Alors, l'article 26?

Proposed Section 20(6) agreed to.

The Chairman: I am sorry, Mr. Valade, but you are not entitled to vote. You are not a member of the Committee.

Mr. Valade: I know, I was not voting.

The Chairman: No, no, I am sorry it is proposed Section 20(7).

Proposed Section 20(7), (8) (9) and proposed Section 21 agreed to.

[Interpretation]

have to be considered, we will take into account the suggestions that you have made here.

At the present time, we are at clause...

Mr. Forest: 26.

The Chairman: 34...

Mr. Forest: It is 26...

The Chairman: ... in which it is requested that the Returning Officer be empowered to establish a polling station in public places. That is what we have to decide at present. If you want to remain with us, in due time we can discuss the matters you have raised, and if you have an amendment to propose, you may do so at that time. But for the time being, we are studying this document clause by clause. A while ago I referred you to Clause 93 because it deals with the problem of security. It authorizes elderly people who feel they are unable to vote on election day, to go and vote at advance polls. So this settles the problem of security for those who say that they are unable to vote on election day because of the traffic and so on. They may go and vote at advance polling stations. This may perhaps not entirely meet the problem you have raised, but briefly, you would like to ask the members of the Committee to decide that a given institution in the City of Montreal would be a good place to set up a polling station. First of all, we would have to know whether the institution itself would accept.

Mr. Richard: Mr. Chairman, we can decide on the location of advance polls later on. These are certainly other more important things to do now.

The Chairman: That is right.

Mr. Forest: Clause 26?

Le président: Le paragraphe (6) de l'article 20 du projet est adopté.

Je m'excuse, monsieur Valade, mais vous n'avez pas le droit de voter, car vous n'êtes pas membre du Comité.

M. Valade: Je le sais, je ne votais pas.

Le président: Non, je m'excuse, je voulais dire le paragraphe (7) de l'article 20.

Les paragraphes (7) (8) et (9) de l'article 20 proposé ainsi que l'article 21 du projet sont adoptés.

[Texte] •

Mr. Hamel: Section 34 was redrafted because in many places we had a few problems of interpretation and this is to clarify the rights of the agents of candidates in polls. Furthermore, there is something new that I introduced here in proposed subsection (3) which I suggest for your approval. It would authorize the official agent of the candidate to sign the certificate whereby the agent is accredited to be at the poll. At the moment only the candidate can sign that form and I suggest that the official agent also be authorized to do so.

Proposed Section 34(3) agreed to.

Mr. Hamel: The rest is strictly for clarification because in some provinces, as you know, the agent has to present a new form every time he comes back he has absented himself from the poll.

I want to specify here that once the agent has submitted his notice he can come in and go out provided there are no more than two at any given time.

Proposed Section 34 agreed to.

The Chairman: Proposed Section 22.

Mr. Hamel: This is strictly to draw reference to Form No. 38 which is the direction to electors in districts returning two members.

The Chairman: This is consequential to what already has been approved.

Proposed Section 22 agreed to.

Mr. Hamel: Proposed Section 23 on page 39 is also consequential to deletions to dual ridings.

Proposed Sections 23 and 24 agreed to. Proposed Section 25 may not meet with your approval and I am open to some suggestions. This deals with the issue of transfer certificates. At the moment requests for the issuance of transfer certificates can be made up to 10 o'clock on the Saturday evening preceding polling day and in many places we are faced with absolutely hopeless situations. In one electoral district in the last election, on Saturday morning the returning officer had 400 transfer certificates to issue. These transfer certificates have to be transmitted to the deputy returning officers of each poll and it is not easy to find all the DROs on Sunday.

I suggest that we advance the deadline for the issue of the transfer certificates. I have put here Tuesday, the sixth day before polling day. You may find this a little bit too early and I am willing to move it back maybe a day or two. I hope you appreciate the problem we are faced with. Thursday would be very acceptable.

[Interprétation]

M. Hamel: Nous avons relibellé l'article 34, car il donnait lieu à quelques problèmes du point de vue de l'interprétation, et il s'agissait d'élucider les droits des agents des candidats dans les bureaux de votation. De plus, j'ai présenté, au paragraphe (3) une nouvelle proposition que je soumetts à votre approbation. On autorisait l'agent officiel du candidat à signer la formule qui permet à l'agent de se trouver au bureau de votation. Actuellement, seul le candidat peut signer cette formule, et je propose que l'agent officiel en ait également le droit.

Le paragraphe (3) de l'article 34 est adopté.

M. Hamel: Pour le reste, il s'agit d'éclaircir la situation, car dans certaines provinces, comme vous le savez, l'agent doit présenter une nouvelle formule chaque fois qu'il s'absente du bureau et qu'il revient.

Je veux préciser ici qu'une fois que l'agent a soumis son avis, il peut entrer et sortir, pourvu que le cas ne se présente pas pour deux agents en même temps.

L'article 34 est adopté.

Le président: L'article 22 du projet.

M. Hamel: Il concerne la formule n° 38 qui comprend les directives destinées aux électeurs.

Le président: Cela se rattache à des dispositions déjà approuvées.

L'article 22 est adopté.

M. Hamel: A la page 39, l'article 23 du projet découle de la question du vote dans plus d'un district électoral.

Les articles 23 et 24 du projet sont adoptés.

Vous ne serez peut-être pas d'accord avec l'article 25 du projet et je suis prêt à étudier vos propositions. Il s'agit de la délivrance des certificats de transfert. En ce moment, on peut faire une demande de certificats de transfert jusqu'à 22 heures le samedi qui précède le jour du scrutin et dans beaucoup de cas, nous nous trouvons dans des situations absolument désespérées. Dans un district électoral lors des dernières élections, le samedi matin, l'officier rapporteur devait délivrer 400 certificats de transfert. Il faut remettre ces certificats aux sous-officiers rapporteurs de tous les bureaux de scrutin, et on ne peut pas les trouver facilement le dimanche.

Je propose qu'on avance la date limite de l'émission de ces certificats. J'ai inscrit le mardi, sixième jour avant le jour du scrutin. Vous trouverez peut-être cela un peu tôt, et je suis prêt à reculer la date limite d'un jour ou deux. J'espère que vous vous rendez compte du problème. Le mardi conviendrait très bien.

[Text]

The Chairman: Why not go for Friday, too? If he could not do it on Friday, then he could do it on Saturday.

Mr. Comtois: There has to be a limit.

The Chairman: This would give an additional day. Yes, Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, I only will refer to the constituency of Skeena because it has in it problems that are comparable to some of the other larger ridings. I do not think whether you have it Tuesday, the sixth day, or even earlier than that that you are going to surmount those problems of the returning officer in one part of the riding being able to get in touch with a deputy returning officer who lives 600 or 700 miles away, you know, where there is no communication. In applications for transfer certificates in those cases it is just a practical impossibility for this information to get to the deputy returning officer. I suggested Friday because in those areas where these problems do not exist, where the problems of time and communication do not make it an impossibility, Friday would permit a couple of days over the weekend to try to contact or be able to contact the DROs in those areas where they are able to contact them. In some areas they just are not able to do so.

You know the difficulty we had—Mr. Hamel does—in that we had to delay the official count, I think twice on one occasion, because they could not get in to get the ballot boxes from some of the outlying polling divisions. With that thought in mind—I am speaking personally and only with respect to those constituencies that are extremely large—if it would help, I am partial to Friday more than further away from that because of the fact that a lot of people really do not get involved in getting the machinery set up and so on. In elections you are always doing things today that you should have done two days ago and, I am sure, Mr. Hamel has found that out, too. You are always behind, and the issuance and the application for transfer certificates follows the same sort of pattern.

The Chairman: Could we have the article amended by changing the word "Tuesday" to "Friday"?

An hon. Member: The third day before.

The Chairman: So Friday, the third day, Mr. Valade.

[Interpretation]

Le président: Pourquoi pas également le vendredi? Si c'était impossible le vendredi, il pourrait le faire le samedi.

M. Comtois: Il doit y avoir une date limite.

Le président: Cela donnerait un jour de plus. Monsieur Howard.

M. Howard (Skeena): Monsieur le président, je ne parlerai que de la circonscription de Skeena, car on peut y retrouver des problèmes comparables à ceux des grands districts électoraux. A mon avis, ce fait de placer la date limite le mardi, sixième jour, ou même avant ce jour, ne permettra pas de régler les problèmes de l'officier rapporteur dans une région du district qui doit entrer en contact avec un sous-officier rapporteur demeurant à 600 ou 700 milles de là, et où il existe un manque de communications. Pour ce qui est des demandes de certificats de transfert dans ces cas-là, il est pratiquement impossible de transmettre ces renseignements au sous-officier rapporteur. J'ai proposé le vendredi, parce que dans les régions où ces problèmes n'existent pas où les questions de temps et de communications n'interdisent pas la transmission des renseignements, cela donnerait une couple de jours au cours de la fin de semaine pour contacter les sous-officiers rapporteurs dans ces régions où les communications sont possibles. Dans certaines régions, c'est tout à fait impossible.

M. Hamel connaît les difficultés que nous avons éprouvées: une fois il nous a fallu retarder le dépouillement officiel à deux reprises parce qu'on ne pouvait pas obtenir les boîtes de scrutin de certains arrondissements de votation éloignés. A ce sujet—je parle en mon propre nom et seulement en ce qui concerne les circonscriptions très étendues—si cela peut vous aider, j'aimerais mieux le vendredi, parce que beaucoup de gens n'établissent pas le fonctionnement nécessaire aux élections. Pour ce qui est des élections, on est toujours en retard d'une journée ou deux, et je suis sûr que M. Hamel s'en est rendu compte également. On est toujours en retard, et la même situation s'applique dans le cas de la délivrance des certificats de transfert.

Le président: Pourrait-on modifier l'article en changeant le mot «Mardi» pour le mot «Vendredi»?

Une voix: Le troisième jour avant.

Le président: Donc, le vendredi le troisième jour. Monsieur Valade.

[Texte]

M. Valade: Il est peut-être un peu risqué de marquer «vendredi, le troisième jour», parce que, comme la dernière élection a eu lieu une journée plus tard...

Le président: Un article, qui a déjà été approuvé, prévoit que lorsque l'élection tombe un mardi...

M. Valade: Pour simplifier, on pourrait tout simplement marquer «le troisième jour avant le scrutin».

Mr. Hamel: It has to be specified. Or it could be either Friday immediately preceding polling day.

An hon. Member: That is it.

The Chairman: Carried as amended?

Mr. Hamel: Without mentioning the third day.

Clause 25 as amended agreed to.

Clause 26 allowed to stand.

The Chairman: Clause 26 has to stand because it deals with penalties.

On clause 27—*Voting Procedure*

Mr. Hamel: Clause 27 is again strictly a clarification of the procedure to be followed at the poll. As you know, in many cases some agents or some electors will ask for all kinds of documents from the elector and, in fact, this is under the Act as it reads at the moment. The only thing the elector is required to do is to give his name, occupation, and address. Instead of having to cover this by instructions and so on, my suggestion is that we spell it out in the Canada Elections Act that the deputy returning officer the poll clerk or anybody else has a right to ask for a birth certificate or a citizenship paper and that kind of thing. First of all, under the Canada Elections Act, it is illegal anyway. It is not permitted and it delays the voting considerably. My suggestion is strictly that we spell this out in the Act very clearly.

M. Duquet: Actuellement, votre suggestion ne s'applique qu'au nom, adresse et occupation. On ne parle pas de pièces d'identification ou d'autres choses.

M. Hamel: Le paragraphe 2a répète à peu près ce qu'il y a dans la loi actuelle. Le paragraphe 2b précise ce que les sous-officiers rapporteurs, les greffiers, etc., n'ont pas le droit d'exiger.

The Chairman: For instance, he cannot be asked to produce a birth certificate but he can be asked to swear that he is of voting age.

[Interprétation]

Mr. Valade: It may be a bit risky to put "Friday, the third day", because as the last election took place a day later...

The Chairman: A clause which has already been approved, provides that when the election takes place on a Tuesday...

Mr. Valade: To simplify the matter, we could just put "the third day preceding the poll".

M. Hamel: On doit le préciser. Cela pourrait être le vendredi qui précède immédiatement le jour du scrutin.

Une voix: Voilà la question.

Le président: Est-ce qu'on l'adopte sous sa forme modifiée?

M. Hamel: Sans mentionner le troisième jour.

L'article 25 modifié est adopté.

L'article 26 est réservé.

Le président: Il faut réserver l'article 26, car il traite des sanctions.

L'article 27—*Procédure lors de la votation.*

M. Hamel: L'article 27 sert à éclaircir la question de la procédure à suivre dans les bureaux de votation.

Comme vous le savez, dans bien des cas, certains agents ou électeurs demandent toutes sortes de documents aux électeurs en vertu des dispositions de la loi actuelle. L'électeur ne doit donner que son nom, son occupation et son adresse. Je propose qu'au lieu de cela, nous donnions des précisions dans la Loi électorale du Canada afin que le sous-officier-rapporteur ou le greffier du scrutin puisse demander un certificat de naissance ou un document de naturalisation ou quelque autre document. Tout d'abord, c'est illégal en vertu de la Loi électorale du Canada. On ne le permet pas, et cela retarde considérablement la votation. Je propose qu'on précise cette question dans la Loi.

Mr. Duquet: At the present time, your suggestion applies only to the name, occupation and address. No reference is made to identification or anything else.

Mr. Hamel: Subclause (2a) repeats more or less the Act as it now stands. Subclause (2b) specifies what the deputy returning officer, the poll clerk, and so on, shall not request, demand or order.

Le président: Par exemple, on ne peut pas demander un certificat de naissance à un électeur mais exiger qu'il prête serment pour prouver qu'il a l'âge requis pour voter.

[Text]

Mr. Hamel: That is correct.

The Chairman: That is fine. Is it carried? Do you agree with this?

Mr. Howard (Skeena): Mr. Chairman, it is not that I think that this might or might not be abused, but there is a reference that he may be asked to produce any other document whatever. Pardon me?

The Chairman: Cannot be requested.

Mr. Howard (Skeena): Oh, I am sorry. This is what I understood the intention was and then I understood someone to say that it was a requirement. Fine, fine.

then I understood someone to say that it was a requirement. Fine, fine.

Clause 27(b) agreed to.

On clause 27(c)—*Oath by elector*

Mr. Hamel: This is the oath that the elector may be asked to take, and then when everybody is satisfied that the elector is eligible under (2c) he is given a ballot paper and then under (2d) when he is given a ballot paper no oath can be requested of the elector.

Mr. Valade: What is the purpose of this?

Mr. Hamel: I am sorry, what is the purpose?

Mr. Valade: What is the purpose of not allowing somebody to take an oath after he has received the ballot.

The Chairman: He says after he received that.

Mr. Valade: Yes, after he has received the ballot.

The Chairman: Yes.

Mr. Valade: He has not voted yet, he has just received his ballot but he has not voted yet.

Mr. Hamel: How can you prevent him from voting if he has his paper in his hand?

The Chairman: These are just questions of clarification, just to tell the deputy returning officers expressly what they have to do. If they want to request an oath, then they have to do it before the person is entitled to vote—before he receives the ballot.

Mr. Hamel: That is correct.

Mr. Valade: It is not important but...

[Interpretation]

M. Hamel: C'est exact.

Le président: Bien. Adopté? Êtes-vous d'accord?

M. Howard (Skeena): Monsieur le président, je ne discute pas des abus qui peuvent se produire, mais la loi stipule qu'on peut lui demander de produire quelque autre document? Comment?

Le président: La Loi stipule qu'on ne peut pas demander ou exiger de document.

M. Howard (Skeena): Je m'excuse. J'avais compris qu'on pouvait faire cette demande. Ça va.

Le paragraphe (2b) de l'article 27 du projet est adopté.

Le paragraphe (2c) de l'article 27 du projet—*Serment de l'électeur*.

M. Hamel: Il s'agit du serment qu'on peut demander à l'électeur, et lorsqu'on croit qu'il peut voter en vertu du paragraphe (2c), lorsqu'on lui donne un bulletin de vote, personne ne peut exiger qu'il prête serment.

M. Valade: Pourquoi procède-t-on ainsi?

M. Hamel: Je m'excuse, vous avez demandé pourquoi on agissait de cette façon?

M. Valade: Pourquoi ne permettons-nous pas à un électeur de prêter serment après qu'il a reçu son bulletin de vote?

Le président: Il dit: «Après qu'il a reçu un bulletin de vote».

M. Valade: Oui.

Le président: Ça va.

M. Valade: Il n'a pas encore voté, il vient de recevoir son bulletin de vote.

M. Hamel: Comment pouvez-vous l'empêcher de voter s'il a en main un bulletin de vote?

Le président: Il s'agit simplement d'élucider certaines questions et de dire formellement aux sous-officiers rapporteurs ce qu'ils doivent faire. S'ils veulent demander à l'électeur de prêter serment, il doit le faire avant que la personne ait le droit de voter—avant qu'il reçoive son bulletin.

M. Hamel: C'est exact.

M. Valade: Ce n'est pas important—mais...

[Texte]

Mr. Hamel: It is to make sure that all the precautions are taken before the ballot is given to the elector.

The Chairman: It will be part of the instructions that will be given to the deputy returning officers.

Clause 27(2c) and (2d) agreed to.

Page 41.

Clause 27(3)—*Manner of voting*

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Mr. Hamel: This again is strictly for clarification and also to delete the reference to two candidates.

Mr. Howe: "Manner of voting"—is that the one we are on at the top of page 41?

The Chairman: Yes.

Mr. Hamel: I am sorry, I missed the beginning of your question.

Mr. Howe: The one we are discussing now is...

The Chairman: This will have to stand until we study the form of ballots. In Toronto the other day we discussed some different ways of voting to avoid annihilation of some ballots. I believe that this should stand until we approve a form of ballot. Would you agree with that because it is already marked here "by making a cross with a black lead pencil within the space on the ballot paper containing...?"

I think this should stand. If we do reach a consensus about the new form of ballot, we may agree to allow another kind of mark just to avoid annulling ballots. Would you agree?

Mr. Benjamin: You are referring to 27(3) are you?

The Chairman: Yes, 27(3) on page 41.

Clause 27(3) allowed to stand.

Clause 27(3a)—*Idem*

Mr. Hamel: The former 27(3) was split in two again only for clarification. We spell out to the deputy returning officer the precautions he has to take to make sure that the ballot

[Interprétation]

M. Hamel: C'est pour nous assurer que nous prenons toutes les précautions avant de remettre un bulletin de vote à l'électeur.

Le président: Cela fera partie des instructions données aux sous-officiers rapporteurs.

Les paragraphes (2c) et (2d) de l'article 27 du projet sont adoptés.

Prenez la page 41.

Paragraphe (3) de l'article 27 du projet—*Mode de votation*.

M. Hamel: Il s'agit simplement d'éclaircir la question et de supprimer l'allusion aux deux candidats.

M. Howe: En sommes-nous au haut de la page 41, à la question du «Mode de votation»?

Le président: Oui.

M. Hamel: Je m'excuse, je n'ai pas compris le début de votre question.

M. Howe: La question que nous étudions actuellement est...

Le président: Il faudra réserver cette question jusqu'à ce que nous examinions la formule de vote. A Toronto l'autre jour, nous avons étudié certaines façons différentes de voter pour éviter l'annulation de certains bulletins. Je crois qu'il faudrait réserver cette question jusqu'à ce que nous approuvions une formule de vote. Êtes-vous d'accord avec cela, car on peut lire dans la Loi la formule suivante de vote «En faisant une croix avec un crayon à la mine noire dans l'espace, sur le bulletin de vote, qui contient...»

A mon avis, il serait préférable d'attendre. Si nous en venons à une entente au sujet d'une nouvelle formule de bulletin de vote, nous approuverons peut-être une nouvelle façon de marquer son bulletin de vote afin d'éviter l'annulation des votes.

Êtes-vous d'accord?

M. Benjamin: Cela concerne le paragraphe (3) de l'article 27 du projet n'est-ce pas?

Le président: Oui, le paragraphe (3) de l'article 27, à la page 41.

Le paragraphe 3) de l'article 27 du projet est réservé.

Le paragraphe 3a) de l'article 27 du projet est réservé également.

M. Hamel: On n'a divisé en deux l'ancien paragraphe 3 de l'article 27 qu'afin de donner plus de précisions. Il s'agit des précautions que doit prendre le sous-officier rapporteur

[Text]

that is brought back to him is the same as the one he handed out.

Clause 27(3a) agreed to.

Clause 27(3b)—*Recording of printed serial number an offence*

This is a new subsection. Perhaps it should stand until we reach the penalties. Maybe I should give two or three words of explanation on this.

I am told, although the practice is not general, that in some cases the counterfoil on which there is a number, and which is still attached to the ballot, is sometimes "inadvertently" left with the ballot and put in the box. Somebody in the poll "inadvertently" keeps note of the serial number. At the end of the day, it is very easy to identify the vote of the elector. I suggest that it be made an offence to keep note or to keep track of the number that appears on the back of the counterfoil. It is mainly a deterrent.

Mr. Valade: But it is there also. The representative of a candidate or an agent of a candidate when he gets into a poll takes note of the ballots that the returning officer has in front of him. Let us say he has 25 ballots. He takes the first number and the last just to check if they are following. Would doing this be illegal under this system?

Mr. Hamel: No. You have two pieces of paper on which the number is indicated: the stub and the counterfoil. The stub is no problem, it remains in the booklet. But the counterfoil that is attached to the ballot when handed to the elector should be torn off from the ballot when the elector hands his ballot marked to the deputy returning officer. If it remains attached to the ballot and the number has been noted you can match the number with the ballot of the elector.

Mr. Forest: It is a very rare case.

Mr. Hamel: Yes, it is.

Clause 27 (3b) agreed to.

Clause 27 (2)—*Voting procedure when elector unable to mark ballot paper*

[Interpretation]

afin de s'assurer que le bulletin de vote remis par l'électeur est le même que celui qui lui avait été donné.

Le paragraphe (3a) de l'article 27 du projet est adopté.

Le paragraphe (3b) de l'article 27 intitulé *Prendre note du numéro de série imprimé est une infraction*.

C'est un nouveau paragraphe. On devrait la réserver jusqu'à l'étude des sanctions. Je pourrais peut-être vous donner deux ou trois explications à ce sujet.

On me dit, bien que cette pratique ne soit pas générale, que dans certains cas, le talon, sur lequel se trouve un numéro, et qui est encore attaché au bulletin de vote, reste parfois «par mégarde» attaché au bulletin et est déposé dans la boîte de scrutin. Un des employés du bureau de votation prend note, «par mégarde» du numéro de série. A la fin de la journée, il est très facile d'identifier le vote de l'électeur. Je propose qu'on considère comme une infraction le fait de prendre note du numéro qui figure au verso du talon. Il s'agirait essentiellement d'une mesure préventive.

M. Valade: Mais cela s'y trouve également. Le représentant ou l'agent d'un candidat, lorsqu'il entre dans un bureau de scrutin, prend note des bulletins de vote que l'officier rapporteur a devant lui. Mettons qu'il y en a 25. Il prend le premier et le dernier numéro pour vérifier s'ils sont en ordre. Cela serait-il illégal en vertu de ce système?

M. Hamel: Non. Ce numéro est inscrit sur deux morceaux de papier: la souche et le talon. Il n'y a pas de problème pour ce qui est de la souche, elle reste dans le carnet. Toutefois, le talon qui est attaché au bulletin lorsqu'on le donne à l'électeur devrait être détaché du bulletin lorsque l'électeur remet son bulletin au sous-officier rapporteur. Si le talon reste attaché au bulletin et qu'on a pris note du numéro, alors le numéro correspond au bulletin de vote de l'électeur.

M. Forest: Il s'agit d'un cas très rare.

M. Hamel: Oui.

Le paragraphe (3b) de l'article 27 du projet est adopté.

Le paragraphe 2 de l'article 27 du projet intitulé *Comment doit voter un électeur incapable de marquer son bulletin*.

On page 42, this deals with the handicapped elector. What I suggest is that a handicapped elector be allowed to vote in the same manner as a blind elector. In other

La page 42 concerne l'électeur qui est infirme. Je propose qu'un infirme puisse voter de la même façon qu'un aveugle, en d'autres termes, qu'il puisse se faire aider par un ami.

[Texte]

words, that he could be assisted by a friend. At the moment, as you know, the only way a handicapped elector, either an illiterate or a person who cannot write or cannot use his hands can vote is by saying openly in front of everybody in the poll. So what I suggest is that we extend to them what is already allowed for the blind people, that they be accompanied by a friend. And with exactly the same restrictions—that a friend can act for only one elector.

Clause 27—Subsection (7), (8) and (9) of section 45 agreed to.

On Clause 28—*Illegal vouching an offence*
And Clause 29—*Offence*

On page 43, Clause 28. I believe this should stand, because this is part of the whole series of penalties and offences section.

Clauses 28 and 29 stood.

On Clause 30.

On Clause 30 there are two things there. In paragraph (c) it is to delete reference to ridings where more than one candidate had to be elected. It is just consequential to an amendment you have already accepted. And perhaps (e) should stand because this was put in at the suggestion of a number of judges who presided over recounts. Although it is clear in section 45 how the ballot should be marked.

The Chairman: I do not think it is of any use to have discussion on this, because in (e) it says.

(e) that are not marked with a cross in black lead pencil.

Some members will have views on this after we have approved the ballot. Therefore, I think it should stand.

Clause 30, paragraph (e) stood.

Clause 31 stood.

Mr. Hamel: Clause 32 is only to delete the obligation imposed on the election clerk to attend the official recounts. Not the official recounts, I am sorry, the judicial recounts. It would be only permissive. The judge may call the election clerk as well as the deputy returning officer, but at the moment it is mandatory, both must be there. Experience seems to indicate that the presence of the election clerk is not necessary, unless the deputy returning officer cannot be there. In

[Interprétation]

Comme vous le savez, la seule façon de voter en ce moment, en ce qui concerne une personne analphabète ou incapable d'écrire ou de se servir de ses mains est de déclarer ouvertement pour quel candidat elle vote devant toutes les personnes dans le bureau de votation. Je propose qu'on permette aux infirmes—tout comme on le fait actuellement pour les aveugles—d'être accompagnés par un ami, et aux mêmes conditions—à savoir qu'un ami ne peut voter que pour un électeur.

Les paragraphes (7), (8) et (9) de l'article 27 du projet portant sur l'article 45 de la Loi sont adoptés.

L'article 28 du projet intitulé *Répondre illégalement d'une personne est une infraction* et l'article 29, *Infraction*.

Page 43, article 28. A mon avis, il faudrait réserver cet article, car il fait partie de toute la série des articles concernant les sanctions et les infractions.

Les articles 28 et 29 du projet sont réservés.

Article 30.

Cet article comprend deux dispositions. Il s'agit dans le paragraphe c) de supprimer la mention concernant les circonscriptions ou on devrait élire plus d'un candidat. Cela découle d'un amendement déjà approuvé. Il faudrait peut-être réserver le paragraphe (3) qui a été inscrit à la demande d'un certain nombre de juges qui ont présidé aux recomptages, même si l'article 45 de la Loi indique clairement comment il faut marquer le bulletin.

Le président: A mon avis, cela ne vaut pas la peine d'étudier cette question, car dans le paragraphe e) on lit ce qui suit concernant les bulletins:

e) que ne sont pas marqués d'un croix au crayon à la mine noire.

Certains députés voudront exprimer leurs opinions sur ce sujet après qu'on aura approuvé la formule du bulletin de vote. Par conséquent, il faudrait réserver cette question.

L'article 30 du projet est réservé.

Le paragraphe e) du projet est réservé.

L'article 31 du projet est réservé.

M. Hamel: L'article 32 vise simplement à supprimer l'obligation imposée au secrétaire d'élection d'assister au recomptage officiel. Je m'excuse, je voulais dire le recomptage judiciaire. Ce ne serait qu'une disposition facultative. Le juge pourrait appeler le secrétaire d'élection et le sous-officier rapporteur, mais actuellement, c'est obligatoire, il faut que les deux assistent au recomptage. D'après notre expérience, il semble que la présence du greffier n'est pas nécessaire, à moins que le sous-

[Text]

this case a judge could summon the election clerk, but the election clerk does not have to be there by the letter of the law.

If summoned by the judge.

Clause 32 agreed to.

The Chairman: We will now adjourn. There will not be a meeting this afternoon because the other day we did not have a quorum. I think we made a lot of progress this morning. We will now adjourn until next Tuesday. Thank you, gentlemen.

[Interpretation]

officier rapporteur ne puisse pas être présent. Dans ce cas-là, le juge pourrait convoquer le secrétaire d'élection, mais, ce dernier ne doit pas y assister aux termes de la Loi.

Si le juge le convoque.

L'article 32 du projet est adopté.

Le président: Nous allons ajourner le débat. Nous n'aurons pas de réunion cet après-midi parce que nous n'avons pas atteint le quorum l'autre jour. A mon avis, nous avons fait beaucoup de progrès ce matin. Nous allons donc ajourner jusqu'à mardi prochain. Je vous remercie, messieurs.

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STANDING COMMITTEE

ON

COMITÉ PERMANENT

DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
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Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 12

TUESDAY, FEBRUARY 3, 1970

LE MARDI 3 FÉVRIER 1970

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir le *procès-verbal*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président

and Messrs.

et MM.

Alkenbrack,
Benjamin,
Code,
Comtois,
Duquet,
Forest,

Forrestall,
Fortin,
Howard (Skeena),
Howe,
Jerome,
Lefebvre,

Marceau,
Peddle,
Richard,
Serré,
Trudel,
Turner (London East)

—20.

(Quorum 11)

Le greffier du Comité
R. V. Virr,
Clerk of the Committee.

[Text]

MINUTES OF PROCEEDINGS

TUESDAY, February 3, 1970
(15)

The Standing Committee on Privileges and Elections met this day at 9:45 a.m. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Benjamin, Code, Duquet, Forest, Forrestall, Howard (*Skeena*), Howe, Jerome, Laflamme, Le-febvre, Marceau, Serré, Trudel, Turner (*London East*).

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed its study of the Draft amendments to the Canada Elections Act.

The Committee agreed that:

Section 54

Subsection (7) of section 54 of the said Act be repealed and the following substituted therefor:

“(7) At the time and place appointed, and in the presence of such of the persons authorized by this Act to attend as do attend, the judge shall proceed to make such recount from the statements contained in the ballot boxes returned by the deputy returning officers, or to recount all the votes or ballot papers returned by the deputy returning officers, as the case may be, and the judge, in the latter case,

(a) shall open the sealed envelopes containing the used and counted, unused, rejected and spoiled ballot papers;

(b) shall not open any other envelopes containing other documents; and

(c) shall not take cognizance of any election documents other than the documents referred to in paragraph (a).”

[Traduction]

PROCÈS-VERBAL

Le MARDI 3 février 1970
(15)

Le Comité permanent des privilèges et élections se réunit ce matin à 9h 45. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Benjamin, Code, Duquet, Forest, Forrestall, Howard (*Skeena*), Howe, Jerome, Laflamme, Le-febvre, Marceau, Serré, Trudel, Turner (*London-Est*).

Témoin: M. J. M. Hamel, directeur général des élections.

Le Comité reprend son étude des projets de modification à la Loi électorale du Canada.

Le Comité convient que:

Article 54

Le paragraphe (7) de l'article 54 de ladite loi soit abrogé et remplacé par ce qui suit:

«(7) Aux temps et lieu désignés et en présence de celles des personnes qui sont autorisées par la présente loi à y assister et y assistent effectivement, le juge doit procéder au recomptage d'après les relevés contenus dans les boîtes du scrutin remises par les sous-officiers rapporteurs, ou au recomptage de tous les votes ou bulletins retournés par les sous-officiers rapporteurs, selon le cas, et le juge, dans ce dernier cas,

a) doit ouvrir les enveloppes scellées contenant les bulletins utilisés et comptés ainsi que les bulletins inutilisés, rejetés et gâtés;

b) ne doit pas ouvrir d'autres enveloppes contenant d'autres documents; et

c) ne doit prendre connaissance d'aucuns documents d'élection autres que ceux mentionnés à l'alinéa a).»

[Text]

Section 54 of the said Act be further amended by adding thereto, immediately after subsection (8) thereof, the following subsection:

“(8a) For the purpose of making a recount pursuant to this section, a judge has the power of summoning before him any deputy returning officer or poll clerk as a witness and of requiring him to give evidence on oath, or on solemn affirmation, and has the same power to enforce the attendance of such a witness and to compel him to give evidence as is vested in any court of record in civil cases.”

Section 54 of the said Act be further amended by adding thereto, immediately after subsection (12) thereof, the following subsection:

“(12a) Notwithstanding anything in this section a judge may, at any time after an application for a recount has been made to him, terminate the recount, upon request in writing by the applicant to him for such termination.”

Section 54 of the said Act be further amended by adding thereto the following subsections:

“(17) Subject to the approval of the Chief Electoral Officer, a judge may retain the services of such clerical assistants as are required for the proper performance of his duties under this section.

(18) The clerical assistants referred to in subsection (17) shall be paid at a rate to be fixed by the Governor in Council pursuant to section 60.”

Section 51

Subsections (5) and (6) of section 51 of the said Act be repealed and the following substituted therefor:

“(5) Forthwith after the official addition of the votes the returning officer shall

(a) prepare his certificate in writing, in the form prescribed by the Chief Electoral Officer, showing the number of votes cast for each candidate; and

[Interpretation]

L'article 54 de ladite loi soit en outre modifié en y insérant, immédiatement le paragraphe (8), le paragraphe suivant:

«(8a) Aux fins d'effectuer un recomptage en conformité du présent article, un juge a le pouvoir d'assigner devant lui, à titre de témoin, un sous-officier rapporteur ou greffier du scrutin et d'exiger qu'il rende témoignage sous serment ou par affirmation solennelle et il a le même pouvoir de contraindre ce témoin à comparaître et à rendre témoignage que toute cour d'archives en matières civiles.»

L'article 54 de ladite loi soit en outre modifié en y insérant, immédiatement après le paragraphe (12), le paragraphe suivant:

«(12a) Nonobstant toutes autres dispositions du présent article, un juge peut, à tout moment après qu'une demande de recomptage lui a été faite, mettre fin au recomptage, sur requête du pétitionnaire qui lui est faite par écrit à cette fin.»

L'article 54 de ladite loi soit en outre modifié par l'adjonction des paragraphes suivants:

«(17) Sous réserve de l'approbation du directeur général des élections, un juge peut retenir les services des aides aux écritures dont il a besoin pour remplir convenablement ses fonctions en vertu du présent article.

(18) Les aides aux écritures mentionnés au paragraphe (17) doivent être rémunérés selon le taux qui sera fixé par le gouverneur en conseil en conformité de l'article 60.»

Article 51

Les paragraphes (5) et (6) de l'article 51 de ladite loi soient abrogés et remplacés par ce qui suit:

«(5) Immédiatement après l'addition officielle des votes, l'officier rapporteur doit

a) préparer son certificat par écrit selon la formule prescrite par le directeur général des élections, indiquant le nombre de votes déposés pour chaque candidat; et

(b) deliver forthwith a copy of that certificate to each candidate or his representative,

(i) at the place where the official addition of the votes is made, or

(ii) if a candidate is not present or represented at that place, by registered mail.

(6) Where, on the official addition of the votes, there is an equality of votes between two or more candidates and an additional vote for one of such candidates would entitle one of those candidates to be declared as having obtained the largest number of votes, the returning officer shall

(a) apply for a recount to a judge to whom an application could be made pursuant to section 54; and

(b) give written notice to each candidate at the election or his official agent of the application for a recount.

(7) Sections 54 and 55, except those provisions that relate to a deposit or to costs, apply, with such modifications as the circumstances require, to an application under subsection (6)."

Section 14

Paragraph (c) of subsection (2) of section 14 of the said Act be repealed and the following substituted therefor:

"(c) the returning officer for each electoral district during his term of office, except when there is an equality of votes on a recount, as in this Act provided;"

Section 54

Subsection (14) of section 54 of the said Act be repealed and the following substituted therefor:

"(14) Where a recount made pursuant to this section results in an equality of votes, the returning officer has and shall cast a deciding vote."

Section 57 of the said Act was permitted to stand.

b) remettre immédiatement une copie de ce certificat à chacun des candidats ou à son représentant,

(i) au lieu où l'addition officielle des votes est faite, ou

(ii) si un candidat n'est ni présent ni représenté en ce lieu, par courrier recommandé.

(6) Lorsque, lors de l'addition officielle des votes, il y a égalité de votes entre deux ou plusieurs candidats et que le fait d'ajouter un vote pour l'un de ces candidats donnerait à l'un de ces candidats le droit d'être déclaré avoir obtenu le plus grand nombre de votes, l'officier rapporteur doit

a) faire la demande d'un recomptage à un juge à qui une demande pourrait être faite en conformité de l'article 54; et

b) donner un avis par écrit à chacun des candidats à l'élection ou à son agent officiel qu'une demande pour un recomptage a été faite.

(7) Les articles 54 et 55, sauf les dispositions qui concernent un dépôt ou les frais, s'appliquent, avec les modifications que les circonstances exigent, à une demande en vertu du paragraphe (6)."

Article 14

L'alinéa c) du paragraphe (2) de l'article 14 de ladite loi soit abrogé et remplacé par ce qui suit:

«c) l'officier rapporteur de chaque district électoral tant qu'il reste en fonction, sauf le cas d'égalité de voix lors d'un recomptage ainsi que le prévoit la présente loi;»

Article 54

Le paragraphe (14) de l'article 54 de ladite loi soit abrogé et remplacé par ce qui suit:

«(14) Lorsqu'un recomptage des votes en conformité du présent article a pour résultat une égalité des suffrages, l'officier rapporteur a et doit donner un vote prépondérant.»

L'article 57 de ladite loi est réservé.

Section 60

Subsection (3) of section 60 of the said Act be repealed and the following substituted therefor:

“(3) The fees, costs, allowances and expenses fixed by the tariff of fees established pursuant to subsection (1) shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund and distributed as set out in this section.

(3a) The fees or allowances attributable to polling stations, other than advance polling stations, that are payable to deputy returning officers and poll clerks and for the rental of polling stations, and the fees for revising agents, shall be paid directly to each claimant by special warrants drawn on the Receiver General, issued by the returning officer for each electoral district and bearing the printed signature of the Chief Electoral Officer.

(3b) When countersigned by the appropriate returning officer, the special warrants referred to in subsection (3a) are negotiable without charge at any chartered bank in Canada.

(3c) Immediately after the official addition of the votes has been held, every returning officer shall fill in the necessary spaces in the special warrants, furnished to him by the Chief Electoral Officer, affix his signature thereon and mail the warrants to the deputy returning officers, poll clerks, landlords of polling stations and revising agents entitled to receive them.

(3d) All claims made by election officers, other than claims paid pursuant to subsection (3a), including the claims of the returning officer, election clerk, enumerators, revising officers, advance polling station officers and constables, and the various other claims relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Receiver General at Ottawa and

Article 60

Le paragraphe (3) de l'article 60 de ladite loi soit abrogé et remplacé par ce qui suit:

«(3) Les honoraires, frais, allocations et dépenses fixés par le tarif des honoraires établi en conformité du paragraphe (1) doivent être payés sur les deniers non attribués du Fonds du revenu consolidé et distribués comme il est énoncé au présent article.

(3a) Les honoraires ou allocations qui peuvent être affectés aux bureaux de votation autres que les bureaux provisoires et qui sont payables aux sous-officiers rapporteurs et aux greffiers du scrutin pour le loyer des bureaux de votation et les honoraires des agents reviseurs doivent être payés directement à chaque réclamant par des mandats spéciaux tirés sur le receveur général, émis par l'officier rapporteur de chaque district électoral et portant la signature imprimée du directeur général des élections.

(3b) Lorsqu'ils sont contresignés par l'officier rapporteur compétent, les mandats spéciaux mentionnés au paragraphe (3a) sont négociables sans frais à toute banque à charte du Canada.

(3c) Dès que l'addition officielle des votes est terminée, chaque officier rapporteur doit remplir les espaces nécessaires sur les mandats spéciaux qui lui ont été fournis par le directeur général des élections, y apposer sa signature et les expédier par la poste aux sous-officiers rapporteurs, greffiers du scrutin, locateurs de bureaux de votation et agents reviseurs qui ont droit de les recevoir.

(3d) Toutes les réclamations faites par des officiers d'élection, autres que les réclamations payées en conformité du paragraphe (3a), y compris les réclamations de l'officier rapporteur, du secrétaire d'élection, des énumérateurs, des officiers reviseurs, des fonctionnaires de bureaux provisoires de votation et des constables, ainsi que les diverses autres réclamations relatives à la conduite

sent direct to each person entitled to payment.

(3e) Notwithstanding anything in this section, an accountable advance may be made to an election officer to defray office and other incidental expenses in such amount as may be approved under the tariff of fees established pursuant to subsection (1)."

Subsection (5) of section 60 of the said Act be repealed and the following substituted therefor:

"(5) Any enumerator who wilfully or without reasonable excuse

(a) omits from the list of electors prepared by him (or by him jointly with another enumerator) the name of any person entitled to have his name entered thereon, or

(b) enters on the list the name of any person who is not qualified as an elector in his polling division, shall forfeit his right to payment for his services and expenses.

(5a) A returning officer shall exercise care in the certification of enumerators' accounts and, where he is of opinion that an enumerator has made an omission or entry referred to in subsection (5), the returning officer shall not certify the account of the enumerator concerned but shall send it uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts.

(5b) The Receiver General shall not pay any enumerator's account until after the revision of the lists of electors has been completed."

Section 60 of the said Act be further amended by adding thereto, immediately after subsection (6) thereof, the following subsection:

"(6a) The Chief Electoral Officer may, in accordance with regulation made by the Governor in Council, in any case in which the fees and allow-

d'une élection, doivent être acquittées par chèques distincts émis par le bureau du receveur général à Ottawa, et expédiés directement à chaque personne qui a droit à un paiement.

(3e) Nonobstant les prescriptions du présent article, une avance comptable peut être faite à un officier d'élection, en vue de pourvoir à ses frais de bureau et autres dépenses imprévues, selon le montant qui peut être autorisé en vertu du tarif des honoraires établi en conformité du paragraphe (1)."

Le paragraphe (5) de l'article 60 de ladite loi soit abrogé et remplacé par ce qui suit:

«(5) Un énumérateur qui, volontairement et sans excuse raisonnable,

a) omet de la liste électorale dressée par lui (ou par lui conjointement avec un autre énumérateur) le nom d'une personne qui a droit à l'inscription de son nom sur cette liste, ou

b) inscrit sur la liste le nom d'une personne qui n'est pas habile à voter dans son arrondissement de votation, est déchu de son droit au paiement de ses services et dépenses.

(5a) L'officier rapporteur doit apporter un soin particulier à la certification des comptes des énumérateurs et, lorsqu'il est d'avis qu'un énumérateur a fait une omission ou inscription mentionnée au paragraphe (5), l'officier rapporteur ne doit pas certifier le compte de l'énumérateur intéressé mais doit l'expédier sans l'avoir certifié au directeur général des élections, avec un rapport spécial énonçant les faits pertinents.

(5b) Le receveur général ne doit acquitter le compte d'un énumérateur que lorsque la revision des listes électorales est terminée.»

L'article 60 de ladite loi soit en outre modifié en y ajoutant, immédiatement après le paragraphe (6), le paragraphe suivant:

«(6a) Le directeur général des élections peut, en conformité des règlements établis par le gouverneur en conseil, dans tous les cas où les honoraires et

ances provided for by the tariff of fees established pursuant to subsection (1) are not sufficient remuneration for the services required to be performed at an election, or for any necessary service performed, authorize the payment of such additional sum for such services as he considers just and reasonable."

Section 60 of the said Act be further amended by adding thereto the following subsection:

"(8) Any election officer who fails to carry out any of the services required to be performed by him at an election pursuant to this Act may forfeit his right to payment for his services and expenses, and the Receiver General, upon the receipt of a certificate from the Chief Electoral Officer to the effect that an election officer named in the certificate has failed to carry out the services required to be performed by him at the election under this Act, shall not pay that election officer's account."

Section 62 was permitted to stand.

Section 63 was permitted to stand.

Section 65

The heading preceding section 65 and sections 65 to 78 of the said Act be repealed and the following heading and sections substituted therefor:

"Other Offences

65. (1) Every one is guilty of an offence against this Act who

(a) forges a ballot paper or utters a forged ballot paper;

(b) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer signed thereon;

(c) without authority under this Act, supplies a ballot paper to any person;

(d) not being a person entitled under this Act to be in possession of a

allocations prévus par le tarif des honoraires établi en conformité du paragraphe (1) ne constituent pas une rémunération suffisante des services à rendre à une élection, ou relativement à tout service nécessaire rendu, autoriser le paiement de la somme supplémentaire qu'il croit juste et raisonnable pour ces services.»

L'article 60 de ladite loi soit en outre modifié par l'adjonction du paragraphe suivant:

«(8) Un officier d'élection qui omet d'accomplir l'une des fonctions qui lui incombent à ce titre à une élection en conformité de la présente loi, peut être déchu de son droit au paiement de ses services et dépenses et le receveur général, sur réception d'un certificat du directeur général des élections portant qu'un officier d'élection nommé dans le certificat a omis d'exercer les fonctions qui lui incombent à ce titre lors de l'élection en vertu de la présente loi, ne doit pas acquitter le compte de cet officier d'élection.»

L'article 62 de ladite loi est réservé.

L'article 63 de ladite loi est réservé.

Article 65

Les articles 65 à 78 de ladite loi ainsi que la rubrique qui précède l'article 65 soient abrogés et remplacés par la rubrique et les articles suivants:

«Autres infractions

65. (1) Est coupable d'une infraction à la présente loi quiconque

a) fabrique, un bulletin de vote ou fait usage d'un bulletin de vote fabriqué;

b) frauduleusement altère, détériore ou détruit un bulletin de vote ou le paraphe du sous-officier rapporteur qui y est apposé;

c) sans autorisation en vertu de la présente loi, fournit un bulletin de vote à une personne;

d) n'étant pas une personne autorisée, en vertu de la présente loi, à être

ballot paper, has, without authority, any ballot paper in his possession;

(e) fraudulently puts or causes to be put into a ballot box a ballot paper or other paper;

(f) fraudulently takes a ballot paper out of the polling station;

(g) without authority under this Act, destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers;

(h) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;

(i) without authority under this Act, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

(j) being authorized by the returning officer to print the ballot papers for an election, fraudulently prints more ballot papers than he is authorized to print;

(k) being a deputy returning officer, places upon any ballot paper any writing, number or mark with intent that the elector to whom such ballot paper is to be, or has been given, may be identified thereby; or

(l) manufacturers, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism in or by which a ballot paper may or could be secretly placed or stored or, having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated.

en possession d'un bulletin de vote, a sans autorisation un bulletin de vote en sa possession;

e) frauduleusement dépose ou fait déposer, dans une boîte du scrutin, un bulletin de vote ou un autre papier;

f) emporte frauduleusement un bulletin de vote d'un bureau de votation;

g) sans autorisation détruit, prend, ouvre ou autrement manipule une boîte du scrutin ou un livret ou un paquet de bulletins de vote;

h) étant un sous-officier rapporteur, frauduleusement appose ses initiales au verso de quelque papier qui est donné comme étant un bulletin de vote ou peut être utilisé comme un bulletin de vote à une élection;

i) sans autorisation en vertu de la présente loi, imprime un bulletin de vote ou ce qui est donné comme étant un bulletin de vote ou peut être utilisé comme un bulletin de vote à une élection;

j) étant autorisé par l'officier rapporteur à imprimer les bulletins de vote pour une élection, en imprime, frauduleusement, plus qu'il n'est autorisé à en imprimer;

k) étant un sous-officier rapporteur, met sur un bulletin de vote un écrit, un numéro ou une marque avec l'intention que l'électeur auquel ce bulletin de vote doit être ou a été donné puisse par là être reconnu; ou

l) fabrique, construit, importe au Canada, a en sa possession, fournit à un officier d'élection, ou emploie aux fins d'une élection, ou fait fabriquer, construire, importer au Canada, fournir à un officier d'élection ou employer aux fins d'une élection, une boîte du scrutin contenant ou comprenant un compartiment, dispositif, appareil ou mécanisme au moyen duquel un bulletin de vote peut ou pourrait y être placé ou gardé secrètement, ou, après y avoir été déposé au cours du scrutin, peut être secrètement enlevé, déplacé, altéré ou manipulé.

(2) For the purposes of subsection (1) and any other provision of this Act, knowingly to do or omit to do an act is deemed to be fraudulent if to do or omit to do the act results or would be likely to result in the reception of a vote that should not have been cast or in the non-reception of a vote that should have been cast.

Sections 66 and 67 were permitted to stand.

At 11:05 a.m., the Committee adjourned to the call of the Chair.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

(2) Aux fins du paragraphe (1) et de toute autre disposition de la présente loi, le fait de faire ou d'omettre de faire une action est censé être un acte frauduleux si le fait de faire ou d'omettre de faire cette action a, aurait ou risquerait d'avoir pour résultat la réception d'un vote qui n'aurait pas dû être déposé ou la non-réception d'un vote qui aurait dû être déposé.»

Les articles 66 et 67 sont réservés.

A 11h 05, le Comité suspend ses travaux jusqu'à l'appel du président.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, February 3, 1970.

• 0944

The Chairman: Order, please. Gentlemen, while we are waiting for one more for a quorum to pass motions, I would like to draw your attention to subparagraph (2) at the bottom of page 44 and page 45. The only correction there is subparagraph (c), page 45, where it states precisely that the judge:

(c) shall not take cognizance of any election documents other than the documents referred to in paragraph (a)."

I am told by Mr. Hamel that this was requested because it was not clear in the Act and some of the judges wanted to have it specified so that it will not raise any doubts when there is a recount made at the courts. Is there any discussion on this?

Mr. J. M. Hamel (Chief Electoral Officer): It is based on jurisprudence. There were at least five or six judges who had ruled on this but it is not quite clear in the Act at the moment, although the judges have consistently refused counsel authority to check the poll books or other so-called election documents. In fact, Mr. Justice Scott in Montreal a few years ago ruled in the same way but a few said that it would help them if this was put in the Act. It would make it crystal clear.

M. Marceau: Pourquoi, monsieur Hamel, n'est-il pas possible d'avoir ces documents-là? Quelles sont les raisons qui nous empêchent de les voir?

M. Hamel: Remarquez bien que ceci a été une décision des législateurs. Je crois que la raison principale est que le recomptage judiciaire n'est pas une contestation d'élection. Il doit y avoir une différence entre un recomptage judiciaire et une contestation. Or, ces documents-là peuvent être consultés, peuvent être vus lors d'une contestation, mais non pas lors d'un recomptage judiciaire. Un recomptage judiciaire est fait pour s'assurer que le dépouillement du scrutin a été fait selon les dispositions de la Loi.

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 3 février 1970

Le président: A l'ordre, s'il vous plaît. En attendant l'arrivée d'un autre député qui nous donnera le quorum nécessaire pour adopter des résolutions, je voudrais attirer votre attention sur le paragraphe (2), au bas de la page 44. La seule correction apportée se trouve à l'alinéa c) page 45, où l'on précise que le juge:

c) ne doit prendre connaissance d'aucun document d'élection autre que ceux qui sont mentionnés à l'alinéa a).

M. Hamel m'informe qu'on a demandé cette correction pour clarifier la loi et pour qu'il n'y ait plus aucun doute là-dessus lors des recomptages en cour. Y a-t-il des commentaires?

M. J.-M. Hamel (Directeur général des élections): Il s'agit là d'une question de jurisprudence. Il y a eu au moins cinq ou six juges qui ont statué là-dessus, mais ce n'est pas encore tout à fait clair dans la loi. Les juges ont cependant presque toujours refusé d'user de leur autorité pour vérifier les cahiers du scrutin ou ce qu'on appelle les documents d'élection. En fait, le juge Scott a statué dans le même sens à Montréal, il y a quelques années, mais quelques juges ont déclaré que leur tâche serait facilitée si cette correction était contenue dans la loi. La loi serait alors parfaitement claire.

Mr. Marceau: Mr. Hamel, why is it not possible to get these documents? Why is no one allowed to see them?

Mr. J.-M. Hamel: This decision has been made by legislators. I think the main reason for it is that a judiciary recount is not a challenge of the election. There should be a difference between a judiciary recount and a contestation. These documents can be seen and consulted when there is a contestation, but not when there is a judiciary recount. A judiciary recount is being made only to insure that the votes have been counted according to the Act.

[Text]

M. Marceau: Merci.

The Chairman: Is it carried?

Amendment agreed to.

The Chairman: On the same page, page 45, subparagraph (8a) these are additional powers for the judge to hear witnesses and to get the deputy returning officers as witnesses before him when there is a recount made; to define the power that he already has but to put more precision in the law. Is it carried?

Amendment agreed to.

The Chairman: Subparagraph (12a) is to specify that the petitioner who has made a request for a recount can stop the procedure. Is it carried?

Amendment agreed to.

The Chairman: Page 46, subparagraph (17). Perhaps Mr. Hamel will explain this.

Mr. Hamel: This is just to avoid any question that may be raised by the Auditor General and to make it clear that any clerical help a judge may need in connection with a judicial recount should be paid for by the electoral machinery; so this is the authority to permit a judge to hire clerical assistants and then to fix the fees for these clerical assistants.

The Chairman: Yes, Mr. Lefebvre.

Mr. Lefebvre: This particular item impresses me very much because I am quite cognizant of the Public Accounts Committee's report to the House of Commons supporting what you are saying, Mr. Hamel, and I am sure the Committee will agree that it should be changed because it will help you quite a bit. Is that correct?

Mr. Hamel: Yes, yes. This is nothing new. We have done it in the past.

Mr. Lefebvre: Yes.

Mr. Hamel: But I do not think that legally we were on very sound ground.

Mr. Lefebvre: No, that is it. You were doing it and it had to be done but legally there could have been questions raised.

Mr. Forrestall: Does it in any way conflict with other powers under the Act of the judge to require the presence of the returning officer and his clerk and his staff?

[Interpretation]

Mr. Marceau: Thank you.

Le président: L'amendement est-il adopté?

Adopté.

Le président: A la page 45 encore, au paragraphe 8 a), il est question de pouvoirs additionnels accordés aux juges pour convoquer des témoins, ou faire comparaître les sous-officiers rapporteurs lors d'un recomptage; cette recommandation ne sert qu'à préciser la loi tout en insistant sur les pouvoirs qu'ont déjà les juges. Adopté?

Adopté.

Le président: Le paragraphe 12 a) précise qu'un pétitionnaire qui a fait une demande de recomptage peut y mettre fin. Adopté.

Adopté.

Le président: Nous en sommes à la page 46, au paragraphe 17. M. Hamel pourrait peut-être nous donner quelque explication?

M. Hamel: Le seul but de cette recommandation est d'éviter toute question qui pourrait être soulevée par l'Auditeur général et pour préciser que les aides aux écritures dont un juge pourrait avoir besoin lors d'un recomptage judiciaire, devraient être rémunérés par l'organisation électorale. Le juge a donc le droit de retenir les services des aides aux écritures dont il a besoin et de fixer leur taux de rémunération.

Le président: Monsieur Lefebvre.

M. Lefebvre: Sur ce point, monsieur Hamel, je sais que le Comité des comptes publics a présenté à la Chambre un rapport qui appuie ce que vous êtes en train de dire et je suis sûr que les membres de notre Comité seront bien d'accord sur la nécessité de cette correction. Elle sera fort utile, n'est-ce pas?

M. Hamel: Oui, oui, mais il n'y a là rien de nouveau. Nous l'avons fait par le passé.

M. Lefebvre: Oui.

M. Hamel: Cependant, je ne crois pas que légalement, nous soyons en terrain très sûr.

M. Lefebvre: Exactement. Vous le faisiez parce qu'il fallait le faire, mais légalement il aurait pu y avoir des objections.

M. Forrestall: Est-ce que cette recommandation s'oppose d'une façon quelconque aux pouvoirs qu'a le juge de convoquer l'officier rapporteur, le greffier du scrutin ou son personnel?

[Texte]

Mr. Hamel: The Committee adopted one amendment last Thursday which will not make it mandatory now for the election clerk to be there.

Mr. Forrestall: I see.

Mr. Hamel: But he could be summoned by the judge. The gist of (8a) is to give the judge the power to summon anybody else such as a deputy returning officer and so on, and this deals with clerical assistants which the judge may need.

The Chairman: As we are dealing with the question of prosecutors during recount, I would like to bring to your attention, as this has been mentioned in some of the letters received and circulated to you, that we should probably think of amending the law in this regard. When, for instance, there is an equality of votes between two candidates during an election, and before the returning officer casts his ballot for any candidate, he requests, as it is done in New Zealand and some other countries, that a judicial recount be made at the expense of the Chief Electoral Officer; after that, if there is still an equality of votes, he then exercises his vote. This will prevent the possibility of the returning officer's having the right to vote twice.

Mr. Forrestall: Of course, anybody who won or lost by one vote would request a recount anyway.

Mr. Serre: This has already happened once in my riding.

Mr. Forrestall: I recall the late George Nowlan and his difficulties.

Mr. Hamel: If I may so, Mr. Chairman, perhaps there is one aspect also which might be considered: this happened at the official addition of the votes by the returning officer, and happened only twice, in 1891 and 1935, that the returning officer had to cast the deciding vote. In both cases, the candidate in favour of whom the returning officer had voted saw the recount and in fact was defeated; but this perhaps is not the main point. The main point is that having been defeated by the deciding vote of the returning officer, he still had to bear the cost of the recount. This case was borrowed from the Quebec law, which in turn, I guess, borrowed it from the New Zealand legislation. In the New Zealand legislation if there is a tie following the judicial recount, the case is decided by lot and not by a vote of the returning officer; this is the only difference.

[Interprétation]

M. Hamel: Jeudi dernier, le Comité a adopté une recommandation qui ne rendra plus obligatoire la présence du greffier du scrutin.

M. Forrestall: Je vois.

M. Hamel: Il pourrait toutefois être convoqué par le juge. C'est le paragraphe 8 a) qui donne au juge le pouvoir de faire comparaître n'importe quelle autre personne, comme le sous-officier rapporteur, alors que le paragraphe 17 ne concerne que les préposés aux écritures dont le juge pourrait avoir besoin.

Le président: Puisque nous traitons du cas du pétitionnaire lors d'un recomptage, j'aimerais porter à votre attention le fait que certaines lettres que nous avons reçues et que nous avons fait circuler parmi vous, nous demandent de modifier la Loi à cet égard. En effet, lorsqu'il y a égalité de voix entre deux candidats, l'officier rapporteur, avant de voter, réclame un recomptage judiciaire aux frais du directeur général des élections. Telle est la procédure en vigueur Nouvelle-Zélande et dans quelques autres pays. S'il y a encore égalité après recomptage, l'officier rapporteur exerce alors son droit de vote. Cette procédure empêche l'officier rapporteur de voter deux fois.

M. Forrestall: De toute façon, un candidat qui perdrait par une voix, réclamerait un recomptage.

M. Serré: C'est déjà arrivé une fois dans mon comté.

M. Forrestall: Je me souviens du regretté M. George Nowlan et de ses problèmes à ce sujet.

M. Hamel: Si vous le permettez, il y a un autre aspect de la question que j'aimerais discuter: il s'agit d'une situation qui ne s'est produite que deux fois, en 1891 et en 1935, alors que l'officier rapporteur a annulé le vote décisif lors du comptage officiel. Dans les deux cas, le candidat en faveur duquel l'officier rapporteur avait voté, a demandé un recomptage et a été défait, mais là n'est pas l'aspect le plus important. Le plus important à mon avis, c'est qu'après avoir été défait par le vote de l'officier rapporteur, le candidat perdant a dû encore assumer les frais du recomptage. Nous avons emprunté cette procédure du Québec qui, à son tour l'a probablement empruntée de la Nouvelle-Zélande. La seule différence, c'est qu'en Nouvelle-Zélande, s'il y a égalité de voix, le candidat est élu par le sort et non par le vote de l'officier rapporteur.

[Text]

Mr. Forrestall: But...

Mr. Hamel: There is something we prepared in anticipation of this because this has been raised at practically every committee in the last ten years.

Mr. Forrestall: What does this do to the right of the successful candidate to apply for costs at a judicial recount?

Mr. Hamel: If there is an equality of votes following the official addition, the returning officer himself, after advising the candidates, would seek a recount and all the costs would be borne by the Crown.

Mr. Forrestall: Yes, but I am speaking in terms of counsel, for example, if I lost a close vote in which there might have been in my mind some reason to believe that I might proceed, after the official recount by way of the controverted elections procedures, and would desire senior counsel to assist me. What happens to my costs if I were to win? How do I recover them, if the cost of the recount is to be borne by the returning officer or the election machinery?

Mr. Hamel: It does not change anything to the present procedure, in the case one candidate is actually defeated. It is only when there is an equality of vote that each person—in that case the cost of counsel—Did we cover this in...

An hon. Member: No.

Mr. Hamel: I do not think we covered this. This is a very good point. It would have to be the decision of the judge, as it is at the moment.

Mr. Forrestall: Perhaps Mr. Hamel or his officials could take a look at that and see if there is any conflict.

The Chairman: In fact, Mr. Hamel, Mr. Forrestall raised the point that, if the petitioner or someone else requests a recount and loses, the judge orders the petitioner to pay the counsel's fee for the opposite party, so...

An hon. Member: Would this be covered by the...

The Chairman: ...recount requested by the returning officer, if there is an equality of votes.

Mr. Hamel: Well, the Act would become silent on this because subsection (15) of Section 54 would no longer apply; subsection (15) prefaces the whole thing by saying:

[Interpretation]

M. Forrestall: Mais...

M. Hamel: Nous avons prévu une modification à ce sujet parce que la question a été soulevée par presque tous les Comités depuis dix ans.

M. Forrestall: Qui s'occupe d'assumer les frais si le requérant est le candidat gagnant?

M. Hamel: S'il y avait égalité de voix après le comptage officiel, c'est l'officier rapporteur lui-même qui, après avoir prévenu les candidats, réclamerait un recomptage judiciaire et les frais seraient assumés par la Couronne.

M. Forrestall: Oui, mais je parle des frais d'avocat. Si je perdais de justesse, par exemple, et décidais de contester l'élection après le recomptage officiel, je demanderais l'aide d'un avocat. Or qu'arriverait-il de mes frais d'avocat si, par hasard, le recomptage me favorisait? Comment pourrais-je récupérer mon argent si les frais du recomptage étaient assumés par l'officier rapporteur ou par l'organisation électorale?

M. Hamel: Ça ne change en rien la procédure actuelle dans le cas où l'un des candidats est défait. C'est seulement lorsqu'il y a égalité de voix que chaque candidat... dans ce cas, les frais d'avocat... Avons-nous vu cela?

Une voix: Non.

M. Hamel: Je ne pense pas que nous l'ayons vu. C'est une question très intéressante. La décision en reviendrait au juge, comme c'est présentement le cas.

M. Forrestall: M. Hamel ou l'un de ses collègues pourrait peut-être examiner la question et voir s'il y a conflit ou non.

Le président: En fait, monsieur Hamel, M. Forrestall a mentionné le fait que si le requérant perd, le juge lui ordonne habituellement d'assumer les frais d'avocat de son adversaire.

Une voix: Est-ce que ce serait compris dans le...

Le président: ...le recomptage demandé par l'officier rapporteur s'il y a égalité de votes.

M. Hamel: Eh bien, la loi ne prévoirait plus rien à cet effet, puisque le paragraphe (15) de l'article 54 serait annulé du même coup. Le paragraphe (15) commence en effet comme suit:

[Texte]

(15) If the recount does not so alter the result of the poll as to affect the return, the judge shall...

It means that, if a candidate is defeated, and sought and obtained a judicial recount, and if the result is not altered, the judge shall assess the cost to him.

Mr. Forrestall: Yes.

Mr. Hamel: In most cases. In this case, the recount has to alter the result.

Mr. Forrestall: Yes, but I am of course thinking of the next step and the next procedure. If, in the back of my mind at the close of the polls on election day, there was reason to believe that I might wish to proceed under the controverted elections procedures, I would then want to have senior counsel with me at the time. Now, supposing I was on the winning end, and this thought was in somebody else's mind, is there any conflict set up as to the initial step that has to be taken regarding my right to appeal to the judge for an assessment of fees under his tariffs, in order to recover costs? I recall, for example, seriously considering at one time, not seriously, perhaps more facetiously, asking for an assessment of costs for a review of documents. Each ballot was a document and the review fee was 25 cents, but there were 130,000 documents involved. It was just to protect a successful applicant or petitioner, that I was concerned.

The Chairman: Mr. Lefebvre.

M. Lefebvre: Je voudrais vous poser une question à ce sujet, monsieur Hamel. En 1963, dans l'ancienne circonscription fédérale de Pontiac-Témiscamingue, un recomptage officiel a été fait par un juge. L'officier rapporteur a voté. M. Martineau a été lu. Mais, dans ce cas, qui a payé les frais du recomptage?

M. Hamel: Dans ce cas, il n'y avait pas égalité à la suite du dépouillement du scrutin. Un candidat avait obtenu, je pense, 8 ou 9 voix de plus que l'autre. Le candidat défait a alors demandé un recomptage judiciaire. C'est à la suite de ce recomptage qu'il y a eu égalité de voix et que l'officier rapporteur a voté, je pense, pour le candidat qui avait été élu lors du dépouillement du scrutin.

M. Lefebvre: Je ne me souviens plus. Je pense qu'il y a eu 2 ou 3 changements entre le soir des élections et le recomptage officiel. C'était vraiment compliqué. Je ne me souviens plus exactement qui avait été proclamé officiellement élu.

[Interprétation]

(15) Si le recomptage ne change pas le résultat du scrutin de manière à modifier l'élection, le juge doit:

Ainsi, si un candidat est défait et qu'il obtient un recomptage judiciaire, le juge va lui en imposer les frais.

M. Forrestall: Oui.

M. Hamel: Dans la plupart des cas. Dans le cas présent, le recomptage doit modifier les résultats.

M. Forrestall: Oui, mais ce qui me préoccupe, c'est l'autre étape, la procédure suivante. Si, par exemple, le jour de l'élection, à la fermeture des bureaux de scrutin, je décidais qu'il y aurait peut-être pour moi une possibilité de controverser l'élection, j'aurais alors besoin de l'aide d'un avocat. Si par contre, je gagnais l'élection, mais que l'autre candidat avait eu la même idée que moi, y aurait-il conflit quant à la marche à suivre pour demander au juge d'évaluer les frais afin que je puisse recouvrer mon argent? Je me souviens d'avoir sérieusement songé à faire faire l'évaluation d'un recomptage. En fait, c'était plutôt une plaisanterie, mais le taux de révision était de 25 cents le document et chaque bulletin de vote était considéré comme un document. Or, il y avait un total de 130,000 documents. Je ne m'étais informé que pour protéger un requérant élu.

Le président: Monsieur Lefebvre.

Mr. Lefebvre: I would like to ask you another question on this, Mr. Hamel. In 1963, in the former federal riding of Pontiac-Témiscamingue, an official recount was held by a judge. The returning officer voted and Mr. Martineau was elected. In that case, who paid the costs of the recount?

Mr. Hamel: In that case, there was no equality of votes as a result of the official count. One candidate had, I think, eight or nine votes more than the other. Now, the defeated candidate asked for a judicial recount and it is as a result of that recount that there was an equality of votes. After that, the returning officer voted for the candidate who appeared to have been elected the first time.

Mr. Lefebvre: I do not remember any more. I think there were two or three changes made between election day and the official recount. Everything was terribly mixed up. I do not remember exactly who had been officially declared elected.

[Text]

M. Hamel: De toute façon, le paragraphe 15 de l'article 54 est la seule procédure prévue par la loi.

Si le recomptage ne change pas le résultat du scrutin de manière à modifier l'élection, le juge doit

a) ordonner que les frais du candidat paraissant avoir été élu soient payés par le requérant;

M. Lefebvre: Je me demande si c'est juste. Franchement, je ne vois pas pourquoi un candidat aurait à payer ces frais-là. Si nous avons un cas aussi compliqué que celui-là, le gouvernement devrait se demander exactement qui est le candidat élu et payer les frais. Je serais en faveur que cela soit inclus dans la Loi.

Le président: La proposition qui est faite, monsieur Lefebvre, s'appliquerait lorsqu'il y aurait une égalité de voix.

M. Lefebvre: Mais s'il n'y a pas égalité, monsieur le président, c'est encore le candidat qui va payer les frais. Je parle actuellement d'une élection où il y aurait une différence de 9, 10 ou même 50 voix. Cela se produit assez souvent.

Le président: Et s'il y a une demande de recomptage judiciaire...

M. Lefebvre: Lorsqu'un des candidats fait une demande, c'est lui qui paye les frais.

Le président: Mais s'il gagne, c'est alors le juge qui dispose du paiement des frais, comme dans toute autre procédure.

M. Lefebvre: Oui, mais supposons qu'il ne gagne pas. Nous avons eu une élection en 1965; dans la circonscription de Shefford, le candidat élu n'avait qu'une majorité de 13 voix sur son deuxième adversaire. Alors, tous trois ont demandé un recomptage; celui-ci a eu lieu, et le résultat était le même. Mais dans pareil cas, je pense que le gouvernement lui-même devrait assumer les frais d'un recomptage officiel.

The Chairman: Where will we stop?

M. Lefebvre: Well, perhaps in any county with less than 100 votes for the winner there should be a recount automatically.

The Chairman: Mr. Forrestall.

Mr. Forrestall: I think we are driving at the same point. I do not think I would like to see it made easy for somebody to say offhand, "Oh well, it does not cost me anything; let us have one anyway". I think there should

[Interpretation]

Mr. Hamel: Anyway, the only possible procedure is found under subsection (15) of section 54:

(15) If the recount does not so alter the result of the poll as to affect the return, the judge shall

a) order the costs of the candidate appearing to be elected to be paid by the applicant;

Mr. Lefebvre: I wonder whether it is fair. Frankly, I cannot see why a candidate would have to pay these costs. In a case as complicated as the one I just mentioned, the Government should only worry about the elected candidate and assume the fees. It should be included in the Act.

The Chairman: Mr. Lefebvre, this amendment would only apply when there is equality of votes.

Mr. Lefebvre: If there is no equality of votes, Mr. Chairman, the candidate still has to pay the costs. I am presently talking of an election which has been decided by nine or ten votes, which often happens.

The Chairman: And if there is a request for a judiciary recount...

Mr. Lefebvre: When one of the candidates asks for a recount, he pays for it.

The Chairman: But if he wins, it is up to the judge to decide.

Mr. Lefebvre: Yes, but if he does not win. There was an election in 1965, where the elected candidate had only a majority of 13 votes over the second candidate in Shefford district. Now all the candidates asked for a recount; it took place, and the same candidate won. But in such a case, I think the government should pay the costs of the official recount.

Le président: Où allons-nous nous arrêter?

M. Lefebvre: Dans tous les comtés où il y aura moins de 100 voix en faveur du gagnant, on devrait faire automatiquement un recomptage.

Le président: Monsieur Forrestall.

M. Forrestall: Je crois que nous visons le même but. Je ne veux pas que le candidat puisse se dire: «Il ne m'en coûte rien de demander un recomptage, on peut toujours le faire». A mon avis, il devrait rester des paie-

[Texte]

remain some checks or balance in these things. I would agree that in most cases, even if the successful candidate and his workers say they will throw their time in as a contribution, the counsel will make an observation that they will not actually go through with a petition for an assessment of fees under the judge's tariff. I do not think I would like to go that far, but I would like to see it very clearly spelt out in terms of the person who has to incur cost and assistance in the conduct of a recount.

I would like to make sure and be satisfied in my own mind that he is not in any way compromised by this, or by any other changes. It will be up to the Committee whether they would want to go so far as to place the burden on the electoral machinery and then say that there will be a deposit, for example, of \$500 or something like that for the conduct.

The Chairman: You are speaking of the case of equality of votes, where there is a request by the returning officer that the costs could be charged at the counsel's request by either one of the candidates.

Mr. Forrestall: I do not read that under the Act.

The Chairman: No, I agree that it is not in the Act, but is it the suggestion you made, in case of an equality of votes, which is the proposal that you have in hand now?

Mr. Forrestall: Yes.

The Chairman: There is another factor which exists in the Act as it is now. If we do not accept this amendment, the returning officer may be in the position to vote twice. Suppose there is an equality of votes, then he votes in favour of the candidate. This candidate is declared elected by one vote. Then the opposite party calls for a recount, and at the recount it becomes again equal, and then the returning officer will vote again.

Mr. Forrestall: No, I do not want to see that. I am not opposed to this amendment; I think it is a good one, and I recognize it as such. It was not that. It was the implication of a judge saying, "The judge may retain the services of such clerical assistance as is required for proper performance of his duties," and then he goes on in subclause 18 of clause 32 on page 46 to deal with how they shall be paid, and so on.

[Interprétation]

ments ou des soldes en vue du recomptage. Dans la plupart des cas, même si le candidat victorieux et son équipe disent qu'ils vont aider au recomptage, j'accepterais que l'avocat fasse remarquer qu'il ne demanderait pas une évaluation des honoraires selon le tarif du juge. Je ne voudrais pas aller aussi loin que cela, mais je veux qu'on précise dans la Loi qu'il s'agit d'une personne qui doit encourir des frais pour un recomptage.

Je voudrais m'assurer que cette personne ne soit pas compromise par ce procédé ou par n'importe quel autre changement. Il appartiendra donc au Comité de décider s'il veut imposer ce fardeau à l'administration électorale, et de demander alors un dépôt de \$500 pour le recomptage.

Le président: Vous parlez du cas d'égalité de vote où l'officier rapporteur demande que l'un des candidats assume les frais du recomptage selon la requête de l'avocat.

M. Forrestall: La loi n'en fait pas mention.

Le président: Non, vous avez raison, mais n'est-ce pas la suggestion que vous avez faite en cas d'égalité de vote et qui constitue la proposition que vous avez en mains actuellement?

M. Forrestall: Oui.

Le président: Il existe un autre facteur dans la Loi telle qu'elle est rédigée actuellement. Si nous n'acceptons pas cette modification, l'officier rapporteur pourrait voter deux fois. En cas d'égalité de vote, l'officier rapporteur vote en faveur d'un candidat donné qui est déclaré élu par un seul vote. L'autre candidat demande un recomptage, et lors de ce nouveau dépouillement, s'il y a encore égalité de vote, l'officier rapporteur votera une deuxième fois.

M. Forrestall: Je ne voudrais pas que cette situation se produise. Je ne m'oppose pas à cet amendement; je crois qu'il est bon. Je reconnais la justesse de cette modification. Je voulais parler de la portée de la disposition de la Loi qui prévoit qu'un juge peut retenir les services des aides aux écritures dont il a besoin pour remplir convenablement ses fonctions, et également de la disposition à la page 46, le paragraphe 18 de l'article 32, concernant le mode de paiement de ces aides aux écritures.

[Text]

What I am suggesting is that the applicant for a recount now has removed from him any question of burden in this particular case with regard to additional staff.

Under the old Act, without stretching the Act too far, the judge could have said the election clerk is entitled to \$25 a day for his presence and the returning officer \$50, or whatever the case was, if the judge thought that they should be there for some reason or another. Now this cost has been removed, and there is only the possibility that the successful candidate will petition the judge for an assessment of cost. This is the only check or balance against a candidate with say a 60 or 70 vote difference applying. I think the judge has been most reluctant, where applications have been made, to refuse a recount of the ballots. That is the observation I am making.

The Chairman: Regarding the role of the counsels in a recount, you must bear in mind that the counsels do not have any authority. They have very limited powers. The judge is the only one who has to make the decision and he can legally refuse to listen to any counsel. He will not do this, but he has the power to do it.

Mr. Forrestall: That may well be, and you may be absolutely accurate in that. However, it would be a strange judge who would not listen closely to the arguments of senior counsels, who perhaps have spent their lifetime practising law before him. I am a layman, but I would suspect that there is a mutual respect between judges and the senior counsels in their districts.

The Chairman: Mr. Hamel.

Mr. Hamel: I must admit that this is something about which I had not thought, except that for the election clerk and the returning officer who had to be present at all times for a judicial recount, we always paid the per diem of \$25 as set out in the tariff of fees. In my mind this was an extension of clerical assistance that the judge may need, and it seems to me that it does not change anything for the counsel who may be retained by either the petitioner or the elected candidate, or the candidate declared elected by the returning officer. We are talking now not only about equality of votes, but about any judicial recount, if I follow you correctly.

Mr. Forrestall: Yes.

Mr. Hamel: In any judicial recount.

[Interpretation]

Celui qui demande un recomptage ne se préoccupe plus de la question du paiement des employés supplémentaires.

Aux termes de l'ancienne loi, sans vouloir aller trop loin, le juge aurait pu dire que le greffier avait droit à 26 dollars par jour et l'officier rapporteur \$50 dollars, si le juge estimait qu'ils devaient être présents pour une raison ou une autre. On a supprimé ces frais il reste que le candidat victorieux peut demander au juge une évaluation des frais du recomptage.

Il s'agit du seul paiement ou solde d'un candidat lorsqu'il y a une différence de 60 ou 70 voix. A mon avis, le juge a fort hésité à refuser un recomptage demandé par un candidat.

Voilà ce que je veux vous faire remarquer.

Le président: Concernant le rôle des avocats lors d'un recomptage, vous devez retenir qu'ils n'ont aucune autorité. Ils ont des pouvoirs fort limités. Seul le juge doit décider et il est en droit de refuser d'écouter un avocat. Il ne le fera pas, mais il a le pouvoir de le faire.

M. Forrestall: Vous avez peut-être parfaitement raison à ce sujet. Toutefois, ce serait un juge un peu extraordinaire qui refuserait d'écouter les arguments d'avocats qui ont passé peut-être toute leur vie à plaider devant lui. Je ne suis qu'un profane, mais j'imagine qu'il existe un respect mutuel entre les juges et les avocats de leur district judiciaire.

Le président: Monsieur Hamel.

M. Hamel: Il doit avouer que je n'avais pas songé à cette question, excepté dans le cas du greffier électoral et de l'officier rapporteur qui devaient être présents en tout temps lors d'un recomptage, et qui ont toujours reçu des honoraires de \$25 par jour selon le tarif des honoraires établi. A mon avis, cette question concernait les aides aux écritures dont le juge pouvait avoir besoin et il me semble que la situation ne change pas en ce qui concerne l'avocat dont le requérant, le candidat élu ou le candidat déclaré élu par l'officier rapporteur peuvent retenir les services. Si je comprends bien, nous ne parlons pas que des cas d'égalité de vote, mais également de tous les recomptages judiciaires possibles.

M. Forrestall: Oui.

M. Hamel: Lors de tout recomptage judiciaire.

[Texte]

Mr. Forrestall: I accept your reassurance, Mr. Chairman, but I wonder if the thoughts that have been expressed by other members do not have some validity here, and whether or not we might transfer the financial burden to the total election machinery and require the posting of a substantial deposit on the part of the applicant for a recount.

Mr. Lefebvre: Under what conditions would you give up that deposit? I mean, why the deposit?

Mr. Forrestall: Well, it is...

The Chairman: A deposit like that is only to guarantee the fees for the petitioner if he fails.

Mr. Forrestall: It would be a recoverable cost coming back either to the election machinery—and I hate to use that word, but I just cannot think of a better one—or to the official process of the conduct of elections or to the court for disbursement against the legitimate costs of the successful candidate in terms of the senior counsel that he certainly must have and must retain the right to engage.

Mr. Lefebvre: Under what conditions would you get your \$500 back, and under what conditions would you lose it?

Mr. Forrestall: By application to the judge. What concerns me again, Mr. Chairman, is the—I won by 20 votes, or something like that, and yet there was reason in my own mind, and on the advice of my organization, that the events of election day might lead us to believe that a procedure under the Dominion Controverted Elections Act might become necessary after the official recount.

Then I had to make a critical judgment. I say, "Well, if that is the case, I ask for senior counsel to be with me during the recount, so that he will be familiar in the event that we have to proceed under the Dominion Controverted Elections Act, and it was to recover the cost of senior counsel at the stage of the official recount if I had to proceed under that particular Act.

And I would think that if the cost of the recounts were borne by the taxpayer—they would come out of the funds of the Chief Electoral Officer—then there would have to be a check or balance established somehow, and I think the posting of a substantial amount of money—\$200, \$300, \$500 or something of that nature—would replace the balance that we have now and yet remove any fear on the part of a candidate who won of being burdened with legal expenses after the recount was over. The money would be lost,

[Interprétation]

M. Forrestall: Monsieur le président, je me demande si les opinions des autres membres sont valables et si nous ne pourrions pas transférer ce fardeau financier à l'ensemble de l'administration des élections et exiger l'envoi d'un dépôt considérable de la part de celui qui demande un recomptage.

M. Lefebvre: De quelle façon laisserions-nous tomber ce dépôt? Pourquoi prendre le dépôt?

M. Forrestall: Il s'agit...

Le président: Ce dépôt garantit le paiement des honoraires pour le requérant lorsqu'il perd.

M. Forrestall: Ces frais seraient récupérables auprès de l'administration des élections—je ne peux pas trouver de meilleure expression—auprès du tribunal pour paiement des frais légitimes du candidat victorieux concernant l'avocat dont il a le droit de retenir les services.

M. Lefebvre: De quelle façon obtiendrait-on ce dépôt de \$500 et de quelle manière le perdrait-on?

M. Forrestall: On n'aurait qu'à en faire la demande au juge. Ce qui me préoccupe encore monsieur le président, est que j'ai gagné par environ 20 voix et toutefois, j'avais pensé après avoir consulté mon équipe d'organisateurs, que les événements du jour des élections pourraient vous amener à croire qu'une procédure en vertu de la Loi des élections fédérales contestées pourrait devenir nécessaire après le recomptage officiel. Je devais faire un jugement critique à ce sujet. Je me suis dit que si le cas se produit les services d'un avocat qui m'accompagnera au cours du recomptage afin qu'il soit au courant de la situation si nous devons procéder en vertu de la Loi des élections fédérales contestées et il s'agissait de recouvrer les honoraires de l'avocat lors du recomptage officiel.

A mon avis, si le contribuable supportait les frais du recomptage, on les prendrait dans les fonds du directeur général des élections, il faudrait établir un paiement ou un solde, et le dépôt d'une somme importante de \$200, \$300 ou \$500 remplacerait le solde que nous avons en ce moment et supprimerait toute crainte, de la part du candidat victorieux, d'avoir à payer les frais juridiques après le recomptage. Cet argent serait perdu, ou confisqué par le tribunal ou l'administration des élections—sans doute par le tribunal—et le candidat élu

[Text]

either forfeited to the court or the electoral process—probably the court—the successful candidate would have the right of petition for assessment of his cost and then the judge would simply assess the cost. Then if he said senior counsel in this particular instance is worth \$50 a day and senior counsel wanted \$500 a day, that would be the applicant's problem. But at least there would be that built-in measure of protection. Does that make sense?

Mr. Lefebvre: I do not know.

Mr. Forrestall: I did not yet carry this one.

The Chairman: Would you agree with the principle that whenever there is an equal number of votes the Returning Officer does request a judicial recount at the cost of the Crown.

Mr. Hamel: If I may comment on this, there perhaps have to be some precaution taken against unreasonable requests. This may sound strange but at one provincial election there was a judicial recount sought by a candidate who was defeated by a margin of close to 1,500 but after investigating it was found that somebody had a bet that the other fellow would win by more than 1,500 votes. So the thing was to make sure what the actual result was.

Mr. Forrestall: That is why I would suggest \$500 or something like that.

The Chairman: I think maybe a good place to stop would be where any candidate has been defeated by a margin lower than the votes annulled.

Mr. Benjamin: You mean the cancelled or rejected ones.

The Chairman: Rejected.

Mr. Forrestall: Perhaps we should stand this and think about it.

Mr. Howe: What is the average number of votes that are rejected?

Mr. Hamel: I think it varies with provinces and with districts. I really would not like to venture a guess on this.

The Chairman: I think between 200 and 500.

Mr. Trudel: Mr. Chairman, I believe we should look at it, like Mr. Forrestall suggests, because I lived through a recent election in the Province of Quebec where they annulled about it, like Mr. Forrestall said. The candi-

[Interpretation]

aurait le droit de présenter une demande concernant l'évaluation des frais, et le juge n'aurait qu'à fixer le montant du paiement. Si le juge évalue le service de l'avocat à \$50 par jour et si l'avocat en réclame \$500, ce sera au requérant de se tirer d'affaire. Cette procédure assurera quand même une mesure de protection. Est-ce que cette façon de procéder a du sens?

M. Lefebvre: Je ne le sais pas.

M. Forrestall: Je n'ai pas encore adopté cette procédure.

Le président: Accepteriez-vous le principe, à savoir que, lorsqu'il y a égalité des voix, l'officier rapporteur demande un recomptage aux frais de la Couronne?

M. Hamel: Permettez-moi de formuler un commentaire à ce sujet, il y a peut-être lieu de prendre certaines précautions à l'égard des demandes déraisonnables. Lors d'une élection provinciale—cette situation vous semblera peut-être étrange—un candidat qui avait été défait par environ 1,500 voix a demandé un recomptage, mais une enquête a révélé qu'une personne avait gagé qu'il serait élu par plus de 1,500 voix. On voulait donc s'assurer du résultat réel des élections.

M. Forrestall: C'est pourquoi j'ai proposé un dépôt de \$500.

Le président: A mon avis, on pourrait s'arrêter à tout candidat défait par un nombre de voix inférieur à celui des bulletins de vote annulés.

M. Benjamin: Les bulletins annulés ou rejetés?

Le président: Les bulletins rejetés.

M. Forrestall: Nous devrions peut-être réserver cette question et y réfléchir.

M. Howe: Combien y-a-il en moyenne de bulletins de vote rejetés?

M. Hamel: La situation varie suivant les provinces et les circonscriptions. Je n'oserais pas hasarder une hypothèse à ce sujet.

Le président: A mon avis, il y en a entre 200 et 500.

M. Trudel: Monsieur le président, je crois que nous devrions examiner cette question, comme l'a proposé M. Forrestall, car lors d'une récente élection dans la province de Québec, on a annulé 27,000 bulletins. A mon

[Texte]

date won by 25,000 and 27,000 bulletins were annulled or rejected. I think we should think about it very seriously.

An hon. Member: Was this in one election?

Mr. Trudel: In a municipal election. I think we should certainly look at it twice.

The Chairman: We will think about it.

For the time being shall we carry Section 6 of the proposed amendment that has been distributed to you I mean the whole page.

Some hon. Members: Agreed.

The Chairman: Then we will continue on at page 46, Clause 33, which has been replaced by proposed Section 57.

Mr. Hamel, do you have any comments on proposed Section 57?

Mr. Hamel: No, I believe this should stand because this is consequential to Clause 37—and we are getting very close to Clause 37 now.

Clause 33 allowed to stand.

The Chairman: On Clause 34.

Mr. Hamel: Subsection (3a) (3b), (3c) and (3d) were redrafted for clarification and also to permit that revising agents be paid by warrants instead of by individual cheques issued from Ottawa in an attempt to speed up things a little bit. In other words they would be paid in the same manner as Deputy Returning Officers, Pool Clerks, Landlords. These are warrants we send to the Returning Officer and it speeds up things quite considerably.

Clause 34, proposed Subsection (3a) (3b) (3c) and (3d) agreed to.

Mr. Hamel: Subsection (3e) perhaps could be explained by the Vice-Chairman of the Public Accounts Committee, Mr. Lefebvre.

This is to conform with an observation made by the Auditor General in the Public Accounts Committee. His report is made to the House every year. We have been giving accountable advances to Returning Officers at every election but the Auditor General claims that this was illegal. On the other hand, we do not see how a Returning Officer could operate without having some cash advance when the election starts. So this would allow the Chief Electoral Officer to give an accountable advance, which is very easily recovered

[Interprétation]

avis, il faudrait y réfléchir, comme l'a souligné M. Forrestall. Le candidat a été élu par une très forte majorité de 25,000 voix et on a annulé ou rejeté 27,000 bulletins de vote. Il faudrait y songer sérieusement.

Une voix: S'agissait-il d'une seule élection?

M. Trudel: C'était une élection municipale. Il faudrait bien examiner la situation.

Le président: Nous allons y réfléchir. Pour le moment, allons-nous adopter l'article 6 de l'amendement proposé qu'on vous a soumis? Je veux dire toute la modification.

Des voix: Adopté.

Le président: Nous continuons donc à la page 46, l'article 33 du projet qu'on a remplacé par l'article 57 proposé. Voulez-vous faire des commentaires à ce sujet, monsieur Hamel?

M. Hamel: Non, à mon avis, il faudrait le réserver puisqu'il découle de l'article 37 et nous allons bientôt étudier cet article.

L'article 33 est réservé.

Le président: Passons à l'article 34.

M. Hamel: On a rédigé de nouveau les paragraphes (3a), (3b), (3c) et (3d) pour les rendre plus clairs et prévoir le paiement des agents réviseurs au moyen de mandats au lieu de chèques personnels provenant d'Ottawa en vue d'accélérer les choses un peu. En d'autres mots, on les paiera de la même façon que les sous-officiers rapporteurs, les greffiers du scrutin et les vocateurs de bureaux de votation. On envoie ces mandats à l'officier-rapporteur, ce qui permet de procéder plus rapidement.

Les paragraphes (3a) (3b) (3c) de l'article 34 sont adoptés.

M. Hamel: Monsieur Lefebvre, le vice-président du Comité permanent des comptes publics pourrait peut-être expliquer le paragraphe (3e).

On s'est conformé à une remarque faite par l'Auditeur général au sein du Comité des comptes publics. Tous les ans, il fait son rapport à la Chambre. On versait des avances comptables aux officiers rapporteurs à toutes les élections, et l'Auditeur général prétend que c'est illégal. Toutefois, nous ne voyons pas comment l'officier rapporteur pourrait se tirer d'affaire sans obtenir d'avances au début des élections. Cette disposition permettrait donc au Directeur général des élections de verser une avance comptable à l'officier rap-

[Text]

out of his fee at the end of the election. This would make legal a long-established practice.

Clause 34, proposed Subsection (3e) agreed to.

The Chairman: There is no problem with proposed Subsection (3b).

Mr. Hamel: I am sorry but I was on Subsection (3e).

An hon. Member: On page 48?

Mr. Hamel: I mentioned (3a), (3b), (3c) and (3d) and this was just for clarification.

You already dealt with subsection (5) of Section 60 when you dealt with Rule (12) on page 17. It concerns the case of enumerators who might have tried to pad the list, left names off, and so on. This is to allow the Returning Officer, not to certify the account, and this is the authority to forfeit the payment of fees which normally would go to these enumerators.

An hon. Member: Agreed.

Mr. Benjamin: Mr. Chairman, would it not be better to have that read "any enumerator who wilfully or without reasonable excuse." You know, proving "wilful" is next to impossible. There have been some outrageous excuses given many times by enumerators.

The Chairman: Well, he can do it wilfully, having in mind that he is acting correctly.

Mr. Hamel: Or he may just want his 10 cents additional for each name—or in some cases he may just ignore a whole block because he is too lazy to do it, or for some other reason.

Mr. Benjamin: But the way it reads you have to prove that he did it wilfully and without reasonable excuse. We all know that unless you have irrefutable evidence in terms of other witnesses and documents, you are just not going to prove wilful intent.

Mr. Trudel: But the amendment is not of consequence. I mean the importance is on "wilfully" rather than "without reasonable excuse."

Mr. Benjamin: I just felt that if it was "or without reasonable excuse" then the enumerators would have to be that much better at their work.

Mr. Hamel: That is O.K. with me.

The Chairman: All right.

[Interpretation]

porteur, qui sera récupérable par ses honoraires à la fin des élections. On légalisera donc une pratique depuis longtemps établie.

Le paragraphe (3e) de l'article 34 est adopté.

Le président: Il n'y a pas de problème concernant le paragraphe (3b).

M. Hamel: Je m'excuse, mais j'examinais le paragraphe (3e).

Une voix: A la page 48?

M. Hamel: Je n'ai mentionné les paragraphes (3a), (3b), (3c) et (3d) que pour éclaircir la situation. On a déjà traité de la question du paragraphe (5) de l'article 60 lorsqu'on a étudié la règle (12) à la page 17. Il s'agit du cas des énumérateurs qui ont tenté d'ajouter ou d'omettre des noms dans les listes. Cette disposition permet à l'officier rapporteur de ne pas acquitter le compte d'un énumérateur et de le déchoir de son droit au paiement de ses services et dépenses.

Une voix: Adopté.

M. Benjamin: Ne serait-il pas préférable de dire «un énumérateur qui, volontairement ou sans excuse raisonnable». Vous savez qu'il est à peu près impossible de prouver qu'une personne a agi volontairement. Les énumérateurs ont souvent donné des excuses invraisemblables.

Le président: Il peut le faire délibérément en pensant qu'il agit correctement.

M. Hamel: Ou il peut simplement vouloir obtenir les 10 cents de plus par nom, ou dans certains cas, il peut laisser de côté tout un secteur, car il est trop paresseux pour le faire ou pour toute autre raison.

M. Benjamin: Toutefois, d'après le texte, il faut prouver que l'énumérateur a agi volontairement et sans excuse raisonnable. A moins que vous ayez des preuves irréfutables et des témoins et des documents à l'appui, vous ne pourrez pas prouver qu'il a agi délibérément.

M. Trudel: Toutefois, notre amendement n'a pas d'importance. Je veux dire qu'il est important d'étudier le mot «volontairement» plutôt que l'expression «sans excuse raisonnable».

M. Benjamin: A mon avis, si l'on mettait l'expression «ou sans excuse raisonnable», les énumérateurs amélioreraient la qualité de leur travail.

M. Hamel: Je suis d'accord avec cette proposition.

Le président: Ça va.

[Texte]

An hon. Member: Who makes the decision?

Mr. Hamel: First of all, the Returning Officer must refuse to certify the account if he has reasons to believe that this was done, and then this is sent to me. Normally, when the Returning Officer refuses to certify an account we just do not pay, we send a certificate to the Receiver General saying that this enumerator is not going to be paid.

Mr. Forrestall: Is there any appeal from that?

Mr. Hamel: There is no formal appeal but there are complaints and that kind of thing. The cases are reviewed in the light of any new evidence that could be presented, but there is no formal appeal.

The Chairman: Mr. Trudel?

M. Trudel: Monsieur le président, je crois que le sens du paragraphe est complètement changé si l'on dit: «ou sans excuse raisonnable», comme M. Benjamin le suggère, car, alors, nous changeons la preuve. Qui va décider qu'il n'y a pas d'excuse raisonnable?

Le président: Monsieur Trudel, on peut interpréter ce texte de deux manières: vous pouvez lire «un énumérateur qui, volontairement, omet de la liste électorale dressée par lui» ou encore «un énumérateur qui, sans excuse raisonnable . . . » Je pense que le fait de remplacer «et» par «ou» ne diminue pas la force de cette provision, mais qu'au contraire on en fait 2 alibis différents et aussi valables l'un que l'autre.

M. Trudel: C'est possible, monsieur le président, mais je croyais qu'il devait y avoir intention réelle. Dans ce cas, cela disparaît complètement. S'il y a eu omission, même s'il n'y avait pas mauvaise intention, la modification du texte permettrait à l'officier rapporteur de dire simplement qu'il y a eu omission, même si l'intention n'était pas mauvaise, et l'énumérateur ne serait pas payé.

The Chairman: Yes, Mr. Howe.

Mr. Howe: Mr. Chairman, we are coming to another argument in favour of this thing that I have been talking about quite a bit of having two enumerators.

The Chairman: When we come to this we will make up our minds.

Yes, Mr. Jerome.

Mr. Jerome: Mr. Chairman, what the Act is really trying to do is to get at two kinds of bad enumerators; the one who leaves a whole

[Interprétation]

Une voix: Qui décide dans ce cas-là?

M. Hamel: D'abord, l'officier rapporteur doit refuser d'acquitter le compte s'il estime qu'on n'a pas procédé de façon convenable et il s'adresse ensuite à moi. Ordinairement, lorsque l'officier rapporteur refuse d'acquitter un compte, on ne paie tout simplement pas et on envoie un certificat au Receveur général pour indiquer qu'on ne paiera pas l'énumérateur.

M. Forrestall: Cette décision est-elle sans appel?

M. Hamel: Il n'y a pas d'appel officiel, mais on peut formuler des plaintes. On revise les cas à la lumière des nouvelles preuves apportées, mais, officiellement, il n'y a pas de possibilité de recours.

Le président: Monsieur Trudel.

Mr. Trudel: Mr. Chairman, I think the meaning of the subsection will be changed, if we say "or without reasonable excuse," like Mr. Benjamin suggests because then the evidence is altered. Who will decide that the enumerator did not have a reasonable excuse?

The Chairman: Mr. Trudel, this text can be interpreted in two different ways; it can read, "Any enumerator who wilfully omits from the list of electors prepared by him," or "Any enumerator who without reasonable excuse..." I think that replacing "and" by "or" does not diminish the impact of this provision but on the contrary it provides two alibis one of which is as good as the other.

Mr. Trudel: It is possible, Mr. Chairman, but I thought there had to be real intent. In this case this disappears completely. If there has been an omission, even with no bad intent, the amendment would allow the returning officer to say he simply omitted to do it and he would not get paid.

Le président: Oui, monsieur Howe.

M. Howe: Monsieur le président, cette situation nous fournit un autre argument en faveur de ce que je préconise depuis longtemps, à savoir nommer deux énumérateurs.

Le président: Nous prendrons une décision lorsque nous discuterons cette question-là.

Oui, monsieur Jerome.

M. Jerome: Monsieur le président, la Loi vise deux genres de mauvais énumérateurs: celui qui omet une rue entière intentionnelle-

[Text]

street off intentionally, which is the reason for the inclusion of the word "wilfully", and the enumerator who does such a sloppy or indifferent job that without reasonable excuse he leaves off a whole street or a whole section.

The Chairman: That is it.

Mr. Jerome: Certainly anybody who does it wilfully has no reasonable excuse for doing it. So, the inclusive term "wilfully and without reasonable excuse" is not really going to limit the prosecutor if he is in the process of chasing down a bad enumerator or refusing to pay, because anyone who does it wilfully is also doing it without reasonable excuse.

The only difficulty you might be faced with is if you have a very sloppy enumerator one who is so bad that the returning officer says he is not going to be paid for his services, and the only answer is that they were incompetent at the job. They did not wilfully, with the intention of deceiving the electorate in any way, leave any names off the list; they just did a terribly bad job. But even at that, I cannot imagine they would be able to show that that was not a wilful act on their part, so I do not think the inclusive term restricts the prosecutor in any way.

The Chairman: Is it carried?

Mr. Benjamin: Let me cite an example. Suppose that in a rural poll an enumerator is slow and sloppy and the deadline has arrived for the list to be handed in and a bunch of names are left off and she gives the excuse that she did not get it finished the night before because she could not get a baby-sitter. Surely that is not a reasonable excuse in terms of getting the job done. That is not the fault of the returning officer. That is the kind of thing I mean. There is certainly nothing wilful about the person not completing the enumeration, and you could not make it stick. You could not prove that it was wilful. It seems to me that when you say "wilful and" you have to prove it is wilful before you can use the term "without reasonable excuse".

The Chairman: Usually the practice is to give the enumerator a chance. Once the returning officer realizes that a street has been forgotten, he requests the enumerator to go and do it and if he does not do it, then he applies this article. I do not think there is much of a problem in having this suggestion approved and to say "wilfully or without reasonable excuse".

Carried?

Some hon. Members: Agreed.

[Interpretation]

ment, et c'est la raison du mot «volontairement», et celui qui fait un travail avec si peu de soins qu'il oublie, sans excuse raisonnable, une rue entière ou une section entière.

Le président: C'est exact.

M. Jerome: Une personne qui le fait volontairement n'a certainement pas d'excuse raisonnable d'agir ainsi. L'expression «volontairement et sans excuse raisonnable» ne limitera pas le procureur dans la poursuite d'un mauvais énumérateur ou dans un cas de refus de payer, parce que celui qui le fait volontairement agit sans excuse raisonnable.

Le seul ennui serait celui d'un énumérateur qui serait si peu soigneux que l'officier rapporteur n'aurait pas l'intention de le rémunérer pour ses services, et que la chose soit imputable à son incompétence. Il n'a pas volontairement, avec l'intention de tromper l'électorat en quelque façon, omis des noms de la liste; il n'a que fait un mauvais travail. De toute façon, il pourrait prouver qu'il ne s'agissait pas d'un acte volontaire de sa part, et l'expression ne limiterait pas le plaignant dans sa tâche.

Le président: Adopté?

M. Benjamin: Permettez-moi de citer un exemple. Supposons que, dans un bureau rural de votation, un énumérateur soit lent et peu soigneux et qu'à la date limite, on découvre qu'il manque beaucoup de noms, et que l'excuse que cette personne donne soit qu'elle n'a pu trouver une gardienne la nuit auparavant. Il ne s'agit certainement pas d'une excuse raisonnable et ce n'est pas la faute de l'officier rapporteur. C'est le genre de cas dont je veux parler. La personne n'a pas commis un acte volontaire en ne complétant pas son énumération, et on ne pourrait pas prouver le contraire. Quant à l'expression «volontairement et», je crois qu'il faudrait prouver qu'il s'agissait d'un acte volontaire avant de penser à prouver qu'il a été commis «sans excuse raisonnable».

Le président: La façon courante de régler la question consiste à donner à l'énumérateur l'occasion de s'expliquer. Lorsque l'officier rapporteur constate qu'une rue a été oubliée, il demande à l'énumérateur de faire le travail et, si celui-ci refuse, il s'en tient à l'article. Je crois que nous devrions approuver la proposition et dire «volontairement ou sans excuse raisonnable».

Adopté?

Des voix: D'accord.

[Texte]

The Chairman: Paragraph (5a).

Mr. Hamel: Paragraph (5a) goes along with the other one. It was formerly subsection (5) and it is only for clarification. It reads:

A returning officer shall exercise special care in the certification of enumerators' accounts...

We expect them to take a thorough check of the list to find out whether the enumerators have left anything off or whether they have done a proper job. As the Chairman said, if we find they have done a really sloppy job, at times we will even ask them to do the whole thing over again. Or, if they do not want to do that, we appoint two new enumerators, and this is authority to forfeit the payment to the first team.

The Chairman: Carried?**Some hon. Members:** Agreed.

M. Duquet: Un moment, monsieur Hamel. Au paragraphe 5, on lit «est déchu son droit», n'y manque-t-il pas un «de»?

Une voix: L'avant-dernière ligne, «est déchu de son droit».

M. Hamel: Vous avez raison. Merci, monsieur Duquet.

The Chairman: Proposed paragraph (5a) is carried as well as proposed paragraph (5b).

Subsection (3) of Section 34 on page 49.

Mr. Hamel: This is in Section 60 and Section 60 is the authority for the Governor in Council, upon the recommendation of the Chief Electoral Officer, to make a tariff of fees which will be the basis of payment for any service rendered under the Canada Elections Act.

Paragraph (6a) of Section 34(3) is to make it clear that in some cases if the tariff of fees is not adequate remuneration for specific functions, or particularly in some areas, this would give the Chief Electoral Officer some limited authority to increase the tariff provided by a certain percentage. This is already done by Order in Council. There has been a long established practice in this respect, but it is to make it...

The Chairman: You are thinking of some special electoral districts such as the Yukon and the Northwest Territories?

Mr. Hamel: That is correct.

Paragraph (6a) of Section 34(3) agreed to.

[Interprétation]

Le président: Alinéa (5a).

M. Hamel: L'alinéa 5a se rattache au point précédent. C'était auparavant le paragraphe (5), et il ne s'agit que d'un éclaircissement. Il se lit comme suit:

L'officier rapporteur doit apporter un soin particulier à la certification des comptes des énumérateurs...

Nous leur demandons de bien vérifier la liste pour voir si les énumérateurs n'ont rien oublié et s'ils ont bien fait le travail. Comme le président l'a dit, si le travail a été vraiment mal fait, nous irions même jusqu'à demander à l'énumérateur de refaire le travail au complet. S'il refuse, nous nommons deux nouveaux énumérateurs, et le premier n'est pas payé.

Le président: Adopté?**Des voix:** D'accord.

Mr. Duquet: One moment, Mr. Hamel. In subsection (5), I read «est déchu son droit.» Is there not a «de» missing?

An hon. Member: Line before last, «est déchu de son droit.»

Mr. Hamel: You are right. Thank you, Mr. Duquet.

Le président: L'alinéa (5a) proposé est adopté, ainsi que l'alinéa (5b).

Paragraphe (3) de l'article 34, à la page 49.

M. Hamel: Il s'agit de l'article 60, qui confère au gouverneur en conseil, sur recommandation du directeur général des élections, l'autorité d'établir un tarif d'honoraires qui servira d'échelle de traitement pour tout service rendu dans le cadre de la loi électorale du Canada.

L'alinéa (6) de l'article 34(3) précise que, dans certains cas, si le tarif ne constitue pas une rémunération suffisante pour certaines fonctions, ou en particulier dans certaines régions, le directeur général des élections aura une certaine autorité pour augmenter le tarif établi d'un certain pourcentage. On le fait déjà par décret du conseil. Cette façon de faire a été établie il y a longtemps, mais nous voulons la...

Le président: Vous pensez à certaines circonscriptions électorales, comme celles du Yukon et des Territoires du Nord-Ouest?

M. Hamel: C'est exact.

Alinéa (6a) de l'article 34(3) adopté.

[Text]

Mr. Hamel: Section 60 (8) gives authority to deny payment to an election officer if he fails to carry out the services required to be performed by him. Before this there was nothing we could do if a returning officer or a poll clerk refused to perform certain functions, there was no authority in the Act to deny payment.

The Chairman: Carried. Section 35.

Mr. Howe: This would take into consideration if there was objection to where his office was located and he did not move it, or if you told him to move it and he did not move it, or to open one that was more convenient for the riding.

Mr. Hamel: Yes. Although it may not go that far, because it says:

... who fails to carry out any of the services required ... by him...

It is rather difficult to answer this question hypothetically. Was the reason he could not provide services the fact that his office was badly located? This would have to be looked into quite seriously.

Mr. Howe: Of course, in all cases we know that these are political appointments and obviously it is a little difficult for the Chief Electoral Officer to reprimand this individual because he has been appointed by the government that is in power, and if the government continues in power it might be a little difficult.

Mr. Hamel: No, I do not see that that is a problem. As you pointed out, the returning officers are appointed and they usually open an office where they reside, and this may not be the best location in the district. If there is strong evidence to that effect, as I pointed out the other day, we force them to move, because in some cases it may quite considerably affect the kind of service they should provide to the electors of the district.

M. Duquet: Monsieur Hamel, cette règle s'applique-t-elle à tout officiel, quel que soit son rôle?

M. Hamel: Oui.

The Chairman: Carried?

Some hon. Members: Carried.

The Chairman: There is no change in Section 62.

[Interpretation]

M. Hamel: L'article 60(8) accorde l'autorité voulue pour refuser à un officier rapporteur le paiement de ses services s'il omet de remplir les fonctions qui lui incombent à ce titre. Auparavant, il n'y avait aucune disposition en vertu de laquelle on pouvait refuser le paiement des services si un officier rapporteur ou un greffier du scrutin refusait de remplir certaines fonctions.

Le président: Adopté. Article 35.

M. Howe: Cet article prévoit des situations comme, par exemple, si l'on s'opposait à l'emplacement de son bureau et qu'on ne le déménage pas, ou, si vous lui disiez de le déménager, qu'il ne le déménage pas, ou d'en ouvrir un autre qui serait mieux situé pour desservir la circonscription.

M. Hamel: Oui, mais peut-être sans aller si loin, parce qu'on y lit:

...qui omet d'accomplir l'une des fonctions qui lui incombent...

Il est assez difficile de répondre à cette question. Est-ce qu'il ne pouvait pas remplir ses fonctions, parce que son bureau était mal situé. Il faudrait y regarder de plus près.

M. Howe: Dans tous les cas, il s'agit de nomination politiques, et il serait assez difficile pour le directeur général des élections de réprimander que de ces personnes parce qu'elles ont été nommées par le gouvernement au pouvoir et, si le gouvernement conservait le pouvoir, il créerait une situation un peu délicate.

M. Hamel: Je ne crois pas que c'est là que se situe le problème. Comme vous l'avez dit, les officiers rapporteurs sont nommés et ils ouvrent ordinairement un bureau où ils résident, et ce n'est peut-être pas le meilleur emplacement dans le district. Si la chose est évidente, comme je l'ai dit l'autre jour, nous les obligeons à déménager parce que, dans certains cas, l'emplacement peut grandement diminuer le genre de service qu'ils devraient fournir aux électeurs du district.

Mr. Duquet: Mr. Hamel, does that rule apply to all officials independently of their services?

Mr. Hamel: Yes.

Le président: Adopté?

Des voix: Adopté.

Le président: Aucune modification n'est apportée à l'article 62.

[Texte]

Mr. Hamel: We put Clause 35 in because it is consequential on Clause 37. I agree that this may not be part of your terms of reference, but in the over-all rearrangement of the penalty and offences section the Department of Justice found it necessary to touch on Sections 62 and 63. This should stand at this time because it is consequential on Clause 37.

The Chairman: Stand Section 62. Clause 36?

Mr. Hamel: The same thing.

The Chairman: The same thing.

Mr. Hamel: Dealing with Section 63.

We now reach Clause 37, the so-called penalty and offence clause. Many clauses have been stood because of this.

Perhaps it would help the Committee, Mr. Chairman, if you would allow me perhaps eight to ten minutes at the most to explain the background of this exercise. No doubt this is the major series of amendments in this whole project. I believe I mentioned previously that in 1960 the Committee requested the Chief Electoral Officer to undertake a revision of the penalty and offence sections of the Canada Elections Act in order to bring these sections more in line with the provisions of the Criminal Code and to remove any of the informer clauses. Although this was a rather informal request and a similarly informal undertaking on the part of my predecessor, I thought I ought to submit the results of the study that was made then and carried on at a later date.

The Committee did not give any specific guidelines along which to try to improve that part of the Act. However, around that time the Royal Commission on Provincial Elections which had been appointed by the Government of Nova Scotia published its final report. For your information, the members of the Commission were Mr. Justice Shaw, who was the Chairman, Mr. Arthur G. Meagher and Mr. Thomas P. Sladen. My predecessor, Mr. Castonguay, was rather impressed by the Report of the Commission, primarily because the penalty and offences sections of the Nova Scotia Elections Act were quite similar to ours before the Nova Scotia Elections Act was actually amended. Moreover, one of the recommendations of the Royal Commission was to group the various sections together and the Committee in 1960 seemed to favour such an arrangement. I have a copy of this

[Interprétation]

M. Hamel: L'article 35 du projet découle des modifications proposées à l'article 37 du projet. Peut-être cette question ne fait-elle pas partie de votre mandat, mais, lors de la révision générale de la section des peines et infractions, le ministère de la Justice a dû corriger les articles 62 et 63. Nous devrions les réserver parce qu'ils découlent des modifications proposées à l'article 37 du projet.

Le président: L'article 62 est réservé. Article 36 du projet?

M. Hamel: De même.

Le président: Réservé.

M. Hamel: Ainsi que l'article 63.

Nous sommes maintenant rendus à l'article 37 du projet, qui traite des peines et infractions et qui nous fait réserver beaucoup d'articles du projet.

Peut-être serait-il préférable, monsieur le président, que vous m'accordiez une dizaine de minutes pour un bref exposé. Il s'agit de la série de modifications la plus importante du projet. Je crois avoir déjà dit qu'en 1960, le Comité avait demandé au directeur général des élections d'entreprendre une révision des sections traitant des peines et infractions de la loi électorale du Canada de façon à les rapprocher des dispositions du Code criminel et d'en retirer toute clause de délation. Même s'il s'agissait d'une demande plutôt officielle et d'une entreprise aussi officielle de mon prédécesseur, j'ai cru devoir présenter les résultats de l'étude qui avait alors été faite et qui s'était poursuivie à une date ultérieure.

Le Comité ne nous a pas dit comment il nous fallait essayer d'améliorer la Loi. Toutefois, la Commission royale sur les élections provinciales, instituée, par le gouvernement de la Nouvelle-Écosse, a publié son rapport final. A titre d'information, les membres de cette Commission étaient le juge Shaw, président, et MM. Arthur G. Meagher et Thomas Sladen. Mon prédécesseur, M. Castonguay, a été plutôt impressionné par le rapport de cette Commission, surtout parce que les articles portant sur les infractions et les sanctions étaient sensiblement les mêmes que les nôtres, avant le remaniement de la Loi électorale de la Nouvelle-Écosse. De plus, la Commission royale recommandait entre autres de grouper les divers articles et en 1960, le Comité semblait être en faveur de souscrire à cette recommandation. J'ai un exemplaire de ce rapport, et avec votre permission, je vous

[Text]

Royal Commission report, I have made a few extracts and with your permission I would like to read into the record the pertinent section of that Royal Commission report, which in fact has served as a basis for this whole exercise. These excerpts are taken from pages 225 to 228 of the report:

The existing provincial legislation is similar to that found in other jurisdictions in Canada.

The Commission is talking about the Nova Scotia legislation.

The sections defining the various offences are scattered throughout each Act, making it difficult to locate the applicable provisions. The sections are verbose, and in many cases repetitive. Offences are set out in too great detail. In addition, each section generally covers attempts as well as the applicable penalties. The penalties range from the payment of a small fine to imprisonment with option of a fine. In other cases, civil penalties are provided. In some instances a guilty person is not only subject to criminal and civil penalties but also to the loss of civil rights, which is dealt with under 'Corrupt practices'.

These comments, as you know, apply equally to the Canada Elections Act as it presently reads.

The next part of the Report of the commission comes under the heading of "Elimination of Election Offences from the Elections Act":

It was suggested that the provisions of the Criminal Code are broad enough to cover the prosecution of any election offence that might arise, so that these provisions could be deleted from the Election Act. While this might be so, the deterrent effect of the various provisions in the Election Act should be always kept in mind. Copies of the Election Act are placed in the hands of five thousand (5,000) or more election officers at election time. As a result, the various provisions of the Act are brought to their attention. On the other hand, few of these officials would have access to the Criminal Code. We are therefore recommending that provisions covering offences be set out in the proposed Election Act.

Personally, I certainly have no quarrel with that finding. Translated at the federal level, it is not 5,000 election officers who have access to the Canada Elections Act, it means thousands and thousands because we distribute in excess of 100,000 copies of the Act at election time.

[Interpretation]

en lirai les articles pertinents. Ils sont tirés des pages 225 à 228.

La loi provinciale actuelle est semblable à celle qu'on trouve dans les autres administrations du Canada.

Il s'agit de la loi de la Nouvelle-Écosse.

Les articles relatifs aux infractions sont dispersés dans la Loi, compliquant le repérage des dispositions pertinentes. Les articles sont verbeux, et, souvent, redondants. Les infractions sont trop détaillées. De plus, chaque article porte à la fois sur les infractions et les sanctions, qui vont d'une légère amende à l'emprisonnement, avec option à l'égard d'une amende. Dans d'autres cas, des sanctions civiles sont prévues. Parfois, le coupable tombe sous le coup de sanctions criminelles et civiles et perd en outre ses droits civils; voir «pratiques criminelles».

Vous savez que ces dispositions se trouvent également dans la présente Loi électorale du Canada.

La partie suivante du rapport a trait à la suppression des infractions à la Loi électorale.

On a prétendu que les dispositions du Code criminel sont assez larges pour permettre la poursuite de toute infraction électorale et que ces dispositions pourraient, pourtant, être radiées de la Loi. C'est peut-être vrai, mais il ne faut pas oublier la force de dissuasion exercée par les diverses dispositions de la Loi. En temps d'élection, plus de 5,000 officiers électoraux reçoivent un exemplaire de la Loi électorale. Ils prennent donc connaissance des diverses dispositions de la Loi. D'autre part, peu d'entre eux peuvent consulter le Code criminel. Nous recommandons donc que le projet de Loi électorale stipule les dispositions relatives aux infractions.

Personnellement, j'abonde dans ce sens. Au niveau fédéral, il ne s'agit pas de 5,000 mais de milliers d'officiers électoraux, car, en temps d'élection, nous distribuons plus de 100,000 exemplaires de la Loi.

[Texte]

The next paragraph comes under the heading of "The Language of the Offences".

Officials of the Crown agree that the wording of many of the sections defining the various offences is verbose and repetitive. With their assistance we have simplified the language of the sections in the draft legislation. In addition, many of the offences have been combined into a single section.

This is exactly what we have tried to do also. Again I quote:

At present the various offences are scattered throughout the Nova Scotia Election Act and are difficult to locate. It should be possible to consolidate these provisions under one heading near the end of the Act. In some cases, however, a particular offence is so closely related to a subject matter that it should remain under the applicable heading rather than under the consolidated heading of 'Other Offences'.

The same observation applied that this is also what we have tried to do. This is the reason we let so many sections stand so far.

The Commission then dealt with penalties, fines, imprisonment, form of offences, et cetera. Finally, the Commission summarized its recommendations as follows:

1. The language used in describing the offences should be simplified and offences consolidated where possible.
2. The various sections covering election offences should be grouped, where possible, under one heading in the legislation.
3. All penalties should be incorporated into a single section with a common maximum sentence.
4. Penalties recoverable in the civil Courts for infringements of the Act should be abolished.
5. The commission of offences by attempts or being an accessory should be consolidated into one section.

We have made some slight changes in this. The Commission, by the way, also recommended that straw votes be prohibited. That was never embodied in the Act though.

So much for the guidelines that were more or less adopted in the initial drafting of these amendments. Perhaps I should add that most of the work was done by the former Assistant Chief Electoral Officer, Mr. Anglin, with the Legislation Section of the Department of Justice. It took over five to six months to do that.

[Interprétation]

Le paragraphe suivant se rapporte au «libellé des infractions».

Les officiers de la Couronne conviennent qu'il y a beaucoup de verbiage, beaucoup de répétitions dans le libellé des articles. Nous avons, avec leur aide, simplifié ce libellé. En outre, plusieurs de ces infractions ont été fondues en un même article.

C'est précisément ce que nous avons essayé de faire. Voici une autre citation:

Présentement, les infractions sont dispersées dans la Loi électorale de la Nouvelle-Écosse et difficiles à repérer. Il devrait être possible de les grouper sous une même rubrique, vers la fin de la Loi. Parfois cependant, l'infraction est si étroitement rattachée à une disposition qu'il est préférable de la laisser, greffée à la rubrique pertinente, plutôt que de l'inclore dans celles des «Autres infractions».

C'est aussi ce que nous avons essayé de faire et ce pourquoi nous avons réservé tant de paragraphes.

Le Commission a traité ensuite des sanctions, amendes, emprisonnement, formes de délits etc. Finalement, elle a résumé comme suit ses recommandations:

1. Le libellé qui décrit les infractions doit être simplifié.
2. Les infractions doivent être groupées, autant que possible, sous une même rubrique de la Loi.
3. Toutes les sanctions doivent être incorporées, dans un même article et affectées d'une même peine maximum.
4. Les sanctions imposables par un tribunal civil à la suite d'infractions à la loi doivent être abolies.
5. Les infractions par tentatives ou participation doivent être groupées dans un même article.

Nous avons fait certaines modifications. La Commission avait recommandé de prohiber les votes de sondage. Mais voilà les principes directeurs qui ont été adoptés dans la première rédaction de ces amendements. J'ajoute que c'est l'ancien directeur-général adjoint des élections M. Anglin, qui a fait la majeure partie du travail. Il a fallu 5 ou 6 mois.

[Text]

More recently, in the process of preparing the whole series of amendments which you have in front of you, the Legislation Section of the Department of Justice had a second go at these various penalty and offence sections. I may also say that we were very fortunate in obtaining the advice of the Director of the Criminal Law Section of the Department of Justice. We therefore made a further attempt to update the whole thing and bring it in line with the present provisions of the Criminal Code.

There is no change in substance in what is proposed here; there are only perhaps three, I would say, minor changes. One is to empower the Chief Electoral Officer—in Section 71—to investigate infractions under subsection (4) of Section 20. This is something you adopted perhaps a couple of weeks ago in the case of a candidate who accepts to be nominated but who knows that he is ineligible to be nominated.

We have also slightly changed the section of the Act dealing with the sale of liquor on polling day. Finally, there is a further change which was put in at the suggestion of the Director of the Criminal Law Section of the Department of Justice. It used to be in Section 29. I quote from a letter which I received from the Department of Justice.

Express provision is not made in the Act for conspiracy to commit an offence mentioned in any section. The offence of attempting to commit an offence and the offence of conspiring to commit an offence are both already covered by Sections 406 and 408 of the Criminal Code respectively. The course suggested also achieves internal consistency in the Act because attempts are not elsewhere in the Act expressly dealt with.

So what we propose deleting is paragraph (1) of section 29 which makes it an offence to attempt to commit an offence on the basis of this reasoning.

So much for the background and so much for the procedure we follow. With due respect, I suggest that perhaps we could begin to look at clause 37. As you know I am not...

Mr. Forrestall: Mr. Chairman, perhaps I might just ask one question in terms of principle. Whether Mr. Shaw includes it in this Report or not I have forgotten, it is so long since I read it, but it seemed to me there was also a provision in his recommendations that where amendments to the Criminal Code took place subsequent to the printing, or promulgation, or whatever you do that makes an Act law, that the penalty under the Criminal Code would be applicable.

[Interpretation]

Plus récemment, lors de la préparation des amendements que vous avez sous les yeux, la division législative du ministère de la Justice a revu les diverses infractions et pénalités. Heureusement, le Directeur de la Division du code criminel du ministère de la Justice nous a fait profiter de ses conseils. Nous nous sommes efforcés de mettre la loi à jour pour la rendre conforme aux dispositions actuelles du Code criminel.

Il n'y a pas de changements essentiels dans ce que nous vous proposons ici. Il y a peut-être trois changements mineurs. Le premier vise à autoriser le Directeur général des élections—article 71—to s'enquérir sur les infractions commises en vertu du paragraphe (4) de l'article 20. Vous avez adopté, il y a deux semaines, cette clause relative au candidat qui accepte d'être nommé, même s'il sait qu'il n'est pas admissible.

Nous avons aussi modifié légèrement l'article qui a trait à la vente des spiritueux le jour du scrutin. Finalement, nous avons apporté un changement à la suggestion du directeur de la division du Code criminel du ministère de la Justice. Voici un passage d'une lettre qu'il m'a fait tenir:

La loi ne renferme pas de dispositions explicites touchant les complots ourdis en vue de commettre une infraction à quelque article que ce soit. Le délit de tentative ou de participation à une infraction est déjà prévu aux articles 406, 408, du Code criminel. Cette mesure dotera en outre la loi d'une plus grande cohésion intrinsèque, car elle ne renferme pas d'article portant sur les tentatives.

Nous nous proposons donc de supprimer le paragraphe 1 de l'article 29 qui stipule que c'est un délit de tenter de commettre une infraction, sur la foi de ce raisonnement.

Voilà pour les circonstances et voilà pour la procédure que nous suivons. Pourrait-on commencer maintenant l'étude de l'article 37? Comme vous le savez, je ne suis pas...

M. Forrestall: Monsieur le président, une question. Il me semble que M. Shaw avait aussi recommandé que, lorsque des amendements apportés au Code criminel entraient en vigueur après leur promulgation, la sanction en vertu du Code criminel était applicable.

[Texte]

Mr. Hamel: I do not recall this; I would have to go through this whole section of the Report.

Mr. Forrestall: It did not enter into your own thinking in terms of the amendments that you have made under this section.

The Chairman: Mr. Forrestall, I am of the opinion that in law if a criminal offence has been committed during an election there is nothing to prevent the plaintiff's laying a charge under any applicable section of the Criminal Code if he wishes to do so.

Mr. Forrestall: It was just the zealotry of the administrators of the Canada Elections Act, so that there would be no question as to who would proceed. The filing of information became a ticklish situation, and again this was all being dealt with hypothetically. Whether Judge Shaw dealt with it or not, I must confess I cannot recall. It was a matter of question among some of us who were sitting on the sidelines and listening and watching what the Commission was doing. It was just for clarification. Whether or not he had done it, not being a lawyer...

The Chairman: Yes, but the real purpose of 65 is just to define what constitutes an offence which does not exist in the Criminal Code.

Mr. Forrestall: Perhaps it is not worth pursuing. It is just that if the Act had spelled out three months in jail and the Criminal Code had been changed at some point to provide for one year in jail because it was an offence under this act, I do not know...

The Chairman: This instance cannot apply. When you lay a charge you have to specify under what article you are laying your charge. The article and the consequential items provide the penalty that has to be...

Mr. Forrestall: Yes, but there are offences within this Act that do not appear in the Criminal Code.

The Chairman: This is the reason why we have to specify some offences in this law. Otherwise we would just use the Criminal Code.

Mr. Forrestall: But there could be acts that are criminal by their nature and could be included in the Criminal Code. They are not here, so which way do you proceed? Which takes precedence?

The Chairman: It is the person who lays the charge who makes the decision about what article he wants to proceed under.

[Interprétation]

M. Hamel: Je ne me rappelle pas; il me faudrait relire toute cette partie du rapport.

M. Forrestall: Il n'en était pas question dans les modifications faites en vertu du présent article...

Le président: Monsieur Forrestall, je suis d'avis que, s'il y a une infraction qui a été commise au cours d'une élection, il n'y a rien qui empêche le plaignant de déposer une plainte en vertu de tout article pertinent du Code criminel.

M. Forrestall: C'est une manifestation de zèle de la part des exécuteurs de la Loi électorale du Canada qui voulaient bien préciser qui a le droit de procéder. La question de recueillir les renseignements est devenue délicate, encore qu'on ne la traitait que sur le plan hypothétique. Je ne sais pas si le juge Shaw en a traité ou non. Certains observateurs se sont posé la question. Il s'agissait simplement d'un éclaircissement. N'étant pas avocat, je ne saurais dire si, oui ou non, il a...

Le président: Mais l'article 65 vise en fait à définir en quoi consiste une infraction que ne prévoit pas le Code criminel.

M. Forrestall: Mieux vaut peut-être en rester là. Cependant, la Loi stipule trois mois d'emprisonnement tandis que le Code criminel a été modifié de façon à prévoir un an, parce que c'est un délit en vertu de la présente loi, je ne sais...

Le président: C'est impossible, car lorsqu'on porte une accusation, il faut préciser sous quel chef. L'article pertinent, par voie de conséquence, stipule les sanctions qui doivent être...

M. Forrestall: Mais cette loi fait état d'infractions dont il n'est pas fait mention dans le Code criminel.

Le président: Voilà pourquoi nous devons stipuler dans la Loi certains délits. Autrement, nous nous en remettrions au Code criminel.

M. Forrestall: Il peut y avoir des actes criminels de nature, qui pourraient être inclus dans le Code criminel. Ils n'y sont pas. Alors? De quel côté se tourner? Lequel a préséance?

Le président: C'est à celui qui porte l'accusation de préciser en vertu de quel article il le fait...

[Text]

Mr. Forrestall: Mr. Chairman, you are teaching me that a layman like myself should not get involved in matters of law.

The Chairman: I am sorry.

M. Duquet: Si je comprends bien, monsieur Hamel, vous avez réuni toutes les infractions à la *Loi électorale du Canada* aux articles 65 à 78 que nous allons étudier.

M. Hamel: C'est exact.

M. Duquet: Pour toutes infractions à la *Loi électorale du Canada*, nous n'aurons qu'à nous reporter aux articles 65 à 78.

M. Hamel: Oui, sauf pour quelques cas où l'infraction est reliée à un acte quelconque, comme, par exemple, dans le cas d'un officier d'élection qui refuse de se conformer à certaines dispositions précises.

Mr. Duquet: Nous avons déjà adopté cela.

M. Hamel: Ce sont les dispositions générales, si vous voulez. Mais l'article qui traite, par exemple, de la façon de procéder, des pénalités à imposer, est dans cette partie-là.

M. Duquet: Merci.

The Chairman: I would like to ask you a question, Mr. Hamel, which I think is of some importance at this time. When we start at 65 to enumerate and define what constitutes an offence, are these definitions already in the present Act?

Mr. Hamel: Not necessarily in those words, but they are already in. For instance, Clause 65 is the present Section 29 of the Act. The only thing that was deleted was what used to be paragraph (1) in Clause 29, which is an attempt to commit an offence. This is the only thing we deleted there. Then we used the word "fraudulently" throughout subclause (1), so in subclause (2) the word "fraudulently" is defined.

The Chairman: Where?

Mr. Hamel: On page 53. This is subclause 2. In other words, if you want to compare what is in 65, subclause 1, at the moment, you have to go back to Clause 29 before, and you will see that the same thing appears at both places, with the exception of this paragraph (1).

The Chairman: Are there any more questions? Would you like to read...

Mr. Forrestall: It would perhaps be better. Maybe we could relate it as we go through it. As a question of procedure, would it be your

[Interpretation]

M. Forrestall: Voulez-vous dire qu'un profane comme moi ne doit pas se mêler de loi.

Le président: Je m'excuse.

Mr. Duquet: If I understand the situation, Mr. Hamel, you have grouped all the offences in connection with the Elections Act in sections 65 to 78 under study.

Mr. Hamel: That is correct.

Mr. Duquet: Then for any offence in connection with the Act, we will only have to refer to sections 65 to 78.

Mr. Hamel: Yes. Except in some cases where the offence is so closely related to a specific act, for example, an election agent who would refuse to comply with special provisions of the Act.

Mr. Duquet: We already adopted this.

Mr. Hamel: Those are the general provisions of the Act. But the clause dealing with the procedure, the penalties, is in that section.

Mr. Duquet: Thank you.

Le président: J'aurais une question qui me semble importante, M. Hamel, lorsqu'on commence, à l'article 65, à énumérer et à définir ce qui constitue une infraction, ces définitions existent-elles déjà dans la présente Loi?

M. Hamel: Pas forcément dans les mêmes termes, mais, elles y sont. Par exemple l'article 65 est l'article 29 de la Loi actuelle. Nous n'avons radié que l'alinéa 1) de l'article 29 relatif à une tentative de commettre une infraction. Nous avons aussi utilisé le terme «frauduleusement» dans tout le paragraphe (1); aussi ce terme est-il défini au paragraphe (2)

Le président: Où.

M. Hamel: Page 53. Il s'agit du paragraphe (2). Autrement dit, si vous voulez comparer présentement le paragraphe (1) de l'article 65, il faut vous reporter à l'article 29 de l'ancienne loi et vous verrez que le texte est le même, sauf pour l'alinéa b).

Le président: D'autres questions? Voulez-vous poursuivre?

M. Forrestall: Ce serait peut-être préférable. Nous ferons les rapprochements en cours de lecture. Avez-vous l'intention de tout lire

[Texte]

intention to go through it all and then go back and pick up the consequential amendments?

The Chairman: If we accept the definitions of the offences here, I think the amendments already stood should pass automatically.

Mr. Forrestall: I would agree with that.

The Clerk: You could give us a list of them and pick them up, and it would be only one list when we are looking at them.

The Chairman: So we said that everyone is guilty of an offence against the Act who first in (a) forges a ballot paper or utters a forged ballot paper. I think there is no comment on that.

Clause 65 (1) (a) agreed to.

On Clause 65 (1) (b)

The Chairman:

65. (1) (b) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer signed thereon;

Mr. Howe: Mr. Chairman, how would you describe defacing? We had talked about the marks that we were going to allow to be placed on a ballot by the person who is voting.

The Chairman: This is a caprice of lawyers, perhaps, just to put in all the words they can to cover everything.

Mr. Forrestall: Because they are always dealing with lawyers.

The Chairman: Yes. That is right.

Mr. Forrestall: Thank God I am a country boy.

The Chairman: It is to avoid back doors.

Clause 65 (1) (b) agreed to.

On clause 65 (1) (c):

The Chairman:

65. (1) (c) without authority under this Act, supplies a ballot paper to any person;

(d) not being a person entitled under this Act to be in possession of a ballot paper, has, without authority, any ballot paper in his possession;

(e) fraudulently puts or causes to be put into a ballot box a ballot paper or other paper;

[Interprétation]

puis de détacher ensuite les amendements qui en découlent?

Le président: Si nous acceptons les définitions des infractions, je crois que les modifications déjà réservées pourraient être adoptées automatiquement.

M. Forrestall: Je le crois aussi.

Le greffier: On pourrait peut-être en faire une liste qui nous permettrait de suivre plus facilement.

Le président: Nous avons donc dit: est coupable d'une infraction à la présente loi, quiconque a) fabrique un bulletin de vote ou fait usage d'un bulletin de vote fabriqué. Cette disposition se passe de commentaires.

L'article 65 (1) a) est adopté.

L'article 65 (1) b) —

Le président:

65. (1) b) frauduleusement altère, détériore ou détruit un bulletin de vote ou le paraphe du sous-officier rapporteur qui y est apposé;

M. Howe: Qu'entendez-vous par détériorer? Nous avons parlé des marques que nous tolérerions sur le bulletin.

Le président: C'est un caprice des hommes de loi d'employer des mots à profession pour décrire une situation.

M. Forrestall: Parce qu'ils traitent toujours entre eux.

Le président: Oui. C'est exact.

M. Forrestall: Je remercie Dieu d'être campagnard.

Le président: C'est pour éviter les échappatoires.

L'article 65 (1) b) est adopté.

Article 65 (1) c)

Le président:

65. (1) c) sans autorisation en vertu de la présente loi, fournit un bulletin de vote à une personne;

d) n'étant pas une personne autorisée, en vertu de la présente loi, à être en possession d'un bulletin de vote, a sans autorisation un bulletin de vote en sa possession;

e) frauduleusement dépose ou fait déposer, dans une boîte du scrutin, un bulletin de vote ou un autre papier;

[Text]

(f) fraudulently takes a ballot paper out of the polling station;

(g) without authority under this Act, destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers;

(h) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;

(i) without authority under this Act, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

(j) being authorized by the returning officer to print the ballot papers for an election, fraudulently prints more ballot papers than he is authorized to print;

Clause 65 (1), (c) to (j) inclusive, agreed to.

The Chairman: Mr. Benjamin.

Mr. Benjamin: I have one question on paragraph (j). This would not apply to a printer who deliberately has an over-run to allow for spoilage and what not, would it?

Mr. Hamel: The main thing is being authorized.

Mr. Benjamin: He prints more ballot papers than he is authorized to print.

Mr. Hamel: No. This is only with the returning officer.

Mr. Benjamin: I see.

Mr. Hamel: No, I am sorry. The key word is "fraudulently", and that is defined on the other page, in subclause (2).

The Chairman: I think the discussion we will have will be on subclause 2 where there is a definition of the word "fraudulent". I think it bears there.

Mr. Hamel: There are two expressions that appear very often: "without authority under the Act" to cover those who by their functions should do certain things, and then this word "fraudulently" which is now defined.

The Chairman:

(k) being a deputy returning officer, places upon any ballot paper any writ-

[Interpretation]

f) emporte frauduleusement un bulletin de vote d'un bureau de votation;

g) sans autorisation détruit, prend, ouvre ou autrement manipule une boîte du scrutin ou un livret ou un paquet de bulletins de vote;

h) étant un sous-officier rapporteur, frauduleusement appose ses initiales au verso de quelque papier qui est donné comme étant un bulletin de vote ou peut être utilisé comme un bulletin de vote à une élection;

i) sans autorisation en vertu de la présente loi, imprime un bulletin de vote ou ce qui est donné comme étant un bulletin de vote ou peut être utilisé comme un bulletin de vote à une élection;

j) étant autorisé par l'officier rapporteur à imprimer les bulletins de vote pour une élection, en imprime, frauduleusement, plus qu'il n'est autorisé à en imprimer;

L'article 65 (1) c) à j) inclusivement, est adopté.

Le président: M. Benjamin.

M. Benjamin: L'alinéa j), s'applique-t-il à l'imprimeur qui, délibérément, fait plus de bulletins de scrutin que nécessaire pour compenser les bulletins manqués?

M. Hamel: Les mots principaux sont «étant autorisé».

M. Benjamin: Il imprime plus de bulletins de vote qu'il n'est autorisé à le faire.

M. Hamel: Non, il ne s'agit ici que de l'officier rapporteur.

M. Benjamin: Je comprends.

M. Hamel: Non, pardon. Le mot-clé, est «frauduleusement», défini à la page suivante, au paragraphe (2).

Le président: La discussion doit porter, je crois, sur le paragraphe (2) qui définit le mot «frauduleusement».

M. Hamel: Il y a deux expressions qui reviennent souvent: «sans autorisation en vertu de la présente loi», qui s'applique aux personnes qui devraient faire certaines choses de par leurs fonctions, et le mot «frauduleusement» qu'on définit maintenant.

Le président:

k) étant un sous-officier rapporteur, met sur un bulletin de vote un écrit, un

[Texte]

ing, number or mark with intent that the elector to whom such ballot paper is to be, or has been, given may be identified thereby; or

(1) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism in or by which a ballot paper may or could be secretly placed or stored or, having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated.

Clause 65 (1), (k) and (l), agreed to.

On proposed clause 65, subclause (2)—
Acts deemed to be fraudulent

(2) For the purposes of subsection (1) and any other provision of this Act, knowingly to do or omit to do an act is deemed to be fraudulent if to do or omit to do the act results or would or would be likely to result in the reception of a vote that should not have been cast or in the non-reception of a vote that should have been cast.

The Chairman: May I tell you that I lost my head on this, I certainly do not understand it. I believe it is charged with words and does not mean much, this is my reaction.

Mr. Forrestall: Does it cover the bucket of worms?

Mr. Lefebvre: Either you are trying to stop some people voting who should be allowed to vote, or you are trying to help a guy to vote who should not have the right to vote, that is exactly what it means; is that it? Why can we not put it like that then?

Mr. Howe: It also means that a ballot that gets into the box that should not or one that should does not.

Mr. Lefebvre: Yes, in other words you are getting a guy on the list that should not be on the list, or you are presenting a man from being on the list who should be on the list.

Mr. Howe: I see by the list of offences there are people who might carry an extra ballot with them, or something.

[Interprétation]

numéro ou une marque avec l'intention que l'électeur auquel ce bulletin de vote doit être ou a été donné puisse par là être reconnu; ou

l) fabrique, construit importe au Canada, a en sa possession, fournit à un officier d'élection, ou emploie aux fins d'une élection, ou fait fabriquer, construire, importer au Canada, fournir à un officier d'élection ou employer aux fins d'une élection, une boîte du scrutin contenant ou comprenant un compartiment, dispositif, appareil ou mécanisme au moyen duquel un bulletin de vote peut ou pourrait y être placé ou gardé secrètement, ou, après y avoir été déposé au cours du scrutin, peut être secrètement enlevé, déplacé, altéré ou manipulé.

L'article 65 (1) k) et l) est adopté.

Le paragraphe (2) de l'article 65

Actes censés être frauduleux

(2) Aux fins du paragraphe (1) et de toute autre disposition de la présente loi, le fait de faire ou d'omettre de faire une action est censé être un acte frauduleux si le fait de faire ou d'omettre de faire cette action a, aurait ou risquerait d'avoir pour résultat la réception d'un vote qui n'aurait pas dû être déposé ou la non-réception d'un vote qui aurait dû être déposé.

Le président: Je suis perdu. Je n'y comprends rien. Il y a une telle superfluité de mots qu'on y trouve peu de sens.

M. Forrestall: La confusion y trouve-t-elle son prix?

M. Lefebvre: Soit que vous tentiez d'empêcher quelqu'un qui a droit de voter d'exercer son droit, ou que vous essayez d'aider quelqu'un à voter, alors qu'il n'en a pas le droit. Somme toute, c'est ce qu'on veut dire. Alors, pourquoi employer une autre expression?

M. Howe: Cette clause englobe aussi le fait du bulletin déposé qui ne devrait pas l'être et de celui qui n'est pas déposé et qui devrait l'être.

M. Lefebvre: En somme, vous partez de l'inscription sur la liste d'une personne qui ne devrait pas y être ou de l'exclusion de quelqu'un qui devrait y figurer.

M. Howe: La liste des infractions renferme également le cas de ceux qui pourraient détériorer des bulletins de vote additionnels, ou quelque chose du genre.

[Text]

The Chairman: Well, I think we could carry it.

Mr. Forrestall: Any attempt to improve that is—

Mr. Duquet: How does this article apply to the printer.

On y dit qu'un vote aura pour résultat la réception d'un vote qui n'aurait pas dû être déposé ou la non-réception d'un vote. Lors d'une séance antérieure, nous avons adopté un article ayant trait à l'impression des bulletins de vote; s'ils en impriment 50 de plus, ça peut donner 50 votes de plus et non un seul?

M. Hamel: Ce n'est pas simplement le fait d'en imprimer plus, c'est le fait d'en imprimer avec une mention frauduleuse, dans le but d'utiliser ces bulletins à une toute autre fin que celle qu'on a prévue dans la Loi.

M. Duquet: Je ne sais pas, mais à mon avis, ceci s'applique mal à l'article 2 où on parle toujours d'un vote qui n'aurait pas dû ou qui aurait dû...

M. Hamel: Un ou des votes.

M. Duquet: Ce serait un ou des votes en ce qui concerne l'imprimeur. Je préférerais cela à la non-réception d'un vote...

Le président: L'article dit clairement ceci: un acte est présumé frauduleux s'il est fait, s'il constitue ou s'il tend à faire voter ou empêcher de voter.

M. Duquet: Oui, alors c'est pour cette raison qu'on se limite à un vote.

Mr. Forrestall: I think perhaps we could change the subtitle and call it, "Hamel's elegy in an election graveyard" and we might...

Mr. Hamel: That is not my drafting.

Mr. Forrestall: I am sorry, sir.
Clause 65 agreed to.

On Clause 66—*Attempting to influence a voter by treating*

The Chairman: Could we then carry the clauses we have stood?

Mr. Forrestall: Could you give us the numbers, then we would know where we stand?

Mr. Hamel: I do not think we have made any—we have made a note of all clauses that were stood, but they do not all necessarily deal with committing offences.

The Chairman: Well could we not pass a motion that all the clauses applicable to the clauses already stood are passed by the consequence of the...

[Interpretation]

Le président: Nous pourrions bien l'adopter.

M. Forrestall: Tout effort en vue d'améliorer ce texte est...

M. Duquet: Comment cet article s'applique-t-il à l'imprimeur?

It says that this will result in the regulation of a vote that should not have been cast or again the non-casting of a vote that should have. At a previous meeting, we have passed a section about the printing of ballot bulletins. If more are printed, the result may be 50 more bulletins, not only one.

Mr. Hamel: It is not only the question, of printing more, but also with fraudulent intent, with a view of using them for a purpose other than that of the law.

M. Duquet: I think this does not come under Section (2), where it is said a vote that should or should not.

Mr. Hamel: One or many votes.

Mr. Duquet: It would be one or many votes with respect to the printer. This I would prefer to the non-reception of a vote.

The Chairman: The Section states clearly: an act is deemed to be fraudulent, if it is done, intended or tends to helping someone to vote or preventing him from voting.

Mr. Duquet: This is why it says one vote.

M. Forrestall: Nous pourrions intituler le tout «Élégie de Hamel dans le cimetière des élections et nous pourrions...

M. Hamel: La rédaction n'est pas de moi.

M. Forrestall: Excusez-moi, monsieur.
L'article 65 est adopté.

Article 66—*Tentative d'influencer un électeur en le régaland.*

Le président: Pouvons-nous adopter les articles que nous avons réservés?

M. Forrestall: Quels en sont les numéros?

M. Hamel: Nous avons noté les articles réservés, mais ils n'ont pas nécessairement droit aux infractions.

Le président: Ne pourrions-nous pas adopter une motion portant que tous les articles relatifs aux articles déjà réservés soient adoptés par voie de conséquence.

[Texte]

Mr. Hamel: If you wish, Mr. Chairman, we could have a list distributed to members of the Committee at the next meeting.

The Chairman: Yes, perfect. Shall Clause 66 carry?

Clause 66 agreed to.

On Clause 67—*Liquor not to be sold during polling hours*

The Chairman: I think we should put an amendment if we want to go along with the request that we have in hand presented to us by the Association of Hotels regarding the sale of liquor on election day.

Page 54, Clause 67 of the document you have reads:

67. Everyone is guilty of an offence against this Act who at any time during the hours that the polls are open on the ordinary polling day sells, gives, offers or provides any fermented or spirituous liquor at any hotel, tavern, shop or other public place within an electoral district where a poll is being held.

This has been changed to meet the request and make the law applicable like the others in the provinces.

Mr. Benjamin: They can open up as soon as the polls are closed?

The Chairman: As soon as the polls are closed, if the provincial law applies, then there is no offence within the Canada Elections Act.

Yes, Mr. Forrestall.

Mr. Forrestall: I am sorry, Mr. Chairman, I am lost completely. I had a question that I wanted to ask about Clause 66 just for clarification and we went by it. There is a very widespread practice, of course, of feeding your agents in the polls, taking them lunch and I would not want to place them in jeopardy, or those people who act as my agents in the conduct of that. Nor, on the other hand would I want to ask somebody to go to a poll a half hour before it opens in the morning and stay there until an hour or an hour and a half after it closes at night without attempting to give them a cup of coffee or a sandwich.

Mr. Lefebvre: I think this whole clause is a little bit hypocritical. I think the whole thing should be wiped out.

Mr. Forrestall: Might I ask Mr. Hamel if the intent of the Act, that is to say, the bribery, in fact is covered elsewhere?

[Interprétation]

M. Hamel: On pourrait distribuer une liste de ces articles lors de notre prochaine réunion.

Le président: Oui. Parfaitement. L'article 66 est adopté?

Adopté.

Article 67—*Interdiction de vendre des spiritueux durant les heures du scrutin.*

Le président: Il nous faudra un amendement si nous voulons tenir compte de la demande que nous a faite à ce sujet l'Association des Hôteliers relativement à la vente de spiritueux le jour des élections.

A la page 54, l'article 67 est ainsi conçu:

67. Est coupable d'une infraction à la présente loi quiconque, à tout moment durant les heures d'ouverture des bureaux de votation, le jour ordinaire du scrutin, vend, donne, offre ou fournit une boisson fermentée ou spiritueuse dans un hôtel, une taverne, un magasin ou un autre endroit public situé dans un district électoral où un scrutin est tenu.

Ce texte a été modifié pour tenir compte de la demande et se conformer aux lois provinciales.

M. Benjamin: Les débits de boisson peuvent ouvrir dès la fermeture des bureaux de votation?

Le président: Dès que les bureaux de votation sont fermés, et compte tenu des lois provinciales il n'y a alors aucune infraction en vertu de la Loi électorale du Canada.

Oui, monsieur Forrestall.

M. Forrestall: Je suis tout à fait perdu. Je voulais obtenir une précision touchant l'article 6. Il existe une pratique très répandue, celle d'apporter à manger au personnel du bureau de votation. Je ne voudrais pas leur créer de difficulté ni les laisser toute la journée sans une tasse de café ou un sandwich.

M. Lefebvre: A mon avis, le ton de cet article frise l'hypocrisie. On devrait le radier

M. Forrestall: Puis-je demander à M. Hamel si la loi parle ailleurs de tentative de corruption?

[Text]

Mr. Hamel: Other types of bribery are covered elsewhere. I must admit this is one of the sections of the Act I strongly refrain from giving opinion on because it is a very difficult one to interpret.

Mr. Lefebvre: The key word I think is: Everyone is guilty of an offence against this Act who, corruptly, by himself or by any other person, either before, during or after...

Who is going to say it is corrupt or not? That is the whole thing. I do not know what the legal term corrupt means, but I do not know how...

The Chairman: I agree with you that in Clause 66, there are a lot of things that should not be there, but there are some valid grounds for the clause if you think of liquor and money. But giving a meal, I just would like to know what...

Mr. Benjamin: Mr. Chairman, I am only half kidding but I kind of like the bottom of page 53 and the top of page 54. I agree with Mr. Lefebvre to some extent that it is hypocritical, that everybody does provide a lunch at the end of public meetings. The reason I like it is that it is a way of raising money. You get the food donated and you make them all pay two bits for a sandwich, coffee and cake, so you comply with the Act.

Mr. Lefebvre: I think we should let this go and come back to it later on.

The Chairman: It has been carried.

Mr. Lefebvre: It is certainly not carried.

An hon. Member: I did not carry it.

The Chairman: It was on Clause 67.

Mr. Lefebvre: It was Clause 67 we carried.

Mr. Jerome: No, I would say that Clause 67 should be worthy of some further discussion.

The Chairman: Why do you say that?

Mr. Jerome: I would like to see Clause 67 discussed extensively, Mr. Chairman. Personally, I favour the complete elimination of regulations which close down drinking places during polling hours, or any time on election day. I think it is an anachronistic section that we should study very carefully and if you want to discuss it now, I am perfectly prepared to do so, but I think it will take a lot of consideration.

[Interpretation]

M. Hamel: D'autres genres de tentatives de corruption sont mentionnées ailleurs. J'avoue que c'est un article de la Loi sur lequel je n'ose me prononcer, car il est très difficile à interpréter.

M. Lefebvre: L'expression-clé est je crois:

Est coupable d'une infraction à la présente loi quiconque, en vue de corrompre, par lui-même ou par l'intermédiaire d'une autre personne, soit avant, soit pendant ou après...

Qui dira s'il y a corruption? Je ne sais pas quel est le sens juridique du mot «corruption»; et je ne sais pas comment...

Le président: Je suis d'accord avec vous au sujet de l'article 66. Il renferme beaucoup de choses superflues, mais il est justifié, en ce qui a trait aux spiritueux et l'argent. Mais quand il s'agit de donner à manger au personnel, je voudrais bien savoir...

M. Benjamin: J'aime bien le passage à la fin de la page 53 et au bout de la page 54. Je suis d'accord avec M. Lefebvre qu'il s'agit là d'un article hypocrite, car il est normal d'offrir des victuailles lors des réunions publiques. Pour en revenir à ce passage, il est précieux pour se faire de l'argent. On se fait donner des sandwiches, le café et les gâteaux, puis on vend le tout.

M. Lefebvre: Nous devrions, je crois, différer l'étude de cet article.

Le président: Il a été adopté.

M. Lefebvre: Certes non.

Une voix: Pas par moi, en tout cas.

Le président: Il s'agissait de l'article 67.

M. Lefebvre: C'est l'article 67 que nous avons adopté.

M. Jerome: Je crois aussi qu'il faudrait étudier davantage l'article 67.

Le président: Expliquez-vous.

M. Jerome: Je voudrais discuter cet article à fond, monsieur le président. Je suis pour l'abrogation de tout règlement décrétant la fermeture, des débits de poisson le jour du scrutin.

C'est un anachronisme dans le monde moderne. Si vous voulez en discuter maintenant, je suis prêt.

[Texte]

The Chairman: We are still on proposed Section 66.

Mr. Jerome: Oh, yes, but I thought you had asked if the proposed Section 67 would carry. I am sorry.

The Chairman: Are you suggesting that in the proposed Section 67 we should authorize the sale of liquor during polling day, I mean, not say a word about it?

Mr. Jerome: Mr. Chairman, I would like to discuss that subject. I would like to propose precisely the opposite to what is said in the Act at the present time.

The Chairman: Yes, then we will come back to proposed Section 66. Are there any comments?

Mr. Lefebvre: I think this needs a lot of discussion.

Mr. Jerome: I agree.

Mr. Lefebvre: Parts of it could be left in, but I would like to get a definition of the word "corruptly" and an explanation of a lot of other things.

The Chairman: Is the word "corruptly" defined in some place in the Act?

Mr. Hamel: No, I do not believe so. If I recall, my information is that "corruptly" means with intent or with the intention to corrupt someone.

The Chairman: To influence them.

Mr. Hamel: Yes.

The Chairman: We all try to influence.

Mr. Howe: We all try to influence and I am not beyond saying that sometimes my mind might be a little corrupt in that sense, in the sense of influence. That is the name of the game.

Mr. Lefebvre: It is the name of the game, but you are not trying to corrupt anyone if you are trying to influence them to be one of your supporters. I cannot see this.

Vous êtes avocat, monsieur le président, pouvez-vous nous expliquer le sens de ce mot plus clairement?

The Chairman: I would suggest, if you want my opinion, that you try to get a new section which would touch on the question of offering liquor and money which would be deemed to be corrupt, but not meals.

Mr. Lefebvre: Something clear and short.

[Interprétation]

Le président: Nous en sommes encore à l'article 66.

M. Jerome: Je m'excuse, je croyais qu'on proposait l'adoption de l'article 67.

Le président: Proposez-vous que le nouvel article 67 ne fasse aucune mention de la vente de spiritueux le jour du scrutin.

M. Jerome: Je voudrais justement proposer le contraire de la disparition de la Loi à ce sujet.

Le président: Revenons à l'article 66. Avez-vous des observations à formuler?

M. Lefebvre: Cet article mérite une étude approfondie.

M. Jerome: Je suis de votre avis.

M. Lefebvre: On pourrait en retenir certains passages, mais je voudrais une définition de l'expression «en vue de corrompre» et des explications sur nombre d'autres points.

Le président: En trouve-t-on une définition quelque part dans la loi?

M. Hamel: Non, je ne le crois pas. On y souligne, je crois, l'intention de corrompre quelqu'un.

Le président: De l'influencer.

M. Hamel: Oui.

Le président: Nous essayons tous d'exercer une influence.

M. Howe: Oui, et je dois avouer que, sous ce rapport mon esprit en est parfois enpreint, en ce sens que je veux influencer. Ainsi sont les règles du jeu.

M. Lefebvre: Ainsi sont les règles du jeu, mais ce n'est pas corrompre une personne que de la rallier à sa cause.

You are a lawyer, Mr. Chairman. Can you possibly give us a better explanation regarding the meaning of this word?

Le président: A mon sens, il faudrait un nouvel article qui porterait sur les pots-de-vin et les spiritueux offerts en vue de corrompre; mais pas les repas.

M. Lefebvre: Quelque chose de clair et de concis.

[Text]

The Chairman: Meals and beverages. You see, if I give a 7-Up to someone, am I trying to influence his vote? If I do, I will buy a lot of it.

Mr. Benjamin: I think it could be worded in such a manner that if in the course of providing a bottle of 7-Up or cake, sandwiches, coffee or whatever, anyone implied, asked, or said that they expected, wished or wanted that person to vote for him or support him because he did supply him with food, then it would be a corrupt practice.

Mr. Lefebvre: You are beginning to sound more like a lawyer every day.

Mr. Benjamin: I am sorry about that.

Mr. Jerome: What normally and, in fact, does happen all the time is that everyone has a lunch during or after meetings and so forth and as long as no attempt is made to ask or demand of people their support because you did do this, then surely it is not corrupt.

Mr. Lefebvre: I have to leave now, Mr. Chairman, so I hope you will not pass this section today.

Mr. Jerome: Mr. Chairman, I have two remarks. The logical result of Mr. Benjamin's suggestion would be that the minute any party or organization at a meeting extended the hospitality of giving anyone a cup of coffee or a doughnut, then the candidate would be stopped from asking any of the people who attended the meeting to vote for him, which is really going too far. I wonder Mr. Chairman, if this section is not really in here in a totally different sense than all of the other election offences. This is in here for the protection and, I think, for the convenience of the candidate who really is able to say time and time again during the course of a campaign, "I would love to buy a round of drinks for the house, but I am prevented from doing so by force of the Election Act." I really think this is exactly why this section is in the Act. I do not think that anyone strenuously objects if his opponent wants to go into the pub and buy everyone a round of drinks nor do I think anyone has ever been prosecuted for this. Certainly you buy the workers who are on your campaign team food and so on throughout the course of the day.

The Chairman: At the next meeting Mr. Jerome, we will try to have an up-to-date drafting of this new section.

Mr. Benjamin: May I just add one point. I think this is intended as a protection for the candidates and party organizations and it was a very valid point that Mr. Jerome made. You

[Interpretation]

Le président: Repas et boissons. Est-ce que c'est influencer quelqu'un que de lui offrir un 7-up? Dans ce cas, j'en achèterai, croyez-moi.

M. Benjamin: Il faudrait rédiger l'article de façon que, si une personne vous offre un 7-up, un sandwich ou autre chose du même genre, en disant qu'elle s'attend à ce que vous votiez pour elle, il soit reconnu aussitôt que son geste constitue une pratique de corruption.

M. Lefebvre: Plus vous allez, plus l'avocat perce.

M. Benjamin: Excusez-moi.

M. Jerome: Chaque jour, on offre ainsi un repas à la fin ou pendant les réunions et tant que l'hôte ne demande pas à son invité de l'appuyer en retour, il n'y a pas de tentative de corruption.

M. Lefebvre: Je dois quitter, monsieur le président. J'espère que vous n'adopterez pas aujourd'hui cet article.

M. Jerome: Monsieur le président, j'ai deux observations à formuler. La proposition de M. Benjamin entraîne la conséquence suivante: chaque fois que l'organisation de parti offre du café ou un beigne, le candidat sera automatiquement empêché de demander aux personnes présentes de voter pour lui, ce qui est ridicule. Je me demande si cet article ne tranche pas totalement les autres infractions électorales. C'est sans doute pour protéger le candidat qui pourrait dire à plusieurs reprises au cours de sa campagne: «J'aimerais bien vous offrir une tournée, mais la Loi électorale m'interdit de le faire». Je crois que c'est précisément là la raison d'être de cet article de la loi. Personne ne s'oppose réellement à ce que son adversaire offre une tournée et personne n'a jamais été poursuivie à cette fin. Il ne fait aucun doute que vous payez les repas et boissons de votre personnel électoral.

Le président: A la prochaine séance, monsieur Jerome, nous essaierons de mettre à jour ce nouvel article.

M. Benjamin: Permettez-moi d'ajouter que cet article vise, selon moi, à protéger les candidats eux-mêmes et l'organisation des partis. M. Jerome a parlé pertinemment. Un candi-

[Texte]

could have a situation where one candidate who was personally wealthy without overtly or covertly trying to corrupt people or influence their vote with liquor could still do a lot of drink buying as a good fellow on a scale which no other candidate who was opposing him could do.

The Chairman: Yes, but he does it through a third party.

Mr. Benjamin: Could we not say...

Mr. Forest: I think it will have to be redrafted because that applies even after an election.

The Chairman: I believe it could be kept for money, liquor or things like that, but taken off for the rest.

Mr. Forrestall: The corrupt use of money and liquor...

Mr. Forest: Yes, and liquor.

Mr. Forrestall:...for the purposes of influencing a voter is an acceptable thing to me, but because of a practice in some areas where the party in power, for example, feeds the agent of the opposing political party at the polls on election day as a gesture of courtesy, I would not want something that had been done for the candidate to be open to that agent or any agent being able to say "What is he doing feeding an identifiable individual who is openly opposed to him?"

The Chairman: If you want to read the bottom of page 53 says:

...provides food such as sandwiches, cakes or cookies, and drink such as tea, coffee, milk or soft drinks...

Mr. Forrestall: The polling station is not a meeting of electors.

The Chairman: It is only a polling station.

Mr. Forrestall: It is in quite a different category and the events of the day in the polling station are very rigidly controlled.

The Chairman: Let us think about it and we will start on proposed Section 66 at the next meeting.

[Interprétation]

dat en moyens pourrait, sans vouloir influencer ouvertement les électeurs, offrir des consommations plus généreuses que ne pourrait le faire ses adversaires.

Le président: Oui, mais il le fait par l'intermédiaire d'un tiers.

M. Benjamin: Il faudra rédiger cet article à nouveau, parce que...

M. Forest: Ce jugement vaut même après les élections.

Le président: On pourrait réserver cet article en ce qui concerne l'argent, les spiritueux et autres choses du même genre, mais y supprimer toute allusion quant au reste.

M. Forrestall: L'argent et les spiritueux au service de la corruption...

M. Forest: Oui, les spiritueux surtout.

M. Forrestall: ...aux fins d'influencer un voteur, la chose serait acceptable, à mon point de vue, mais vu que, dans certaines régions, le parti au pouvoir paye les dépenses de l'agent électoral de l'autre parti quand il se trouve au bureau de votation, je ne voudrais pas qu'on s'écrie: «Que fait-il donc? Nourrir ainsi son adversaire?»

Le président: Au bas de la page 53, on lit:

...fournit des aliments tels que des sandwiches, gâteaux ou biscuits, et des breuvages tels que du thé, café, lait ou boissons non alcooliques...

M. Forrestall: Le bureau de votation n'est pas une réunion électorale.

Le président: Ce n'est qu'un bureau de votation.

M. Forrestall: C'est une toute autre question et les événements d'une journée dans un bureau de votation sont très rigoureusement réglés.

Le président: Pensons-y. Nous aborderons l'article 66 à la prochaine réunion.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969-70

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

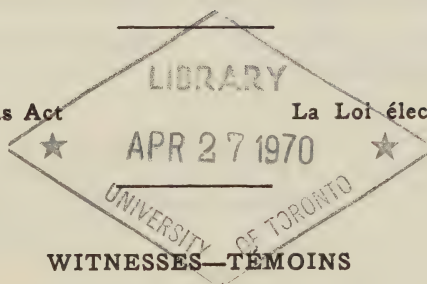
No. 13

THURSDAY FEBRUARY 5, 1970

LE JEUDI 5 FÉVRIER 1970

Canada Elections Act

La Loi électorale du Canada



WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir le *Procès-verbal*)

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président

and Messrs.

et MM.

Alkenbrack,
Benjamin,
Code,
Comtois,
Duquet,
Forest,

Forrestall,
Fortin,
Howard (*Skeena*),
Howe,
Jerome,
Lefebvre,

Marceau,
Peddle,
Richard,
Serré,
Trudel,
Turner (*London East*)—20.

(Quorum 11)

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

[Text]

Thursday, February 5, 1970.
(16)

The Standing Committee on Privileges and Elections met this day at 9:45 a.m.

Members present: Messrs. Code; Comtois, Duquet, Forest, Forrestall, Howe, Jerome, Laflamme, Trudel, Turner (*London East*).

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

As the Chairman, Mr. Laflamme, had to leave the meeting immediately, the Committee agreed that Mr. Jerome be appointed Acting Chairman.

The Committee resumed its consideration of the draft amendments to the Canada Elections Act.

Mr. Hamel presented a draft amendment to section 66 of the Act. After discussion the section was permitted to stand.

Sections 67 to 76 were agreed to but permitted to stand because of a lack of a voting quorum.

Sections 77 and 78 were permitted to stand.

The Committee discussed the holding of a poll in licensed premises.

After debate thereon, it was agreed that Mr. Hamel would draft an appropriate amendment.

At 11:05 a.m., the Committee adjourned to the call of the Chair.

PROCÈS-VERBAL

[Traduction]

Le jeudi 5 février 1970
(16)

Le Comité permanent des privilèges et élections se réunit ce matin à 9h 45.

Députés présents: MM. Code, Comtois, Duquet, Forest, Forrestall, Howe, Jerome, Laflamme, Trudel, Turner (*London-Est*)—(10).

Témoins: M. J.-M. Hamel, directeur général des élections.

Comme le président du Comité, M. Laflamme, est obligé de partir sur-le-champ, les membres du Comité décident de nommer M. Jerome au poste de président suppléant.

Le Comité reprend l'étude des projets d'amendement de la Loi électorale du Canada.

M. Hamel présente un projet d'amendement de l'article 66 de ladite loi. Après délibération, l'article est réservé.

Les articles 67 à 76 sont adoptés, mais on accepte de les réserver en l'absence d'un quorum.

Les articles 77 et 78 sont réservés.

Les membres du Comité discutent de la possibilité d'un bureau de votation dans des locaux autorisés.

Après délibération, il est décidé que M. Hamel rédigera l'amendement requis.

A 11h 05, la séance du Comité est levée jusqu'à nouvelle convocation du président.

*Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.*

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, February 5, 1970

● 0943

Mr. Duquet: Gentlemen, we have a quorum to receive evidence, but as Mr. Laflamme was called away and Mr. Paproski is not here, is it agreed that Mr. Jerome be Acting Chairman this morning?

Some hon. Members: Agreed.

The acting Chairman (Mr. Jerome): Thank you, gentlemen. We were on proposed Section 66 at the last meeting dealing with the prohibitions against a candidate or an agent buying food and drink for the electors during the course of the campaign. We are on page 53 dealing with proposed Section 66 and I have received a proposal that might accomplish most of the objectives we discussed at the last meeting. I will read it to you and we might use it as a rough draft of what we might head towards and then, Mr. Hamel, you might initiate the discussion on this note.

66. (1) Everyone is guilty of an offence against this Act who corruptly by himself or by any other person during an election directly or indirectly gives, offers, procures or provides money, valuable consideration, office, employment, food or drink, to induce a person to vote or refrain from voting or to procure the vote of any person, and every person who corruptly accepts or receives or agrees to accept or receive such money, valuable consideration, office, employment, food or drink is also guilty of an offence against this Act.

First of all, you will note the words "corruptly by himself or by any other person during an election . . . gives" or "offers" these things. There are also some exceptions in the proposed subsection (2) which reads as follows:

(2) Subsection (1) does not apply to

(a) an official agent who, as an election expense, provides refreshments at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election; or

(b) any person other than an official agent who, at his own expense, provides such food or drink at

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le jeudi 5 février 1970

M. Duquet: Messieurs, nous sommes en nombre suffisant pour entendre les témoignages. Même si MM. Laflamme et Paproski ne sont pas ici, êtes-vous d'accord pour que M. Jerome agisse comme président suppléant ce matin?

Des voix: D'accord.

Le président suppléant (M. Jerome): Merci, messieurs. Nous allons reprendre où nous en étions rendus à la dernière réunion, soit à l'interdiction pour un candidat ou un agent d'acheter des aliments ou des boissons destinés aux électeurs au cours d'une campagne électorale. Nous étudions, à la page 53, l'article 66 du projet. J'ai reçu une proposition qui pourrait atteindre la plupart des objectifs que nous recherchions à la dernière réunion. Je vais en donner lecture; elle pourra nous servir de point de base. M. Hamel pourra ensuite entamer la discussion.

66. (1) Est coupable d'une infraction à la présente loi quiconque, en vue de corrompre, par lui-même ou par l'intermédiaire d'une autre personne, pendant une élection, directement ou indirectement donne, offre, procure ou fournit argent, considération spéciale, charge, emploi, aliments ou breuvages pour amener une personne à voter ou à ne pas voter ou à procurer le vote à une personne quelconque, et toute personne qui, par corruption, accepte ou reçoit ou consent à accepter ou à recevoir cet argent, considération spéciale, charge, emploi, aliments ou breuvages est également coupable d'une infraction à la présente loi.

Tout d'abord, vous noterez les mots «en vue de corrompre, par lui-même et par l'intermédiaire d'une autre personne, pendant une élection, . . . «donne» ou «offre» ces allèchements. Il y a certaines exceptions au paragraphe proposé (2), ainsi conçu:

(2) Le paragraphe (1) ne s'applique pas

a) à un agent officiel qui, à titre de dépenses d'élection, fournit des rafraîchissements lors d'une assemblée d'électeurs réunis aux fins de favoriser l'élection d'un candidat au cours d'une élection; ou

b) à toute personne autre qu'un agent officiel qui, à ses propres frais, fournit ces aliments et

[Text]

a meeting of electors assembled for the purpose of promoting the election of a candidate during an election, or

(c) any person supplying lunches to election agents at a polling station.

● 0945

Mr. Forest: What is the definition of "valuable consideration"? I believe that could cover quite a few things.

Mr. J. M. Hamel (Chief Electoral Officer): This is just a draft we prepared yesterday afternoon. In fact, this was discussed with the people in Justice which it was helpful up to a point, but then we looked into provincial legislation and by and large the provincial laws go far beyond what we have in the federal Act. Some provinces take up to four or five pages to describe and list the types of offence with a few exceptions after each section. Finally, this was more or less extracted or adapted from the Nova Scotia legislation which is relatively short and seemed in my mind anyway, to cover some of the ideas that were expressed here last Tuesday. This was not seen by the draftsmen in Justice, this is purely a very basic draft in which we tried to put ideas primarily. It would have to be redrafted, I would guess, or at least be seen by the draftsmen.

Mr. Code: I would think we definitely would have to take care of this. Elections are a tremendous competition at any time and if we throw it wide open so that people can go into an election campaign with every means available, it is going to get very expensive. I do not know just how we can put the brakes on without trying to narrow the thing down, but I do not think it should be wide open. On the day of the last election my opposition's agent was going around to the officers in the polls giving them tickets for a victory party the next night. This was being done right in the polls. They were handing out these tickets and my people were there, too. He had a victory party, but it was not his and I think there was some weeping. He very nearly did beat me, but I did not think it was legitimate to do that sort of thing. So you can see that in throwing these things wide open there could be tremendous competition with food, drink, parties and all kinds of things in an election. We have enough of them now, but I think there would be more if we threw the doors wide open.

The Acting Chairman (Mr. Jerome): That raises a couple of thoughts. It was suggested at the last meeting that this section was not so much designed to create an offence as it was to protect the candidate from being embarrassed and from incurring a lot of expenses that he could otherwise avoid by saying that it was an infraction against the Act. This also raises the question of whether we will go from here into the limitation of election expenses which would have a considerable bearing on your . . .

[Interpretation]

breuvages lors d'une assemblée d'électeurs réunis aux fins de favoriser l'élection d'un candidat au cours d'une élection, ou

c) toute personne fournissant des repas légers aux agents d'élection dans un bureau de votation

M. Forest: Quel sens donnez-vous à «considération spéciale»? Cette expression pourrait donner lieu à plusieurs interprétations.

M. J.-M. Hamel (directeur général des élections): Il s'agit simplement d'un avant-projet préparé hier après-midi. Nous en avons discuté avec des représentants du ministère de la Justice, et la chose nous a été utile. Nous avons aussi consulté les lois provinciales et, dans l'ensemble, celles-ci vont bien au-delà des dispositions de la loi fédérale. Il a parfois fallu 4 ou 5 pages pour énumérer les genres d'infractions, y compris les exceptions relatives à chaque paragraphe. Cet avant-projet s'inspire, dans une certaine mesure, de la loi de la Nouvelle-Écosse qui est relativement concise et qui, à mon avis du moins, semble être conforme à certaines des idées exprimées ici mardi dernier. Les rédacteurs du ministère de la Justice n'en ont pas encore pris connaissance. Il s'agit d'un simple brouillon, d'un premier jet, qui devra être remanié par les juristes ou les rédacteurs.

M. Code: Il faudrait certes trancher cette question. Les élections seront très coûteuses si on ne limite pas les moyens utilisables en campagne électorale. Je ne sais pas comment on pourra y arriver si l'on n'impose pas certaines restrictions. Je ne crois pas qu'il faille laisser la porte grande ouverte. A la dernière élection, mon adversaire distribuait le jour du scrutin des billets pour une célébration de victoire le lendemain soir, et ce dans les bureaux de votation. Il y a eu une célébration, mais elle ne couronnait pas sa victoire. Il m'a presque battu, mais je ne crois pas que c'est là une façon d'agir qui soit convenable. S'il n'y a aucune restriction d'imposée, il y aura débordement d'ali-ments, de breuvages et de célébrations en période de campagne électorale. Il y en a déjà assez, et la situation ne pourra qu'empirer si on n'y met pas de restrictions.

Le président suppléant (M. Jerome): On a suggéré à la dernière réunion que cet article ne devait pas tant viser à créer une infraction qu'à protéger le candidat des embarras et des grandes dépenses qu'il pourrait autrement éviter en disant qu'il s'agit d'une infraction à la loi. Ce point soulève également la question de savoir si nous devons envisager l'étude de la limitation des dépenses électorales, ce qui pourrait avoir d'importantes répercussion sur . . .

[Texte]

Mr. Howe: By the same token, I have always felt that during an election campaign I could walk into a hotel, shake hands with the bartender and the manager and walk out again without being embarrassed by somebody saying, "You have to buy us a drink"—you know how it can happen—and you say, "It is against the law, I cannot". You can get away with saying that, but if we do not have some brake in there, we just could not go into these places at election time because it would cost you a fortune every time you did.

Mr. Serré: You would not gain at all.

The Acting Chairman (Mr. Jerome) Are there any further comments on this proposed Section 66.

Are there any other views on it?

Mr. Forest: It is a big improvement on what we had before. I think, as Mr. Howe said, we have to keep some limit on it, although it always could be done by your official agent, but anyway it is restricted to beverages, tea and coffee, and sandwiches.

• 0950

Mr. Duquet: I would go a little further, Mr. Hamel and Mr. Chairman, in the proposed subsection (1). I think we should spell it out and say alcoholic beverages, spirits or whatever you want to call it.

The Acting Chairman (Mr. Jerome): How would that read then?

M. Duquet: Comment ça se dit boisson enivrante en anglais?

The Acting Chairman (Mr. Jerome): Mr. Duquet, you are suggesting that . . .

Mr. Duquet: That food would read "food and alcoholic beverages" or whatever you want to call it. This would eliminate beer and spirits, and it would leave the door open to soft drinks.

The Acting Chairman (Mr. Jerome): You would propose then the prohibition on alcoholic beverages only and leave it open to be able to buy coffee and sandwiches and things of that sort.

Mr. Duquet: Now food or alcoholic beverages relates with the corruption, you see?

. . . who corruptly by himself or by any other person during an election directly or indirectly gives, offers, procures or provides money, food or alcoholic beverages . . .

So whichever word you choose would apply to subsection (1) only.

The Acting Chairman (Mr. Jerome): Mr. Howe, would that meet your point, do you think?

[Interprétation]

M. Howe: Au cours d'une campagne électorale, j'ai toujours cru pouvoir entrer dans un hôtel, serrer la main du gérant et en repartir sans accéder aux demandes de celui qui me demandait de lui payer un verre. Voici la réponse toute trouvée: «Je suis désolé, c'est contraire à la loi». L'absence de limitation entraînerait des abus qui peuvent coûter une fortune.

M. Serré: Vous n'y gagneriez rien.

Le président suppléant (M. Jerome): Y a-t-il d'autres commentaires touchant l'article 66 du projet?

M. Forest: C'est une amélioration. Comme M. Howe l'a dit, nous devons garder une limite et nous pourrions charger notre agent officiel de la faire respecter. De toute façon, cette limite ne permet que les boissons non alcooliques, le thé, le café et les sandwiches.

M. Duquet: J'irais un peu plus loin que le paragraphe (1). Je crois que nous devrions être plus précis et dire boissons alcooliques, spiritueux.

Le président suppléant (M. Jerome): Et comment se lirait le paragraphe?

M. Duquet: How do you say *boisson enivrante* in English?

Le président suppléant (M. Jerome): Vous suggérez que . . .

M. Duquet: Je voudrais que l'article mentionne «aliments et boissons alcooliques», ce qui éliminerait la bière et les spiritueux et laisserait la porte ouverte aux boissons non alcooliques.

Le président suppléant: Vous ne mettriez une restriction que sur les boissons alcooliques et vous permettriez aux gens d'acheter des sandwiches et du café, et ainsi de suite.

M. Duquet: Les aliments ou les boissons alcooliques portent à la corruption.

. . . quiconque, en vue de corrompre, par lui-même ou par l'intermédiaire d'une autre personne, pendant une élection, directement ou indirectement donne, offre, procure ou fournit argent, aliments ou boissons alcooliques . . .

Quel que soit le mot, il ne s'appliquerait qu'au paragraphe (1).

Le président suppléant (M. Jerome): Monsieur Howe, cette proposition rejoint-elle votre point?

[Text]

a meeting of electors assembled for the purpose of promoting the election of a candidate during an election, or

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The Acting Chairman (Mr. Jerome): How would that read then?

M. Duquet: Comment ça se dit boisson enivrante en anglais?

The Acting Chairman (Mr. Jerome): Mr. Duquet, you are suggesting that . . .

Mr. Duquet: That food would read "food and alcoholic beverages" or whatever you want to call it. This would eliminate beer and spirits, and it would leave the door open to soft drinks.

The Acting Chairman (Mr. Jerome): You would propose then the prohibition on alcoholic beverages only and leave it open to be able to buy coffee and sandwiches and things of that sort.

Mr. Duquet: Now food or alcoholic beverages relates with the corruption, you see?

. . . who corruptly by himself or by any other person during an election directly or indirectly gives, offers, procures or provides money, food or alcoholic beverages . . .

So whichever word you choose would apply to subsection (1) only.

The Acting Chairman (Mr. Jerome): Mr. Howe, would that meet your point, do you think?

[Interprétation]

M. Howe: Au cours d'une campagne électorale, j'ai toujours cru pouvoir entrer dans un hôtel, serrer la main du gérant et en repartir sans accéder aux demandes de celui qui me demandait de lui payer un verre. Voici la réponse toute trouvée: «Je suis désolé, c'est contraire à la loi». L'absence de limitation entraînerait des abus qui peuvent coûter une fortune.

M. Serré: Vous n'y gagneriez rien.

Le président suppléant (M. Jerome): Y a-t-il d'autres commentaires touchant l'article 66 du projet?

M. Forest: C'est une amélioration. Comme M. Howe l'a dit, nous devons garder une limite et nous pourrions charger notre agent officiel de la faire respecter. De toute façon, cette limite ne permet que les boissons non alcooliques, le thé, le café et les sandwiches.

M. Duquet: J'irais un peu plus loin que le paragraphe (1). Je crois que nous devrions être plus précis et dire boissons alcooliques, spiritueux.

Le président suppléant (M. Jerome): Et comment se lirait le paragraphe?

M. Duquet: How do you say *boisson enivrante* in English?

Le président suppléant (M. Jerome): Vous suggérez que . . .

M. Duquet: Je voudrais que l'article mentionne «aliments et boissons alcooliques», ce qui éliminerait la bière et les spiritueux et laisserait la porte ouverte aux boissons non alcooliques.

Le président suppléant: Vous ne mettriez une restriction que sur les boissons alcooliques et vous permettriez aux gens d'acheter des sandwiches et du café, et ainsi de suite.

M. Duquet: Les aliments ou les boissons alcooliques portent à la corruption.

. . . quiconque, en vue de corrompre, par lui-même ou par l'intermédiaire d'une autre personne, pendant une élection, directement ou indirectement donne, offre, procure ou fournit argent, aliments ou boissons alcooliques . . .

Quel que soit le mot, il ne s'appliquerait qu'au paragraphe (1).

Le président suppléant (M. Jerome): Monsieur Howe, cette proposition rejoint-elle votre point?

[Text]

Mr. Howe: I think it would.

Mr. Duquet: You have no objection to buying a coke for anybody?

Mr. Howe: No, no. If you allowed alcoholic beverages at every meeting you had you would have to provide it.

Mr. Duquet: I agree with that.

Mr. Howe: As I say, we all know what elections cost now and when we are hanging somebody else, we are hanging ourselves. Some people say we are narrow but we have to think about every angle of this thing and it is important.

Mr. Duquet: It is not only a question of expense, Mr. Howe, it is a question of morality.

Mr. Howe: That is all it is.

Mr. Duquet: A guy starts to take a drink and he takes another one. You have a gathering of 10, or 15 or 50 people or 500 people and one of them gets drunk and starts trouble.

Mr. Howe: That is right.

Mr. Duquet: So this would avoid all that, I think. In the meantime it would meet your point that we would not have to feel obliged to buy a drink for anybody we meet in any place.

The Acting Chairman (Mr. Jerome): Yes. Well, Mr. Duquet would you propose then that a candidate or his agent be strictly prohibited during the course of an election campaign from buying anybody an alcoholic drink?

Mr. Duquet: Yes, I would go that far.

The Acting Chairman (Mr. Jerome): Mr. Howe?

Mr. Howe: I agree with that.

The Acting Chairman (Mr. Jerome): Does that make sense? We have that now. There is no doubt at the present time that is the understanding of the existing law under the Canada Elections Act. This proposed draft of Section 66 . . .

Mr. Duquet: It may be the understanding, but it is not plainly defined anywhere. We are changing Section 66 altogether so why not put it in subclause (1) concerning alcoholic beverages. Why not? It will be clear and nobody will have doubts.

The Acting Chairman (Mr. Jerome): I wonder if the best way to do that would not be to leave this section

[Interpretation]

M. Howe: Je le crois.

M. Duquet: Avez-vous une objection à acheter un coke à quelqu'un?

M. Howe: Non, non. Si vous permettez de servir des boissons alcooliques à chaque réunion, nous devrons en acheter.

M. Duquet: D'accord.

M. Howe: Nous savons ce que coûtent les élections actuellement, certains vous traitent de chiches, mais il faut examiner tous les aspects de la question.

M. Duquet: Ce n'est pas seulement une question de dépenses, monsieur Howe, mais aussi une question de morale.

M. Howe: C'est exact.

M. Duquet: Un homme prend un verre, puis un autre. Si vous avez un groupe de 10, 15, 50 ou 500 personnes, une d'entre elles en prend trop c'est là que les ennuis commencent.

M. Howe: C'est exact.

M. Duquet: Les députés ne devraient pas se sentir obligés d'acheter un verre à chaque personne qu'ils rencontrent.

Le président suppléant (M. Jerome): Monsieur Duquet proposez-vous qu'on défende à un candidat ou à son agent d'acheter un verre de boisson alcoolique à qui que ce soit pendant la durée d'une élection?

M. Duquet: Oui.

Le président suppléant (M. Jerome): Monsieur Howe?

M. Howe: Oui, je suis d'accord.

Le président suppléant (M. Jerome): Cette disposition est implicitement contenue dans la loi électorale du Canada actuelle. Cet amendement propose à l'article 66 . . .

M. Duquet: Cette disposition est implicite, mais elle n'est pas définie d'une façon précise. Comme nous sommes en train de modifier l'article 66 au complet, pourquoi n'ajouterions-nous pas cette disposition au paragraphe (1) sur les boissons alcooliques? Il ne pourrait subsister aucun doute.

Le président suppléant (M. Jerome): Est-ce que la meilleure façon de procéder ne serait pas de laisser cet

[Texte]

as it is, and to deal separately with the subject of alcoholic beverages and make it a blanket and complete prohibition against a candidate or his agent.

Mr. Duquet: Why would it not be clear now, Mr. Chairman? Everyone is guilty of an offence against this Act, "who corruptly offers food and alcoholic beverages". I do not see why it should not come in there. We never have anything to do with food and even if we have, what is wrong with it? What is wrong in paying for a meal or a tea party? What is wrong with that? It is this food and drink of subclause (1), so why not make it clear that alcoholic beverages would only be in subclause (1) and let subclause (2) go as it is?

The Acting Chairman (Mr. Jerome): I would differentiate between them because Section 66 really is lumping together the practice of corruptly attempting to influence a voter by giving him money, by giving him food, or by giving him a drink, but it has to be corruptly. It has to be with the intent of actually making a deal that in return for this, he is going to vote for you. What I am asking is: do you want to put alcoholic beverages in a separate category altogether, that they are absolutely prohibited: it does not have to be corruptly, it does not have to be by way of a bribe, just you cannot do it at all.

● 0955

Mr. Duquet: A short section covering strictly beverages?

The Acting Chairman (Mr. Jerome): Exactly.

Mr. Duquet: Alcoholic beverages.

The Acting Chairman (Mr. Jerome): Exactly.

Mr. Duquet: I have no objection.

The Acting Chairman (Mr. Jerome): Is this the thinking of the committee?

Mr. Duquet: No objection.

An hon. Member: I have no objection to that at all.

Mr. Duquet: This would refer strictly to alcoholic beverages.

The Acting Chairman (Mr. Jerome): I think I could probably—Mr. Hamel?

Mr. Hamel: We are not trying to make any suggestions here, we are just trying to translate you ideas into words. This is a section on which apparently I am not going to make any suggestions.

There is one thing that, perhaps, should be brought to mind. If you prohibit completely alcoholic bev-

[Interprétation]

article tel quel, de traiter séparément le sujet des boissons alcooliques et d'avoir une disposition tout à fait claire et nette?

M. Duquet: L'article n'est-il pas assez précis, monsieur le président? Est coupable d'une infraction à la présente loi «quiconque, en vue de corrompre, offre aliments et boissons alcooliques». Quel mal y a-t-il à payer un repas ou un thé à quelqu'un? Pourquoi ne pas préciser que les boissons alcooliques ne s'appliquent qu'au paragraphe (1) et laisser le paragraphe (2) sans modification.

Le président suppléant (M. Jerome): J'établirais une différence entre les deux parce que l'article 66 traite globalement de la corruption d'un électeur par le don d'argent, d'aliments ou de breuvages. Voulez-vous mettre les boissons alcooliques dans une catégorie distincte de sorte qu'elles soient absolument défendues, qu'il y ait ou non intention de corrompre?

M. Duquet: Un petit article ne traitant que des boissons alcooliques?

Le président suppléant (M. Jerome): Exactement.

M. Duquet: Boissons alcooliques.

Le président suppléant (M. Jerome): Exactement.

M. Duquet: Je n'ai pas d'objection.

Le président suppléant (M. Jerome): Le Comité est-il d'accord?

M. Duquet: Aucune objection.

Une voix: Je n'ai aucune objection.

M. Duquet: Cet article ne traiterait que des boissons alcooliques.

Le président suppléant (M. Jerome): Je pourrais peut-être... Monsieur Hamel?

M. Hamel: Nous n'essayons pas de formuler des suggestions, mais simplement de reproduire vos idées par écrit. C'est un article sur lequel je ne ferai pas de suggestions.

Toutefois, il y a un point que l'on ne doit pas oublier. Si vous défendez complètement la consumma-

[Text]

erages, it means that any victory parties will have to be with tea and coffee.

Mr. Duquet: No, you can . . .

Mr. Hamel: It says, "during an election." An election means from the issue of the writ until a candidate is declared elected, which is at the earliest two weeks following polling day.

Another thing, perhaps you could achieve the same purpose by adding a word or two in subsection (2) by saying that subsection (1) does not extend to an official agent who, as an election expense, provides soft drinks or cakes and sandwiches, things like that, at the meeting of electors.

Mr. Duquet: Just say food, instead of the cakes; let us say food that is all.

Mr. Hamel: But if you said soft drinks, since you said . . .

Mr. Duquet: Oh, I agree with the soft drinks. So it is food or soft drinks, I agree with that.

The Acting Chairman (Mr. Jerome): Mr. Forrestall?

Mr. Forrestall: I just wondered, Mr. Chairman, what is it that we are attempting to do. Is it not to protect against undue influence? Undue influence can come in many, many ways. I do not see really how you can begin to say that it is liquor that makes it undue, or it is food that makes it undue—the liquor is neither here nor there. The old days of the abuses of liquor at election time, I think, have long since gone, many, many years ago?

Mr. Howe: The argument I was giving was the fact that during an election campaign you walk.

You are going up and down mainstreeting, you go into a tavern, you go into hotels, to shake hands and meet the proprietor or the bartender and the people who work there, and you are going to be embarrassed every time you go in by the people who are there saying, "Oh, you better buy a round." You get in there and you never get out.

Mr. Duquet: There is not only that, Mr. Howe, but there are times . . .

Mr. Howe: I do not know whether this is the way to get around it or to . . .

Mr. Duquet: Some people do it intently. I do not know how it is in your riding but I know that in the cities some candidates do walk in the taverns and buy a drink for everybody. How can we prove that he does it to corrupt? This is the problem. We cannot do it. If it is in the law, then he cannot do it; he will not do it.

[Interpretation]

tion des boissons alcooliques, les célébrations de victoire devront se faire au thé et au café.

M. Duquet: Non, vous pouvez . . .

M. Hamel: L'article stipule «pendant une élection», ce qui veut dire: à partir du moment de l'émission du bref jusqu'à ce que le candidat soit déclaré élu, c'est-à-dire au plus tôt deux semaines après le jour du scrutin.

Un autre point: vous pourriez peut-être atteindre le même but en ajoutant un ou deux mots au paragraphe (2), qui préciseraient que le paragraphe (1) ne s'applique pas à l'agent officiel qui, à titre de dépenses d'élection, fournit des boissons alcooliques ou des gâteaux et sandwiches lors d'une assemblée d'électeurs.

M. Duquet: Au lieu de parler de gâteaux, disons aliments tout simplement.

M. Hamel: Mais il faudrait peut-être dire boissons non alcooliques, puisque . . .

M. Duquet: Oui, ça va pour aliments et boissons non alcooliques.

Le président suppléant (M. Jerome): Monsieur Forrestall?

M. Forrestall: Je me demande ce que nous essayons de faire en ce moment. N'est-ce pas de protéger l'électeur contre les influences indues? Ces influences indues peuvent se produire de façons très différentes. Je ne vois pas comment on peut dire que ce sont les boissons alcooliques et les aliments qui influent indûment sur l'électeur. Ce temps est révolu.

M. Howe: Il y a de nombreux déplacements pendant une élection. Vous entrez dans les tavernes et les hôtels pour serrer des mains et rencontrer le propriétaire et les gens qui y travaillent, mais vous êtes toujours embarrassés par les gens qui vous demandent de leur payer une tournée. Vous n'en finissez pas.

M. Duquet: Il y a aussi, monsieur Howe, les . . .

M. Howe: Je me demande vraiment si . . .

M. Duquet: Il y a des gens qui le font exprès. Je ne sais pas comment les choses se passent dans les milieux ruraux, mais je sais que, dans les villes, certains candidats entrent dans les tavernes et paient la traite à tout le monde. Comment peut-on prouver qu'ils le font avec l'intention de corrompre les électeurs, ce n'est pas

[Texte]

We have seen candidates walk in a tavern and call for a round of drinks for everybody; it does not matter if they are electors of his riding or not. He will not do that if it is in the law.

● 1000

The Acting Chairman (Mr. Jerome): Mr. Duquet, if I may. As I understand this proposed Section 66, that kind of thing would not be prohibited because obviously a person who buys a round of drinks for a whole tavern, out in the open and public without knowing even if they are all electors, you could not possibly suggest that that was corruptly buying somebody a drink for the purpose of attempting to get his vote. It is a promotional thing which would be allowed under the terms of reference, I would think, under this present section.

Mr. Duquet: I agree with you, Mr. Chairman. It is good, nevertheless it may be a reason to avoid those things. It all depends on how the law is interpreted. Even if he could do it, it may scare him to do it; it may be better if nobody did it.

The Acting Chairman (Mr. Jerome): Mr. Forrestall, if I may . . .

Mr. Forrestall: Could I just ask one question? Mr. Hamel, what was the word "office" in Section 66 (1)? Does that mean appointed office? Is that what you had in the back of your mind, or did we have, when we were talking about it the other day?

Mr. Duquet: I think this is a function.

Mr. Hamel: Unfortunately, in Section 66, as it appears in the series of draft amendments we proposed, there is no mention of office or money. This is something that was dropped in the drafting and I really do not know whether it is as a result of the discussion in Section 63 or not; but under the present Canada Elections Act this is an offence: a promise of office, money or other valuable considerations.

This was in Section 65, it is opposite page 52, subsection (g): of a contract, "office" more or less means a job.

Mr. Duquet: Exactly.

Mr. Hamel: The promise of a job.

Mr. Duquet: Exactly.

Mr. Hamel: Employment.

Mr. Forrestall: As long as we have the intent somewhere with the words clearly on the record. I am opposed to undue influence on any voter no matter what the reason or how it is done, but I have no strong

[Interprétation]

facile à découvrir. Si c'est écrit dans la loi, il ne pourra pas le faire. Nous avons vu des candidats entrer dans une taverne et payer la traite à tous ceux qui s'y trouvaient, que les gens fussent de sa circonscription ou non. Si c'est écrit dans la loi, le candidat devra se dispenser d'agir ainsi.

Le président suppléant (M. Jerome): Monsieur Duquet, vous me permettez! Si j'ai bien compris l'article 66 que l'on propose, ce genre d'extériorisation ne serait pas défendu parce qu'une personne qui paie la traite à tous les gens présents dans la taverne, sans même savoir s'ils sont tous des électeurs, ne le fait pas en vue de corrompre les électeurs. C'est une manière de faire de la publicité qui serait permise en vertu de l'article actuel.

M. Duquet: Je suis d'accord avec vous, monsieur le président, mais il serait peut-être bon d'éviter ces façons de faire. Tout dépend de l'interprétation qu'on donnerait de la loi.

Le président suppléant: Monsieur Forrestall, si vous me permettez . . .

M. Forrestall: Puis-je poser une seule question? Quel sens donnez-vous au mot «charge» dans l'article 66(1)? S'agit-il d'une nomination? Est-ce ce dont vous avez parlé l'autre jour?

M. Duquet: Je crois qu'il s'agit d'un poste.

M. Hamel: Malheureusement, dans l'article 66 du projet de modification, on ne mentionne pas les mots charge ou argent. D'après la présente loi électorale du Canada, c'est une infraction que de promettre un emploi, de l'argent ou toute autre considération spéciale.

Je parle de l'article 65 g), en regard de la page 52. Le terme «charge» désigne un emploi.

M. Duquet: Précisément.

M. Hamel: La promesse d'un emploi.

M. Duquet: Précisément.

M. Hamel: Un emploi.

M. Forrestall: Du moment que les termes sont bien définis. Je suis contre l'influence indue, quelle que soit la façon dont elle est exercée, mais je n'ai pas d'idées très arrêtées à ce sujet. J'aimerais cependant dire que

[Text]

feelings for this, one way or the other, except to make this observation, and to go back to use a time-worn phrase of some of our meetings a few weeks ago, at some point, either this or another committee is going to be looking at another aspect of the Act, which I think will lend itself to a very rigid curtailment of the amount of money that is going to be allowed to be spent. My own attitude towards this other matter is positive, in the sense that I believe we should get out of these multimillion dollar races in which we are involved, every three or four years. One or two provinces have gone into this, and it seems to be working out all right; it severely curtails walking into a tavern and buying, because whether you do it corruptly or otherwise, the fact of the matter is you can only spend so much money, and you either perjure yourself or somebody puts you in a very difficult position.

I am just saying we should keep that in the back of our minds. Other arguments have been made, and I have no strong feelings about it one way or another. You can corrupt somebody with a look as well as you can with a drink.

Mr. Duquet: Mr. Chairman, you will note Mr. Forrestall had to convince us that everyone is guilty. We have seen some of the workers for the candidates doing it. For instance they will call in 10 or 15 fellows in some part of a riding, down in a cellar, in the backyard of a building, or something like that, with 15 or 20 cases of beer. We know definitely that this is corruption, even if you cannot prove it. But if it is in the law, then everyone who does that is guilty of an offence. It will prevent them from doing this, because they will be scared of the law. Now it is too open. They do it indirectly because the law is very lenient in its interpretation.

● 1005

Mr. Forrestall: I would suggest then, and again I am not attempting to be facetious, that we had better put pot, marijuana and a whole lot of other things in there too. I agree. The thing again, Mr. Chairman, that concerns me is the undue influence.

Mr. Duquet: This is undue, what I just said.

Mr. Forrestall: Corruption can come in many, many ways and has nothing to do with whether somebody buys you a drink or not, but however.

The Acting Chairman (Mr. Jerome): Mr. Forrestall, there has been some discussion relative to your comments about the fact that a prohibition against purchasing alcoholic beverages for electors during a campaign...

Mr. Forrestall: I am sorry, Mr. Chairman.

The Acting Chairman (Mr. Jerome): There has been some discussion that a prohibition of this sort against buying alcoholic beverages, specifically, is just as much

[Interpretation]

notre comité ou un autre étudiera un autre aspect de la loi, qui concerne la limitation des dépenses électorales. Mon opinion sur cette autre question est que nous devrions nous défaire de ces dépenses à coup de millions de dollars tous les trois ou quatre ans. Une ou deux provinces ont opté en faveur de ce système et tout semble bien marcher. Un candidat ne peut pas entrer dans une taverne et faire ce que nous avons dit, qu'il y ait ou non intention de corrompre. Il n'a le droit de dépenser qu'un certain montant.

Certains ont présenté d'autres arguments, et je n'ai pas d'opinion arrêtée sur la question. On peut corrompre quelqu'un aussi bien avec un regard qu'avec un verre.

M. Duquet: Monsieur le président, vous remarquerez que M. Forrestall a dû nous convaincre de la culpabilité de chacun. Certains travailleurs s'acquittent de cette tâche pour les candidats. Ils invitent 10 ou 15 personnes, dans un sous-sol, dans un jardin ou dans un édifice et y font apporter 15 ou 20 caisses de bière. Nous savons très bien qu'il s'agit de corruption, même si on ne peut pas le prouver. La loi serait la seule façon de les empêcher d'agir ainsi. Ils réussissent à la contourner, parce que l'interprétation en est trop vaste.

M. Forrestall: Je ne veux pas parler pour rien, mais nous devrions aussi inclure le haschisch et la marijuana dans cet article de la Loi, parce qu'ils peuvent contribuer à une influence indue.

M. Duquet: Ce que j'ai dit était indu.

M. Forrestall: La corruption peut se faire de bien des manières et n'a rien à voir avec le fait que quelqu'un vous achète un verre ou non.

Le président suppléant (M. Jerome): Monsieur Forrestall, on a discuté la question que vous avez soulevée, à savoir l'interdiction d'acheter des boissons alcooliques pour les électeurs pendant une campagne...

M. Forrestall: Je suis désolé, Monsieur le président.

Le président suppléant (M. Jerome): On a dit qu'une interdiction de ce genre concernant les boissons alcooliques était bonne, autant pour la commodité et

[Texte]

for the convenience and protection of the candidate during a campaign, as it is for the electors, the public or in the public interest, so far as corruption is concerned.

That does not give you the kind of general principle that you may need to separate alcohol from the others, but subject to that, what do you think of it?

Mr. Forrestall: Yes, fine. As I say, I have no strong feelings about it. My feelings go to the other end of the argument.

The Acting Chairman (Mr. Jerome): Is there any further discussion on this? Mr. Comtois.

Mr. Comtois: Mr. Chairman. What about the owner of a tavern who offers a beer to everyone when the candidate walks in? Some of them do that for all candidates, it is good publicity for them, but what can you do?

The Acting Chairman (Mr. Jerome): It is an offence. It would be an offence.

Mr. Duquet: Everywhere, it is an offence. It would stop that. I think all the members here do have an aim, and this aim is to have morality during elections kept as good as possible. Right?

Some hon. members: Right.

Mr. Duquet: I think this article would put it strong enough even if we cannot prove corruption definitely. It still is very necessary to help us have clean elections.

Mr. Forrestall: Yes, I cannot argue against mother love, Mr. Chairman.

The Acting Chairman (Mr. Jerome): Mr. Comtois, I would think that there would be situations, for example, where people have a coffee party in their home for a candidate and, when the guests drop in, they might pour them a drink or offer them a cold beer. That would become an offence, but there is always the question of prosecution as well.

Mr. Comtois: It is always the candidate who must pay for that even if he is not responsible. What can you do? An opponent could be doing that to you and what would you do then?

Mr. Duquet: There is nothing we can do but put all the possibilities on the right side.

Mr. Comtois: Yes, but you will be accused and it might be done by somebody else, one of your opponents might do that; but the candidate will be responsible for it personally. What can you do, in a case like this?

[Interprétation]

la protection du candidat pendant une campagne que pour les électeurs et le public, en ce qui concerne la corruption.

On n'y retrouve tout de même pas le principe général que vous recherchez pour distinguer l'alcool des autres boissons. Qu'en pensez-vous?

M. Forrestall: Je n'ai pas d'opinions arrêtées sur le sujet.

Le président suppléant (M. Jerome): Y a-t-il d'autres questions? Monsieur Comtois.

M. Comtois: Qu'advient-il du propriétaire d'une taverne qui offre une bière à tout le monde quand le candidat y fait son entrée? Certains accueillent tous les candidats de cette façon parce qu'ils en retirent une bonne publicité.

Le président suppléant (M. Jerome): Ce serait une infraction.

M. Duquet: Je crois que tous les députés ont un but commun, et c'est de sauvegarder autant que possible la morale pendant une élection. Pas vrai?

Des voix: C'est juste.

M. Duquet: Je crois que cet article serait assez précis, même si l'on ne pouvait pas prouver qu'il y a eu corruption. Il s'impose, si nous voulons avoir des élections honnêtes.

M. Forrestall: Je n'en doute pas.

Le président suppléant (M. Jerome): Monsieur Comtois, imaginons une situation, par exemple, où des gens auraient organisé une soirée au thé pour le candidat et qui à l'arrivée des invités on leur offre un verre de bière. Ce serait une infraction, mais il y a aussi la question des poursuites.

M. Comtois: C'est toujours le candidat qui paie de toute façon. Que pouvons-nous y faire?

M. Duquet: Rien, sinon mettre toutes les possibilités du bon côté.

M. Comtois: Quelqu'un, même peut-être votre adversaire, pourrait payer un verre en votre nom, et vous seriez tenu personnellement responsable. Que faire en l'occurrence?

[Text]

The Acting Chairman (Mr. Jerome): If there is some way to accept . . .

Mr. Comtois: If someone pays for a drink in your name and you are accused, what can you do?

Mr. Duquet: You can prove it was . . .

Mr. Comtois: How can you prove it?

Mr. Duquet: It was an opponent in your riding.

Mr. Comtois: He might say somebody else dit it. It is always possible.

The Acting Chairman (Mr. Jerome): Mr. Comtois, I think that there is a distinction here from the old Act that is important. In the proposed Section 66 that is before you, it starts out:

66. (1) Every one is guilty of an offence . . . directly or indirectly . . .

Mr. Duquet: That is it. That is a good part.

Mr. Comtois: How can you prove it?

The Acting Chairman (Mr. Jerome): Dealing with the subject of alcoholic beverages, if they were to be in a separate section and were to say simply, everyone is guilty of an offence who purchases an alcoholic beverage for an elector during the course of a campaign. That is an over simplification but, if it were that way, the very person who is attempting to intimidate the candidate by buying the drink, is himself guilty of an offence; therefore, if he wishes to see the candidate prosecuted by having to prove that the candidate had got him to do it, he is going to have to subject himself to prosecution for doing it in the first place. I think that would tend to eliminate it.

Mr. Duquet: I think so too, and you could have some kind of wording . . .

Mr. Comtois: It is very, very dangerous.

Mr. Duquet: . . . you could say until the election is over, until the polls are closed.

Mr. Comtois: Could we have the opinion of Mr. Hamel, on this?

Mr. Duquet: Until the closing of the polls, so we could have a party after the polls are closed.

The Acting Chairman (Mr. Jerome): Fine.

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Mr. Hamel: Well, as I said, I have no opinion on this. I am only trying to get your views and draft something that will be acceptable to the Committee.

[Interpretation]

Le président suppléant: S'il y a une façon d'accepter . . .

M. Comtois: Si quelqu'un paie un verre en votre nom et qu'on vous accuse, que pouvez-vous faire?

M. Duquet: Vous pouvez prouver que . . .

M. Comtois: Comment pouvez-vous le prouver?

M. Duquet: C'était un adversaire.

M. Comtois: Il pourrait dire que c'est quelqu'un d'autre qui l'a fait. C'est bien possible.

Le président suppléant: Monsieur Comtois, je crois qu'il y a une différence avec l'ancienne loi. L'article 66 commence ainsi:

Est coupable d'une infraction . . . directement ou indirectement . . .

M. Duquet: Et voilà.

M. Comtois: Comment pouvez-vous le prouver?

Le président suppléant (M. Jerome): En ce qui concerne les boissons alcooliques, si la question en était traitée dans un article distinct et qu'on dise: est coupable d'infraction quiconque achète une boisson alcoolique pour un électeur au cours d'une campagne. Ainsi, la personne qui veut embarrasser le candidat en achetant un verre en son nom serait coupable d'infraction; si elle veut accuser le candidat et prouver sa culpabilité, elle doit reconnaître sa propre culpabilité du fait même. Ce serait là une façon de prévenir de telles choses.

M. Duquet: C'est la bonne manière, et . . .

M. Comtois: Elle est très dangereuse.

M. Duquet: . . . vous pourriez ajouter jusqu'à la fin de l'élection, jusqu'à la fermeture des bureaux de votation.

M. Comtois: M. Hamel voudrait-il formuler quelque observation à ce propos?

M. Duquet: Jusqu'à la fermeture des bureaux de votation, pour que nous puissions ensuite avoir une célébration.

Le président suppléant (M. Jerome): Très bien.

M. Hamel: Comme je l'ai dit, je n'ai pas d'opinion à ce sujet. J'essaie d'obtenir votre point de vue pour être en mesure de rédiger une formule qui soit acceptable au Comité.

[Texte]

Mr. Duquet: Mr. Hamel, we are willing to have your suggestions on this.

The Acting Chairman (Mr. Jerome): This Section 66 prohibits anyone from offering food or drink or anything else. Let us suppose that the prohibition against alcoholic beverages were directed specifically to the candidate so that the prohibition against alcoholic beverage would say simply "every candidate" who purchases an alcoholic beverage for anyone else, or his agent. Now it is restrictive.

Mr. Comtois: That would be acceptable to me.

Mr. Duquet: Do not forget, Mr. Chairman, that during an election anybody recognized as working for such or such a candidate becomes an agent.

Mr. Hamel: No, the official agent only.

Mr. Comtois: If you say the official agent it is one person.

The Acting Chairman (Mr. Jerome): Even if you were to say every candidate or agent of a candidate.

Mr. Comtois: The official agent.

The Acting Chairman (Mr. Jerome): Well, it depends on how you want to restrict it. But you have got an opportunity to set up a contrast here because this section says every person. If you then specify certain people, candidate, official agent, or candidate, and any agent . . .

Mr. Comtois: No, because, Mr. Chairman, the official agent can be prosecuted, and the candidate too is an official agent, but not just anybody.

Mr. Duquet: What is the use of drafting an article if we are going to close it on one side and open it on the other. If it is limited to the candidate and the official agent, anybody else can do it.

Mr. Forest: Mr. Chairman, I think we are getting into trouble for nothing. As it is now, we have the offence, which is general, against everyone who offers anything, whether food or drink or office, to influence the vote of somebody. That is the general principle, and then we give an exception for an official agent and anybody else who gives a "tea party" for the candidate. That is the exception, and I think we should keep that.

We say the official agent provides refreshments. This might be a general term. It could be alcoholic beverages or anything. We have to make this as it was before, cakes and soft drinks and things like that. Refreshments might be of any kind.

[Interprétation]

M. Duquet: Monsieur Hamel, nous aimerions avoir votre opinion sur le sujet.

Le président suppléant (M. Jerome): L'article 66 défend à quiconque d'offrir quoi que ce soit. Si l'interdiction des boissons alcooliques s'adressait spécialement aux candidats, il suffirait simplement de dire «chaque candidat» qui achète une boisson alcoolique pour toute autre personne, ou son agent. Cette formule est la plus limitative.

M. Comtois: Elle me semblerait acceptable.

M. Duquet: N'oubliez pas que, durant la période des élections, toute personne reconnue comme œuvrant pour un candidat devient un agent.

M. Hamel: Non, l'agent officiel seulement.

M. Comtois: L'agent officiel.

Le président suppléant (M. Jerome): Même si l'on disait «chaque candidat ou chaque agent d'un candidat».

M. Comtois: L'agent officiel.

Le président suppléant (M. Jerome): Tout dépend de la restriction que vous désirez. Vous avez l'occasion d'établir une différence parce que cet article dit «toute personne». Si vous voulez parler de certaines personnes en particulier, candidat, agent officiel, ou candidat, et tout agent . . .

M. Comtois: Non, parce que l'agent officiel peut être poursuivi et que le candidat est aussi un agent officiel, mais pas n'importe qui.

M. Duquet: A quoi bon formuler un article qui, d'un côté, augmenterait notre liberté d'action et de l'autre la diminuerait. Si la disposition ne vise que le candidat et l'agent officiel, n'importe qui pourra s'en donner à cœur joie.

M. Forest: Monsieur le président, je crois que nous cherchons midi à quatorze heures. Actuellement, l'infraction s'applique à quiconque offre quelque chose, qu'il s'agisse d'aliments, de breuvages ou de charge, en vue d'influencer le vote d'une personne. Font exception l'agent officiel et toute personne qui donne une réception pour le candidat. C'est suffisant.

Nous disons que l'agent officiel fournit les rafraichissements, qui pourraient comprendre des boissons alcooliques. Nous devons revenir à la formule précédente qui disait «gâteaux et boissons non alcooliques» et ainsi de suite.

[Text]

Mr. Duquet: If we were to say "alcoholic beverage" instead of the word "drink", and also in article (1) to say "alcoholic beverages" instead of "drink", and if we were to add after "refreshments" the words "provide refreshments except alcoholic beverages", then everything is all right.

We want only to point out the alcoholic beverages. Therefore, if after "refreshment" we say "except alcoholic beverages", and if we say before "drink" or instead of "drink" in article (1) "alcoholic beverages", I think we cover the whole thing. Any other drink would be permitted—parties with tea, or parties with soft drinks, as long as it is non-alcoholic. It stays open as before.

Mr. Howe: Mr. Chairman, have you any record of charges laid under the old Act with regard to treating and things like that? Have there ever been any elections upset or charges laid?

Mr. Hamel: No. The only case I can recollect is the case of a candidate who had given a small victory party, and had forgot to put this in his election expenses. It was as a result of failing to report the expense, and not on the party itself.

Mr. Howe: Not on a charge being laid?

Mr. Duquet: Not corruption.

Mr. Howe: No.

Mr. Forrestall: I accept the arguments that are going around. We are drafting a law we know is going to be broken and we should be honest with ourselves. I have been convinced for a long time in elections that there are more people around who might corrupt than there are around who are corruptible.

The elector is a sensible fellow, and this is 1970. I do not like to underestimate him by doing things, in terms of law, that I know very well are going to be broken in the normal course of events, not with malice aforethought or anything like that, but they are just simply going to do it.

We either build in the protection for ourselves, and maybe it is a protection against society, to make it a serious offence for a candidate or his agent or anybody acting on behalf of his agent or himself to act with foreknowledge. Perhaps there is some merit in going that far. I do not know I have never thought of it in that sense. However, may I say again that I think we should be careful about making a law that we know is going to be broken.

Mr. Duquet: Yes, but then we have to bring it down to the minimum.

Mr. Forrestall: I see. It is a question of the lesser of two evils, I suppose.

[Interpretation]

M. Duquet: Si nous disions «boissons alcooliques» au lieu de «breuvages» et, dans le paragraphe (1), «boissons alcooliques», au lieu de «breuvages» et si nous ajoutions après «rafraîchissements» «fournit des rafraîchissements, sauf des boissons alcooliques», tous nos problèmes seraient réglés.

Je crois que la formule que je viens d'exposer résoudrait nos problèmes. Sont également permises les réceptions où l'on offre un thé et des boissons non alcooliques. Les portes de sortie sont aussi nombreuses qu'avant.

M. Howe: Des accusations ont-elles déjà été portées en vertu de l'ancienne loi en ce qui touche les régals et actes semblables? Certaines élections ont-elles été troublées ou des accusations ont-elles été portées?

M. Hamel: Non. Le seul cas dont je me souviens est celui d'un candidat qui avait organisé une petite fête de victoire et avait oublié de l'inclure dans ses frais d'élection. Il s'agissait d'un oubli, mais pas de la fête même.

M. Howe: Il n'y a pas eu d'accusation?

M. Duquet: Pas de corruption.

M. Howe: Non.

M. Forrestall: Nous essayons de mettre à point une loi qui, nous le savons va être violée. Je suis persuadé depuis longtemps qu'en temps d'élection, il y a plus de corrupteurs que de corrompus.

L'électeur est une personne très censée. N'oublions pas que nous sommes en 1970. A quoi bon faire une loi, si nous savons qu'elle va être violée dans le cours normal des choses. Nous nous protégeons nous-mêmes, en protégeant la société quand nous considérons comme coupable d'infraction grave celui qui ira sciemment à l'encontre de cette loi. Il faut être très prudent quand on établit une loi dont on sait qu'elle va être violée.

M. Duquet: Oui, mais nous devons ramener cette question au minimum.

M. Forrestall: Je vois; c'est le choix du moindre des deux maux.

[Texte]

The Acting Chairman (Mr. Jerome): There is a distinction here, Mr. Forrestall. If we were to adopt the present Section 66 or something in that form, there really would be nothing to prevent a public picnic where cold beer was served, and this does raise, as Mr. Hamel said, the competitive factor.

If you open this up, in the next campaign when one does it in a public way so that there is no corruption involved, you have opened up a whole new type of campaigning. Most of us will agree that on a June afternoon, if you have two picnics going on, and one of them has cold beer and the other one has not, you know where the crowd is going to be, especially if it is free.

This section would permit, because it is public and because it is not corruptly done, that kind of thing.

That is quite a departure from the way things were done before, because I think it was generally understood that you simply could not do that kind of thing under the Canada Elections Act formerly, and we would make that possible unless you want to go on and deal in a special class of "alcoholic beverages."

Mr. Comtois: Another thing, Mr. Chairman. When you go into a hotel it costs you the same price for a beer as it does for a coke.

The Acting Chairman (Mr. Jerome): Yes.

Mr. Duquet: I could not argue with you on that.

Mr. Forrestall: Mr. Chairman, because we are bogged down here, I wonder if we could beg your indulgence and stand this matter until a week from today, and out of curiosity see how our fuller caucus might react to the two propositions that seem to be generally in front of us.

The Acting Chairman (Mr. Jerome): I certainly have no objection to that, if you want to stand this matter over to a later meeting and come back to it.

Mr. Duquet: Oh, no, we have got to make a decision now.

Mr. Forest: I would leave it as it is.

The Acting Chairman (Mr. Jerome): I may say that we cannot vote on this at the present time anyway because of the numbers. We have got to leave it until closer to 11 o'clock. We can leave it for a short while and perhaps go on to something else.

Mr. Hamel: Mr. Chairman, if I could get the views of the Committee, we could have a draft which would have been vetted by the draftsmen in the Department of Justice for probably the next meeting, but this I would have to have cleared through you.

[Interprétation]

Le président suppléant (M. Jerome): Il existe cette différence que si l'on adopte l'article 66 dans sa forme actuelle, il n'y a rien qui empêcherait la tenue d'un pique-nique où l'on servirait de la bière froide. Il y a, comme l'a signalé M. Howe, le facteur de la concurrence.

Si vous permettez à un candidat de le faire publiquement de sorte qu'il n'y ait pas de corruption, vous ouvrez la porte à un tout nouveau genre de campagne. Si, un après-midi de juin, il y a deux pique-niques, dont l'un offre gratuitement de la bière fraîche et l'autre n'en a pas, vous savez où va aller la foule. Cet article permettrait ce genre de fêtes, parce qu'elles seraient publiques et ne donneraient pas lieu à la corruption.

La situation serait très différente de ce qu'elle était en vertu de la Loi électorale du Canada. Nous rendrions de tels événements possibles, à moins de traiter à part le cas des «boissons alcooliques».

M. Comtois: Dans un hôtel, un coke coûte aussi cher qu'une bière.

Le président suppléant (M. Jerome): C'est vrai.

M. Duquet: Je ne saurais dire le contraire.

M. Forrestall: Puisqu'on est enlisé, est-ce qu'on ne pourrait pas réserver cet article pendant une semaine pour voir comment le caucus pourrait réagir aux deux propositions envisagées.

Le président suppléant (M. Jerome): Je n'y vois pas d'objection. Voulez-vous réserver cette question pour une autre réunion?

M. Duquet: Nous devons prendre une décision toute de suite.

M. Forest: Je laisserais les choses comme elles sont.

Le président suppléant (M. Jerome): Nous ne pouvons pas nous prononcer pour l'instant sur la question, parce que nous ne sommes pas en nombre. Nous devons l'abandonner jusqu'à 11 heures. Nous pouvons la réserver pour une courte période et y revenir plus tard.

M. Hamel: Si je pouvais connaître l'opinion du Comité, nous pourrions disposer, probablement à la prochaine réunion, d'un projet qui aurait été mis au point par les experts du ministère de la Justice.

[Text]

I believe I mentioned earlier that we looked into the provincial legislation and in three provinces they go to great lengths to describe the offences.

Alberta, Saskatchewan and Quebec take four or five pages of text to explain what is prohibited and what is allowed. Ontario is almost silent on this; there is practically nothing. This was, as I mentioned, practically extracted from the Nova Scotia legislation which is relatively short and seemed to cover most of the ...

Mr. Forrestall: We are prepared to accept this and agree to it as it is drafted here.

Mr. Forest: Yes, but we have to deal with additional refreshments, because you leave the door open for candidates who may have liquor parties. There should be a restriction to provide refreshments such as cakes and soft drinks.

Mr. Forrestall: The only caveat I would put on it is that at some point, hopefully, I am going very forcefully to support some suggestions that are going to restrict the amount of money we are able to spend. I think there is a built-in safeguard. If you have \$10,000 to spend, if you have radio and TV and lunches ...

The Acting Chairman (Mr. Jerome): I think, gentlemen, that we probably have raked this one over enough, especially in view of the fact that we will probably at some time or other be considering a limitation on election expenses, which will have a bearing on this. Can we move on to proposed Section 67?

Mr. Hamel: Proposed Section 67 used to be Section 49, subsection (5). As you recall, the prohibition applied to the whole day of polling, which meant from midnight the day before until midnight that day. In view of the discussion at previous committees in 1963 and in 1960, this is what we prepared to meet the views of the committee in 1963 because as you know, the previous provision was in conflict with most provincial legislation. In most provinces, hotels and bars and taverns are closed only while the polls are open or perhaps one hour after the polls are closed or something like that. This would definitely not be in conflict with any provincial legislation.

The Acting Chairman (Mr. Jerome): Gentlemen, before we leave this point—one already so dear to my heart—I just want to put on record the possibility of discussing two things: first of all, whether we have finally reached the time that we should not consider that the opening of licensed premises during polling hours even results in so great a temptation to the electorate that they may wind up there instead of in the the polling booth; and in any case, I wonder whether or not the federal government has the

[Interpretation]

Il y a trois provinces qui décrivent avec force détails les genres d'infractions.

L'Alberta, la Saskatchewan et le Québec précisent dans quatre ou cinq pages ce qui est permis et ce qui est défendu. L'Ontario ne dit presque rien. Le texte que j'ai présenté s'inspire de la loi de la Nouvelle-Écosse qui est assez courte et couvre la plupart des ...

M. Forrestall: Nous sommes prêts à l'accepter sans modification.

M. Forest: Il nous reste encore à discuter des rafraîchissements additionnels, qui rendent possibles les célébrations où l'on peut servir des boissons alcooliques. Celles-ci devraient être restreintes aux gâteaux et aux boissons non alcooliques.

M. Forrestall: J'espère que j'aurai l'occasion d'appuyer avec force certaines propositions visant à limiter le montant d'argent pouvant être dépensé. Si vous disposez de \$10,000, et que vous devez faire des déboursés pour la radio, la télévision et les banquets ...

Le président suppléant (M. Jerome): Messieurs, je crois que nous avons passé assez de temps sur cette question. De plus, nous aurons probablement l'occasion d'étudier la limitation des dépenses électorales, ce qui aura certaines répercussions sur cette question. Procédons avec l'article 67.

M. Hamel: L'article 67 du bill était auparavant le paragraphe (5) de l'article 49. Comme vous le savez, l'interdiction antérieure s'appliquait au jour entier du scrutin, c'est-à-dire de minuit le jour précédent à minuit le jour du scrutin. Les discussions des séances antérieures nous ont aidés à rédiger cet article parce que, comme vous le savez, l'ancienne disposition allait à l'encontre de la plupart des lois provinciales. Dans la plupart des provinces, les hôtels, les bars et les tavernes ne ferment que lorsque les bureaux de votation sont ouverts ou parfois pendant l'heure qui suit la fermeture des bureaux. La disposition actuelle n'irait à l'encontre d'aucune loi provinciale.

Le président suppléant (M. Jerome): Avant de procéder plus avant, j'aimerais souligner deux points de discussion que je considère importants: d'abord, le fait d'ouvrir les établissements licenciés durant les heures de vote entraînerait-il une diminution du pourcentage des électeurs qui se rendraient aux bureaux de votation. Je me demande également si le gouvernement fédéral a le droit de dire aux provinces de fermer leurs établissements licenciés à telle ou telle heure. J'ai déjà dit à la dernière réunion que, à mon

[Texte]

authority over provinces to tell them that they have to close their licensed establishments at any time. In the last meeting, I have already gone on record as saying that I think we should take this section out altogether and get the federal government out of the business of controlling licensed premises in provinces on election day. I hope that the provinces will follow suit and leave the places open so that the person who has voted can have a glass of wine with his lunch or his supper.

Mr. Forest: I would not go along with your suggestion.

An hon. Member: Neither would I.

Mr. Forest: I think they should be closed during polling day until one hour after the polling has closed to be sure that it is not open during the polling hours.

Mr. Duquet: I agree with Mr. Forest but I do not agree on the hour after. I think polling hours are enough because for the next half-hour or hour after the polls are closed everybody is working in the poll. There is no danger there. There is nothing that can happen there. I will go along with the article as is.

Mr. Forrestall: Does the provision of one hour follow a tendency to bring acts in line? Do all of the provinces have the one hour after?

Mr. Hamel: No, I can think only of Quebec. The reason for having one hour beyond the closing of the polls is to ensure that the ballot boxes get to the office of the Returning Officer a bit earlier.

Mr. Forest: No detours on the way.

Mr. Duquet: That only applies to Quebec.

The Acting Chairman (Mr. Jerome): Mr. Code.

Mr. Code: For the advance polls liquor places are not closed.

The Acting Chairman (Mr. Jerome): This does not apply.

Mr. Code: I want to ask you about one particular case. Beverages are sold in a Legion Hall. What would you think about holding an advance poll at a place like that? It did happen in the last election.

Mr. Hamel: There is no prohibition in the Act.

Mr. Code: I do not think any candidate is going to raise Cain about any Legion Hall but that did take place in one instance that I know of.

[Interprétation]

sens, nous devrions abroger cet article pour faire en sorte que le gouvernement fédéral se retire tout à fait du contrôle des établissements licenciés pendant le jour de l'élection. J'espère que les provinces décideront d'ouvrir ces établissements pour que celui qui a exercé son droit de vote puisse prendre un verre de vin avec son repas.

M. Forest: Je n'agréé pas votre proposition.

Une voix: Moi non plus.

M. Forest: Je crois que ces établissements devraient être fermés durant le jour du scrutin jusqu'à une heure après la fermeture des bureaux de votation et qu'on s'assure qu'ils ne seront pas ouverts pendant les heures de vote.

M. Duquet: Je suis d'accord avec M. Forest, sauf pour la question d'une heure après la fermeture du bureau de votation. Je crois que la mention des heures de vote serait suffisante parce que les bureaux sont très occupés après la fermeture. Il n'y a aucun danger. Je suis en faveur de l'article dans sa forme actuelle.

M. Forrestall: Cette disposition reçoit-elle beaucoup d'assentiment? Les provinces prévoient-elles cette disposition sur l'heure qui suit la fermeture?

M. Hamel: Non, il n'y a que le Québec. Cette heure supplémentaire rend possible l'arrivée plus tôt des boîtes du scrutin au bureau de l'officier rapporteur.

M. Forest: Pas d'arrêt en cours de route.

M. Duquet: Seulement au Québec.

Le président suppléant (M. Jerome): Monsieur Code.

M. Code: Les débits de boissons ne ferment pas quand il s'agit des bureaux provisoires de votation.

Le président suppléant (M. Jerome): Il n'en est pas question ici.

M. Code: Je voulais avoir votre opinion sur un cas précis. On vend des boissons dans une salle de la légion. Que pensez-vous du choix d'un tel endroit comme bureau provisoire de votation? Le fait s'est produit pendant la dernière élection.

M. Hamel: La loi ne renferme aucune interdiction à cet effet.

M. Code: Je crois qu'aucun candidat ne s'élèvera contre une salle de la Légion, mais je me souviens d'un cas.

[Text]

Mr. Hamel: In some jurisdictions they solve this by prohibiting the use of any licensed place as a polling place. You cannot establish a poll in a hotel or tavern or on licensed premises.

Mr. Forrestall: That might be a useful amendment.

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The Acting Chairman (Mr. Jerome): Yes. Is there general disposition to consider that worthwhile? Shall proposed Section 67 carry?

Proposed Section 67 agreed to without amendment and permitted to stand.

Mr. Hamel: By the way, not in terms of wording but in terms of content it is exactly the same as in New Brunswick. In New Brunswick it is only while the polls are open. If you make it a little broader, it means that we are in conflict with the New Brunswick legislation. We almost had a big problem there at the last election.

On Proposed Section 68.

Proposed Section 68 personation and voting if disqualified or incompetent to vote is just a redrafting of the present Section 68. There is absolutely nothing changed there.

Mr. Howe: Personation would be considered when we are talking about proxy, would it not?

Mr. Duquet: It can still apply. This would apply even to a proxy.

Mr. Hamel: Well, of course, if you go for a proxy system it will make it legal under certain conditions to apply for a ballot. There might be some consequential amendments to this one or it may be notwithstanding any other provisions in this Act.

The Acting Chairman (Mr. Jerome): Proposed Section 68 would have to be subject to the section on proxy voting if you pass it, I would think.

Mr. Duquet: Would it? Even with (d)?

The Acting Chairman (Mr. Jerome): Well, you would have to change proposed Section 68 to say "subject to the section on proxy voting, everyone commits an offence."

Mr. Duquet: If (d) is still as it is, it applies even to a proxy. If a person comes in who is a proxy and asks for a ballot—if I come in as a proxy and ask to vote in Mr. Hamel's name, paragraph (d) still applies in my case.

The Acting Chairman (Mr. Jerome): If we passed the section on proxy voting, we would have to make a

[Interpretation]

M. Hamel: On résout parfois le problème en interdisant d'utiliser un établissement licencié comme bureau de votation. Vous ne pouvez pas établir un bureau de votation dans un hôtel, une taverne ou un endroit licencié.

M. Forrestall: Il s'agirait peut-être d'un amendement utile.

Le président suppléant (M. Jerome): Oui. Certains jugent-ils le point important? L'article 67 est-il adopté?

L'article 67 est adopté sans modification et est réservé.

M. Hamel: Cet article est la réplique exacte de celui de la loi du Nouveau-Brunswick. Dans cette province, l'interdiction ne vaut que lorsque les bureaux de votation sont ouverts. Si nous allons plus loin, nous sommes en conflit avec la loi du Nouveau-Brunswick. Nous avons failli avoir de graves ennuis lors de la dernière élection.

Au sujet de l'article 68.

L'article 68 du projet, intitulé supposition de personne et vote par une personne privée de la qualité d'électeur ou inhabile à voter, n'est qu'une reformulation de l'article 68 actuel. Il n'y a aucun changement.

M. Howe: La supposition de personne s'appliquerait dans le cas du vote par procuration, n'est-ce pas?

M. Duquet: Oui, elle s'appliquerait dans ce cas.

M. Hamel: Evidemment, un système par procuration serait soumis à certaines conditions légales concernant la demande d'un bulletin de vote. D'autres amendements pourraient découler du présent, mais il est peut-être indépendant de toute autre disposition de la Loi actuelle.

Le président suppléant (M. Jerome): L'article 68 serait sous réserve de l'article sur le vote par procuration si vous l'adoptez.

M. Duquet: Oui? même avec l'alinéa d)?

Le président suppléant (M. Jerome): Il faudrait amender l'article 68 et dire «sous réserve de l'article sur le vote par procuration, commet une infraction quiconque».

M. Duquet: L'alinéa d) dans sa forme actuelle s'applique au vote par procuration. Si quelqu'un se présente pour voter par procuration au nom de M. Hamel, l'alinéa d) s'applique à cette personne.

Le président suppléant (M. Jerome): Si nous adoptons l'article sur le vote par procuration, nous

[Texte]

specific change in this section saying "except as authorized by this Act under Section so and so."

Mr. Duquet: It carries?

The Acting Chairman (Mr. Jerome): We cannot carry any of these things now. We just have to move along. Proposed Section 69.

Mr. Hamel: Proposed Section 69 used to be 67 and it was only redrafted. There is no change there.

The Acting Chairman (Mr. Jerome): Mr. Forrestall, this proposed section is your undue influence section so that you have another go at the person who is trying to persuade a voter by whatever means, because I suppose influence would be persuasion of any sort. So we come into it again.

Mr. Forrestall: I am satisfied with 69. I thought 69 would simply replace the other one altogether.

The Acting Chairman (Mr. Jerome): Presumably there is a distinction between the two because this is not bribery, it is influence, which might be any kind of pressure you are able to put on a person other than bribing him with the offer of gifts or money and so on.

Proposed Section 70.

Mr. Hamel: Proposed Section 70 is a redrafting of former 73 without any change. This was changed quite extensively in 1960 and was just redrafted along the lines of former Section 73.

The Acting Chairman (Mr. Jerome): This seems to be a specific list of things prohibited under 67.

Mr. Howe: This would come into the area of somebody who has moved from your riding. He is sent a card to bring him back to vote on election day.

The Chairman: This eliminates something that every political organization has been doing in every election for years and years and years, which is setting up car pools to drive voters to the poll. Instead of their having to take taxis we drive them to the poll. Everybody does this.

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An hon. member: Yes, but you are not paying him nor are you promising to pay him.

Mr. Forrestall: You are paying the expense though.

[Interprétation]

devrions amender le présent article et dire «Sauf dans les cas autorisés par la présente loi en vertu des articles tel et tel».

M. Duquet: L'article est-il adopté?

Le président suppléant (M. Jerome): Nous ne pouvons rien adopter maintenant. Nous devons continuer. Article 69 du projet.

M. Hamel: L'article 69 est une reformulation de l'ancien article 67. Il n'y a aucun changement.

Le président suppléant (M. Jerome): Monsieur Forrestall, le présent article traite de la question de l'influence induue, de sorte que vous pouvez vous en prendre encore une fois à la personne qui essaie de persuader un électeur par des moyens quelconques, parce que je présume que le terme influence désigne persuasion de tout genre. Allez-y.

M. Forrestall: Je suis satisfait de l'article 69. Je croyais qu'il allait remplacer l'autre complètement.

Le président suppléant (M. Jerome): Il doit y avoir une différence entre les deux, parce qu'il ne s'agit pas de corruption, mais plutôt d'influence, qui pourrait être tout genre de pression, autre que la corruption par l'offre de cadeaux ou d'argent et ainsi de suite, que l'on pourrait faire subir à une personne.

Article 70 du projet.

M. Hamel: L'article 70 du projet est une reformulation sans amendement de l'ancien article 73. Cet article avait été remanié en 1960 et a été reformulé d'après l'ancien article 73.

Le président suppléant (M. Jerome): Il semble s'agir d'une liste précise des points interdits en vertu de l'article 67.

M. Howe: Cet article s'appliquerait à la personne qui a quitté sa circonscription. On lui envoie une carte lui permettant de revenir y voter le jour de l'élection.

Le président: Cet article élimine une pratique de très, très longue date que chaque organisation ressucite à chaque élection et qui consiste à nolisier des voitures qui assurent le transport des électeurs au bureau de votation. Au lieu de les obliger à prendre le taxi, on leur fournit le transport au bureau de votation. Tout le monde le fait.

Une voix: D'accord, mais vous ne le payez pas, et vous ne lui promettez pas d'être payé.

M. Forrestall: Cependant vous payez les dépenses...

[Text]

The Acting Chairman (Mr. Jerome): You are paying the expense of his going to the polling station and going home again.

Mr. Hamel: If I may, Mr. Chairman, in 1960 when the Committee passed this, the intention seemed to be to allow providing free transportation to pools, but not to reimburse somebody for having taken a cab or paying him for time lost and that kind of thing.

Mr. Forest: That is the intent there.

Mr. Howe: You would not pay or promise to pay travelling or other expense of any elector who may intend to vote.

The Acting Chariman (Mr. Jerome): The subsection (b) which offers to give him payment for time lost is clearly covered in proposed Section 66, which makes it an offense to give him or offer him any money. If you offer to repay his time off you are offering him money in order to get his vote, so that is clearly covered. The other is transportation which really should not be—Should transportation be classified as an offence, because if it is we are all guilty.

Mr. Forest: Surely if you pay somebody's bus ticket or train ticket you are committing an offence, but if you drive them to the pool free you are not committing an offence. That is the intent of this section, but I do not know whether it is drafted properly.

Mr. Comtois: You pay the driver anyway. You pay for those cars.

Mr. Duquet: That is all right, but if the driver takes a hundred people to the pool on the same day when you divide that by \$20, it is only 20 cents.

Mr. Comtois: You pay just the same. The amount is not specified in the section. I think we should remove that part. Transportation should be taken out because it is done by all parties and sometimes you do it for opponents just the same. If they call your committee room you just send a car, that is all.

The Acting Chairman (Mr. Jerome): Is there a disposition in the Committee to eliminate the prohibition against transporting electors to the pools?

Mr. Howe: As Mr. Code says lots of times we put an advertisement in the newspaper with a telephone

[Interpretation]

Le président suppléant (M. Jerome): Vous payez les frais de transport du votant de sa maison au bureau de scrutin et retour.

M. Hamel: Monsieur le président, quand le Comité a approuvé cette mesure en 1960, son intention était de pourvoir à un transport gratuit jusqu'aux bureaux de scrutin, mais non de rembourser les frais de taxi ou de payer quelqu'un pour le temps perdu.

M. Forest: C'est pourtant l'intention qui est exprimée ici-même.

M. Howe: Vous ne payez pas et ne promettez pas de payer les frais de transport d'un électeur quelconque qui a l'intention d'exprimer son suffrage.

Le président suppléant (M. Jerome): L'article 66, alinéa (b) du projet de loi traite très clairement de la compensation offerte pour perte de temps et qualifie d'offense criminelle le fait de donner ou d'offrir une somme d'argent. Si vous offrez à un électeur de lui payer une compensation pour le temps perdu, il est clair dans cet article que vous achetez ainsi son vote. L'autre aspect est celui du transport, qui n'est pas une offense et qui ne devrait pas être classée comme telle, sinon nous serions tous coupables.

M. Forest: Si vous payez à quelqu'un son billet d'autobus ou de train, vous commettez une infraction, mais si vous conduisez la même personne gratuitement au bureau de scrutin, il n'y a pas infraction. C'est là l'intention de cet article, mais je ne sais pas s'il est bien rédigé.

M. Comtois: Vous payez le chauffeur de toute façon. Vous acquittez les frais de transport.

M. Duquet: Je suis d'accord, mais si cette personne conduit une centaine de personnes au bureau de scrutin dans la même journée, et que vous divisez ces \$20 entre 100 personnes, le coût n'est que de 20 cents par personne.

M. Comtois: Vous payez le même prix. Le montant n'est pas précisé dans cet article. Je pense que nous devrions rayer cette partie de l'article. On ne devrait pas faire mention de transport, car c'est une chose qui est pratiquée par tous les partis et quelquefois vous transportez même vos opposants si ces derniers appellent votre Comité. Si quelqu'un en fait la demande, vous lui envoyez une voiture, c'est tout.

Le président suppléant (M. Jerome): Est-ce la volonté du Comité de retirer la disposition touchant l'interdiction du transport des électeurs aux bureaux de scrutin?

M. Howe: Ainsi que monsieur Code l'a expliqué plusieurs fois, nous plaçons des annonces dans les

[Texte]

number. If you want a ride to the polls, why call such and such number and we will provide it.

Mr. Duquet: That is true.

An hon. Member: All parties do that.

The Acting Chairman (Mr. Jerome): There seems to be general disposition to remove the prohibition against transportation.

Mr. Forrestall: Just further to your comment, Mr. Chairman, proposed Section 70 (b) (I) and (II) is, indeed, covered in a more general way proposed in Section 66, in at least attempting to be consistent under penalties of offences, that is, to try to reduce the great bulk of things and clarify them a little bit, perhaps we should accept your suggestion that it is included and delete that as well.

The Acting Chairman (Mr. Jerome): Is there a disposition in the Committee then to eliminate proposed Section 70 (b) as well as a specific itemization of the general prohibition that is contained in proposed Section 66 already?

Mr. Comtois: Delete all sections.

Mr. Hamel: This, perhaps, should be covered in proposed Section 66.

Mr. Comtois: Oh, yes, it is.

Mr. Hamel: I am not so sure that it is already covered, because proposed Section 66 is offer of money, not in return nor in compensation of time lost nor wages lost.

Mr. Comtois: It is money just the same.

Mr. Hamel: It could be covered in proposed Section 66, anyway.

Mr. Comtois: Yes.

The Acting Chairman (Mr. Jerome): It should be, if it is going to be . . .

Mr. Comtois: Could we redraft proposed Section 66 to cover this?

Mr. Howe: Is it a fact that some labour laws are written that an employer has to give his employee time off to go to vote and he is paid during that period by the employer?

An hon. Member: Yes.

Mr. Howe: Well, I do not know why we need this in the Act.

[Interprétation]

journaux et l'on indique un numéro de téléphone. Si vous désirez être transporté au bureau de scrutin, vous appelez le numéro en question et nous envoyons une voiture, c'est tout.

M. Duquet: C'est vrai.

Une voix: Tous les partis le font.

Le président suppléant (M. Jerome): Il semble y avoir consentement unanime pour retirer cette disposition touchant l'interdiction du transport des électeurs.

M. Forrestall: Pour faire suite à votre commentaire, monsieur le président, il semble que le futur article 70 b) (i) et (ii) est compris d'une façon plus générale dans l'article proposé 66, en ce qui concerne les peines infligées pour des actions criminelles, c'est-à-dire, qu'il en réduit l'éventail et rend la chose plus claire. Il serait peut-être sage de suivre votre suggestion selon laquelle ces dispositions y sont incluses et qu'on peut alors les rayer du projet de loi.

Le président suppléant (M. Jerome): Le Comité agréé donc d'abroger l'article 70 b) de même que la description précise des interdictions générales que renferme l'article proposé 66.

M. Comtois: Il faut supprimer tous les articles.

M. Hamel: Ces dispositions pourraient peut-être être couvertes par le futur article 66?

M. Comtois: Oh oui, elles le sont.

M. Hamel: Je n'en suis pas si sûr, car l'article 66 touche des offres d'argent, non pas des compensations pour perte de temps, de revenu ou de salaire?

M. Comtois: Il s'agit tout de même d'argent.

M. Hamel: De toute façon, ces choses peuvent être couvertes par l'article 66.

M. Comtois: Oui.

Le président suppléant (M. Jerome): Il faut que ces choses soient couvertes si on doit les . . .

M. Comtois: Pouvons-nous rédiger de nouveau l'article 66 et y inclure ces dispositions?

M. Howe: C'est un fait que certaines lois ouvrières privaient des dispositions qui obligent l'employeur à accorder un congé à l'employé pour que ce dernier puisse aller voter et sans perte de salaire.

Une voix: Oui.

M. Howe: Donc je ne vois pas pourquoi on a besoin d'une telle disposition dans cette loi.

[Text]

Mr. Duquet: Yes, but there are cases where there is no employer. For instance, a salesman on commission or something like that will say, "All right I am losing two hours, maybe I could make a sale that will give me \$10 in two hours". The facts are the facts; some people are not working on a salary basis.

Mr. Howe: You would not buy anything from a salesman who did not think his country's time was worth a vote, would you?

Mr. Duquet: It all depends on the salesman's intentions.

The Acting Chairman (Mr. Jerome): The Committee would prefer then that if it requires specific treatment the general prohibition be included in proposed Section 66. Can we go on then to proposed Section 71?

Mr. Hamel: Proposed Section 71 is former Section 70 which is a pretty broad section. Subsection (1) deals with the "Liability of election officers" and the subsection (2) defines noncompliance and finally (3) and (4) specify the powers. Here we speak of the Representation Commissioner although you adopted a resolution earlier that these powers be transferred to the Chief Electoral Officer. Incidentally, we have prepared the necessary changes which could be distributed at any time. So these are the powers of inquiry and powers to take proceedings in case of certain infractions. There is no change in subsection (4) over what is in the Act at the moment. The only change is in subsection (4). We have already spoken about this with respect to infractions to proposed Section 20(4), which is a new section. This is an infraction committed by a person who accepts to be nominated as a candidate while knowing that he is ineligible to be nominated. Subsection (5) and Subsection (6) are exactly as in the Act at the moment, but the word "Commissioner" will have to be replaced by the words "Chief Electoral Officer".

The Acting Chairman (Mr. Jerome): Did you say, Mr. Hamel, that proposed Section 71(4) was designed to deal with a situation, for example, where a person would get himself nominated knowing that he was not eligible as a candidate?

Mr. Hamel: This is only to give the Chief Electoral Officer the powers to investigate and take prosecution or proceedings in the case of a candidate who would have committed an offence under proposed Section 20(4). Proposed Section 71(4) specifies the kind of infractions which the Chief Electoral Officer is empowered to investigate or to have investigated by a commission of inquiries and then take court action.

The Acting Chairman (Mr. Jerome): I just question whether it should be buried in that section because we are dealing here with offences by election officers and

[Interpretation]

M. Duquet: D'accord, mais il y a des cas où il n'est pas question d'employeur. Par exemple, dans le cas d'un vendeur à commission ou de quelqu'un qui pourrait dire «D'accord, je perds deux heures. Je pourrais éventuellement faire une vente; vous allez donc me donner \$10». Les faits sont les faits. Il y a des gens qui ne sont pas à salaire.

M. Howe: Achèteriez-vous quelque chose d'un vendeur qui ne croit pas que son pays vaut bien un vote?

M. Duquet: Tout dépend des intentions du vendeur.

Le président suppléant (M. Jerome): Le Comité préfère donc que si l'interdiction en général nécessite un traitement spécial, que celle-ci soit comprise dans l'article 66? Pouvons-nous passer maintenant à l'article 71?

M. Hamel: L'article 71 est l'ancien article 70 dont les dispositions sont assez étendues. Le paragraphe (1) traite de la responsabilité des officiers d'élection; le paragraphe (2) traite de l'inobservation tandis que les paragraphes 3 et 4 traitent des pouvoirs. Nous parlons ici du Commissaire à la représentation, même si, dans une résolution précédente, vous avez adopté une résolution aux termes de laquelle pouvoirs sont transmis au Directeur général des élections. Incidemment, nous avons préparé les changements nécessaires et nous pouvons vous les remettre en tout temps. Donc, on traite ici de pouvoirs de faire enquête et de poursuivre en cas d'infraction. Le paragraphe (4) ne comporte aucune modification. Nous avons déjà traité des infractions aux dispositions de l'article 20 (4) qui est lui, tout à fait nouveau. Il s'agit d'une infraction commise par quelqu'un qui accepte d'être nommé candidat alors qu'il sait pertinemment ne pas être admissible. Les paragraphes (5) et (6) ne changent pas, sauf que le mot «Commissaire» devra être remplacé par «Directeur générale des élections».

Le président suppléant (M. Jerome): Avez-vous dit, monsieur Hamel, que l'article 71 (4) vise le cas, disons d'une personne qui se porterait candidate, sachant pertinemment qu'elle n'est pas admissible?

M. Hamel: Cette disposition ne fait que donner au Directeur général des élections le pouvoir de faire enquête et de poursuivre le candidat qui commet une infraction à l'article 20 (4). L'article 71 (4) spécifie le genre d'infraction à l'égard desquelles le Directeur général des élections a le droit de faire enquête, ou de demander qu'une commission enquête et de poursuivre devant les tribunaux.

Le président suppléant (M. Jerome): Je me demande si cette disposition doit entrer dans le corps de cet article, car on traite ici des infractions commises par

[Texte]

then you find the power of the Chief Electoral Officer to conduct an inquiry into not only election officers but possibly candidates as well.

Mr. Hamel: I am sorry, proposed Section 71 deals with election officers as well as with other kinds of offences. It deals with proposed Section 65, for instance. Proposed Section 65 does not cover only election officers; it covers any elector or anybody. If you look at proposed Section 65 (1), it says:

Every one is guilty of an offence against this Act who

(a) forges a ballot paper . . .

et cetera, et cetera. So on any infraction reported to the Chief Electoral Officer, he has not only the power but the duty to investigate that kind of infraction.

The Acting Chairman (Mr. Jerome): All right, I do not feel that strongly about it. I just wondered if maybe this section should be some place else where it is closer to what it relates to. That is all.

Mr. Hamel: This is strictly the investigation power, not the infraction itself. The infraction is in proposed Section 20.

The Acting Chairman (Mr. Jerome): All right, proposed Section 72.

Mr. Hamel: Proposed Section 72 is exactly what used to be Section 104; acting in a disorderly manner at public meetings during an election. So this was the regrouping of sections.

Mr. Forrestall: Is this a consolidation of two or three?

Mr. Hamel: This is the whole exercise of consolidation. We have proposed Section 65 which was Section 29 before, proposed Section 67 which was Section 49 (5) before and proposed Section 72 which was Section 104 before. It was scattered all over the Act; now we are trying to regroup this at the request of the Committee in 1960.

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Mr. Forrestall: Excellent.

Mr. Hamel: Proposed Section 73 is the same thing as the present Section 71.

Mr. Howe: I have sometimes wondered about this particular proposed Section 73. I know I got caught myself; during one of my election campaigns, all my poll posters were out and somebody said, "His name is

[Interprétation]

les officiers d'élection. Puis on trouve les pouvoirs octroyés au Directeur général des élections et en vertu desquels il peut conduire une enquête touchant non seulement les officiers d'élection mais aussi les candidats.

M. Hamel: Je m'excuse, l'article 71 traite aussi bien des infractions commises par les officiers d'élection et 2 autres également. Il se réfère par exemple à l'article 65. L'article 65 ne vise pas uniquement les officiers d'élection; mais quasiment tout le monde, même les électeurs. Si vous lisez l'article 65 (1), vous y trouvez ceci:

Est coupable d'une infraction à la présente loi quiconque

(a) fabrique un bulletin de vote . . .

etc, etc . . . Ainsi, toute infraction rapportée au Directeur général des élections, doit être l'objet d'une enquête. C'est non seulement son droit mais aussi son devoir.

Le président suppléant (M. Jerome): D'accord, je ne comprends pas très bien l'objet de cet article. Je me demande si l'on ne pourrait pas le faire figurer plus près des articles qui s'y rapportent. C'est tout.

M. Hamel: Il s'agit uniquement des pouvoirs de faire enquête. On ne traite pas de l'infraction elle-même. Les infractions figurent dans l'article 20.

Le président suppléant (M. Jerome): Parfait, passons à l'article 72.

M. Hamel: L'article 72 remplace l'ancien article 104, qu'il est question de conduite désordonnée dans une assemblée publique au cours d'une élection. Il s'agit donc là simplement de regrouper certains articles.

M. Forrestall: Un regroupement de deux ou trois articles?

M. Hamel: Il s'agit-là d'un regroupement général. L'article 65, était l'ancien article 29; l'article 67 était l'article 49 (5), et l'article 72 était l'article 104 auparavant. On les retrouvait éparés dans la Loi. Nous essayons donc de les regrouper selon les directives qui nous avaient été données par le Comité en 1960.

M. Forrestall: Excellent.

M. Hamel: L'article 73 proposé exactement est le même que l'article 71 actuel.

M. Howe: Je me suis souvent posé des questions au sujet de l'article 73 proposé. Je me suis fait prendre moi-même lors d'une de mes campagnes électorales. Toutes mes affiches électorales avaient été imprimées

[Text]

not on there." You know, supposing somebody is running off a lot of handbills and things like that on a . . .

An hon. Member: A Gestetner.

Mr. Howe: . . . yes, a copying machine or something like that. I do not know . . .

Mr. Duquet: All you have to do in a case like that is put on the bottom, "organization of so and so, organization of C.D. Howe."

Mr. Howe: He is dead.

An hon. member: Why use the name?

Mr. Forrestall: Failure to comply with that, Mr. Hamel, does not invalidate the successful candidacy one way or another. It is to be just a requirement. It is a misdemeanour. It is a venial sin as opposed to a mortal one.

Mr. Hamel: It is not a corrupt practice. It is strictly an illegal practice. There is, if I may and I am sorry I forgot this, a very slight difference in the fourth line of proposed Section 73. The present Act says, "the name and address of its printer and publisher" and at the request of the Committee in 1963 this was changed to "printer or publisher": one or the other, and not both.

The Acting Chairman (Mr. Jerome): So you are all right if the printer puts his name on it?

Mr. Hamel: Correct.

The Acting Chairman (Mr. Jerome): Okay. Proposed Section 74.

Mr. Hamel: Proposed Section 74 contains the same provisions as the present Section 74. It may be worded slightly differently, but has the same provisions.

The Acting Chairman (Mr. Jerome): All right, gentlemen. Proposed Section 75, we will just go over it.

Mr. Hamel: Proposed Section 75: there again the provisions are the same as in Section 76 at the present time. This is publishing false statements to affect the return of any candidate and make it an offence.

The Acting Chairman (Mr. Jerome): Proposed Section 76.

Mr. Hamel: Proposed Section 76 is the same thing as the present Section 75; but perhaps the Committee will wish to look into this because this is pretty far-reaching. If you read proposed Section 76, we did not make any change, it says:

[Interpretation]

et quelqu'un a dit: «Son nom n'y est pas.» Supposons qu'une personne soit en train de photocopier des affiches sur une machine . . .

Une voix: . . . gestetner.

M. Howe: Oui, une duplicatrice ou quelque chose du genre. Je ne sais pas.

M. Duquet: Tout ce qu'il faut faire à ce moment-là, c'est d'ajouter au bas de la feuille le nom de l'organisme avec le nom, disons, «C.D. Howe.»

M. Howe: Il est mort.

Une voix: Pourquoi le nom?

M. Forrestall: Le fait de ne pas se conformer à ce règlement, monsieur Hamel, ne met pas du tout en jeu le succès de la candidature. C'est uniquement une exigence. Il y a délit, mais dans le sens d'un péché véniel en regard d'un péché mortel.

M. Hamel: Il n'y a pas abus. Il s'agit simplement d'une pratique illégale. Il existe—je m'excuse de ne pas l'avoir mentionné—une très légère différence à la quatrième ligne de l'article 73 proposé. La Loi actuelle dit «les nom et adresse de l'imprimeur ou de l'éditeur» et c'est à la demande du Comité en 1963 qu'on a substitué «ou» à «et».

Le président suppléant (M. Jerome): Tout va bien si l'imprimeur met son nom?

M. Hamel: C'est exact.

Le président suppléant (M. Jerome): Très bien. L'article proposé 74.

M. Hamel: L'article proposé 74 contient les mêmes dispositions que le présent article 74. La pensée est exprimée d'une façon quelque peu différente, mais les dispositions sont les mêmes.

Le président suppléant (M. Jerome): Très bien, messieurs. Nous passerons à l'article proposé 75.

M. Hamel: Là encore, les dispositions de l'article proposé 75 sont les mêmes que dans le présent article 76. Il porte sur la publication de fausses déclarations pouvant influencer l'élection d'un candidat, ce qui constituerait une infraction.

Le président suppléant (M. Jerome): L'article proposé 76.

M. Hamel: L'article proposé 76 est le même que le présent article 75, mais le Comité voudra peut-être étudier la question parce qu'on va un peu loin. Si vous lisez l'article proposé 76 vous verrez que nous n'avons rien modifié.

[Texte]

76. Every one who resides outside Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce electors to vote . . .

et cetera, et cetera, so that covers every one who resides outside Canada. I understand that this was put in the Act in 1920 to cover a situation which, I believe, is not likely to happen. I understand that there were about 10 bogus polls established in mid-Western Canada near the American border. We will probably never know the whole story because the returning officer died of a heart attack shortly after the election; but there was always strong suspicion that this had been arranged by foreigners. As a result, in 1922 or 1923, I guess, this provision was put in the Act and always remained in the Act. The only instance that I can recall, at the last election, and this made it illegal, was where one candidate had a friend who was a well-known former heavyweight champion boxer and wanted him to do his campaign. Under Section 75 this was illegal; but also it applies, I believe, to wives of servicemen or public servants abroad who might do some campaigning.

The Acting Chairman (Mr. Jerome): It is designed, I take it, to prevent the importation of people who ordinarily reside outside the country and who come in for the purposes of assisting an election campaign. Mr. Trudel.

Mr. Trudel: Mr. Chairman, I would like you to ask Mr. Hamel if this is broad enough to cover the people who, I think, in the Windsor-Detroit area, can vote

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now because they have summer cottages there. Would they be covered under this proposed Section because they elect residence through their summer cottages and are listed as voters although they are full-time residents outside the country?

Mr. Hamel: Are they Canadian citizens?

Mr. Trudel: They are Canadian citizens but reside full time in the United States.

Mr. Hamel: The qualifications of these electors are covered under another proposed section.

Mr. Trudel: This is why I ask the question.

Mr. Hamel: This is one section which was discussed at some length, if I recall. If they are qualified otherwise and if their summer residence is the only residence they have in Canada that might be interpreted under previous Section 16, I believe it is, as entitling them to vote, but in strictly for canvassing on behalf of candidates . . .

[Interprétation]

Quiconque réside à l'extérieur du Canada et, pour assurer l'élection d'un candidat, sollicite des votes ou cherche de quelque manière à induire les électeurs à voter. . .

et ainsi de suite. Cet article touche donc tous ceux qui résident à l'extérieur du Canada. Je crois comprendre que cet article a été inséré dans la Loi au cas où il se produirait une situation peut-être que très rarement. Je crois qu'environ dix faux bureaux de votation avaient été établis dans l'ouest central du Canada près de la frontière américaine. Nous ne connaissons probablement jamais toute l'histoire, parce que l'officier rapporteur est mort d'une crise cardiaque peu après l'élection, on a toujours soupçonné que le tout avait été manigancé par des étrangers. A la suite de ce scandale, l'article en question a été ajouté à la Loi en 1922 ou 1923 et il y est toujours demeuré. Je ne me souviens que d'un cas, lors de la dernière élection—ce qui d'ailleurs l'a rendue illégale—où un candidat voulait qu'un de ses amis, ancien champion poids-lourd s'occupe de sa campagne électorale. Aux termes de l'article 75, c'était illégale. Il s'applique aussi aux femmes de militaire ou aux fonctionnaires à l'étranger qui voudraient participer à la campagne.

Le président suppléant (M. Jerome): Il s'agit de prévenir l'importation de personnes résidant ordinairement à l'étranger et qui viennent participer à la campagne électorale. Monsieur Trudel.

M. Trudel: Monsieur le président, j'aimerais que vous demandiez à M. Hamel si l'article a un champ d'application assez vaste pour toucher les gens qui, dans la région de Windsor-Détroit peuvent maintenant voter parce qu'ils sont propriétaires de chalets d'été à cet endroit. Seraient-ils touchés par cet article proposé parce qu'ils sont résidents à cause des chalets d'été qu'ils occupent et qu'ils sont inscrit comme électeurs bien qu'ils résident à plein temps à l'extérieur?

M. Hamel: S'agit-il de citoyens canadiens?

M. Trudel: Ce sont des citoyens canadiens qui résident en permanence aux États-Unis.

M. Hamel: Les droits de ces électeurs font l'objet d'un autre article proposé.

M. Trudel: C'est pour cette raison que je pose la question.

M. Hamel: Si je me souviens bien, nous avons longuement discuté de cet article. S'ils répondent aux autres exigences et que leur résidence d'été est la seule qu'ils possèdent au Canada aux termes de l'ancien article 16, je crois que c'est comme si on leur permettait de voter mais uniquement pour faire la campagne au nom des candidats. . .

[Text]

Mr. Trudel: This is the reason why I asked the question. I understand that the previous section, which we discussed at length, as you say, was as to the quality of the voter; but now, if these same voters elect to canvass, would this section be applicable? That is the reason, that is the intent of my question.

Mr. Hamel: I would say, offhand, no. If they are on the list, it means that they have a residence in Canada because if they are eligible to vote they have to be a resident, they have to have a residence in Canada.

The Acting Chairman (Mr. Jerome): By some definition of the Act they have to be residents of Canada. This raises an interesting question in my mind, gentlemen, if I may. What is the position of a union organizer, whose residence is perhaps at the head office of the union or a series of them, who may, during the course of a particular election campaign, be imported into Canada to assist in the operation of a particular election? This would be prohibited by this section?

Mr. Duquet: Yes, exactly.

An hon. Member: We did not even know it existed.

Mr. Duquet: Exactly. I think it is a good thing.

The Acting Chairman (Mr. Jerome): is there no disposition in the Committee to change that situation in any way?

Mr. Forrestall: Mr. Chairman. I think we had better take it out before we get ourselves in trouble. It opens up all sorts of interesting things. Without delaying anything, in proposed Section 75, it says it is an offence if it publishes. Does the intent of that word "publish" include a statement made in public over a radio, or television, or to a public meeting, or are you referring simply to the printed word?

Mr. Duquet: Makes or publishes . . .

An hon. Member: Verbal or publishing . . .

Mr. Duquet: Verbal or written publication or assertion.

Mr. Forrestall: That is the intent of it? Fine, I am sure. Back to proposed Section 76, I . . .

An hon. Member: . . . public assertion . . . does that not include verbal?

Mr. Hamel: Yes. Canvassing, canvassing for votes.

Mr. Duquet: Proposed Section 75. We could add "verbally" after "does" there.

[Interpretation]

M. Trudel: C'est pour cette raison que j'ai posé la question. Je crois que l'ancien article dont nous avons longuement discuté, comme vous dites, concernait les qualités du votant. Toutefois, si ces mêmes votants choisissent de faire la campagne, l'article s'appliquerait-il? C'est ce que je veux savoir.

M. Hamel: Au premier abord, je répondrais dans la négative. Si leur nom figure sur la liste, cela veut dire qu'ils possèdent une résidence au Canada. Pour avoir le droit de vote, ils doivent être des résidents, c'est-à-dire posséder une résidence au Canada.

Le président suppléant (M. Jerome): En vertu de la Loi, ils doivent résider au Canada. Messieurs, cela soulève une question dans mon esprit. Quelle est la position d'un organisateur de syndicat qui réside peut-être au bureau principal du syndicat ou peut-être dans une suite de bureaux et qui, au cours d'une campagne électorale, serait invité au Canada pour aider à la tenue d'une élection. L'article l'interdirait n'est-ce pas?

M. Duquet: En effet.

Une voix: Nous n'en connaissons même pas l'existence.

M. Duquet: Exactement, je pense que c'est une bonne chose.

Le président suppléant (M. Jerome): Le Comité n'est-il pas disposé à modifier la situation?

M. Forrestall: Monsieur le président, à mon avis, nous devrions le supprimer avant d'avoir des ennuis. Toutes sortes de possibilités se présentent. Dans l'article proposé 75, on dit que le fait de publier constitue un acte illicite. Le mot «publier» comprend-il une déclaration faite en public à la radio ou à la télévision ou lors d'une réunion publique ou si vous ne faites allusion qu'aux mots imprimés?

M. Duquet: Fait ou publie . . .

Une voix: Verbalement ou par écrit . . .

M. Duquet: Publication verbale ou écrite ou assertion.

M. Forrestall: On veut donc en venir là? Très bien, j'en suis certain. Revenons à l'article proposé 76. Je . . .

Une voix: . . . assertion publique . . . cela ne comprend pas le verbal?

M. Hamel: Oui, solliciter des voix.

M. Duquet: L'article 75 proposé. Nous pourrions ajouter «verbalement» après «fait» ici.

[Texte]

The Acting Chairman (Mr. Jerome): "A false statement" in fact.

Mr. Duquet: Yes or publishes, makes verbally or publishes... Ajouter "verbalement" en français puis...

M. Trudel: La version française est plus large que...

M. Duquet: Bien, ça...

M. Trudel: Ce n'est pas la même chose.

M. Duquet: En français "verbalement", se dit bien mais en anglais, le mot *verbally* est-il approprié?

Une voix: Oui, oui.

Mr. Trudel: Is that verbally, Mr. Hamel?

Mr. Hamel: I beg your pardon?

Mr. Duquet: or "makes verbally" or *fait verbalement*.

Mr. Hamel: I understand that publishing might include uttering as well.

The Acting Chairman (Mr. Jerome): Yes, very much so. It is no problem.

Mr. Duquet: So you cannot make an assertion unless you make it verbally or publish it.

Mr. Forrestall: My purpose in going back was simply so that anybody concerned about it would at least have some exposure to what we intend to mean by that word.

The Acting Chairman (Mr. Jerome): Mr. Duquet, you are dealing really with attempting to bring the French wording more in line with the English wording, in proposed Section 75?

Mr. Duquet: Yes. I mean you can do it with *fait*;

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fait means do, you can do anything. It would be much clearer if you would say *verbalement*, or "verbally" in English, so as to have English and French concur.

The Acting Chairman (Mr. Jerome): "To make or publish any false statement" can be done either verbally or in writing; making of a statement, or the publication of it, presupposes that that may be done verbally or in writing.

Mr. Duquet: I am not so sure about this, I do not mind, I am just trying to...

[Interprétation]

Le président suppléant (M. Jerome): «assertion fausse»

M. Duquet: Oui, ou publie, fait verbalement ou publie... add «verbally» in french then...

Mr. Trudel: The French version is broader than...

Mr. Duquet: Well that...

Mr. Trudel: It is not the same thing.

M. Duquet: In French you can say «*verbalement*» but in English, is the word «verbally» appropriate?

An hon. Member: Yes, yes.

M. Trudel: Est-ce verbalement, monsieur Hamel?

M. Hamel: Pardon?

M. Duquet: ou «fait verbalement».

M. Hamel: Je crois que le mot publier devrait signifier aussi le fait de dire.

Le président suppléant (M. Jerome): Oui, absolument. Il n'y a pas de problème.

M. Duquet: Vous ne pouvez donc pas faire d'assertion à moins de la faire verbalement ou de la publier.

M. Forrestall: Je suis revenu à cette question pour que tous les intéressés sachent ce que nous entendons par ce mot.

Le président suppléant (M. Jerome): Monsieur Duquet, en réalité vous voudriez que la formule française corresponde plus exactement encore à la formule anglaise dans l'article proposé 75?

M. Duquet: Oui, Vous pouvez le faire avec le mot «fait.» Ce serait beaucoup plus clair, si vous utilisiez le mot verbalement ou «verbally» en anglais, afin que le français et l'anglais correspondent.

Le président suppléant (M. Jerome): On peut publier ou faire une assertion fausse soit verbalement ou par écrit, cela va de soi.

M. Duquet: Je n'en suis pas absolument certain. Ça m'est égal. J'essaie simplement de...

[Text]

The Acting Chairman (Mr. Jerome): Were you commenting on proposed Section 76, Mr. Forrestall?

Mr. Forrestall: I just wanted to make the observation that it was passed in 1920 to meet a specific set of circumstances.

Mr. Duquet: But there was something that happened in 1960, so I think we should carry it before you change your mind.

Mr. Hamel: Proposed section 77 contains exactly the same provisions as the present Section 72. It concerns the removal, without being authorized to do so, of notices of elections and that kind of thing.

Mr. Turner (London East): Mr. Chairman, on proposed Section 77, in your opinion, is any specific purpose served by putting the lists up on poles and things like that. How long do they last?

Mr. Hamel: As long as the wind does not tear them up.

Mr. Turner (London East): Kids tear them down on the first day. I think we should put them in post offices and other places that people frequently go into. This would eliminate the complaints during an election that there are no lists.

Mr. Forrestall: From what I have seen in the rural post offices, there are none left.

Mr. Duquet: Perhaps the government should spend a little money on plastic covers for the outside lists.

Mr. Comtois: Why not send the lists to everybody as is done in the urban centres? By doing that you would cover everything then.

The Acting Chairman (Mr. Jerome): This is taking us a little off the track. We were dealing with the publication of these lists a short time ago, but if you want to deal with it, it is here.

Mr. Comtois: Perhaps we could take that off.

The Acting Chairman (Mr. Jerome): Do you want me to make a note of that and perhaps we could schedule it for a later discussion under that section of the Act dealing with the posting up of electors names and so on, because it is not really germane to this particular part of the Act that we are dealing with now, the penalty section. However, if you want to make a note of it, perhaps we could schedule it for discussion before we finish.

Mr. Hamel: Mr. Chairman, I believe the main reason it was decided quite a few years ago not to send copies of the preliminary list of electors to electors in rural areas was that even if an elector's name did not appear

[Interpretation]

Le président suppléant (M. Jerome): Parlez-vous de l'article 76, monsieur Forrestall?

M. Forrestall: Je voulais tout simplement dire que l'article a été adopté en 1920. Il s'appliquait à des circonstances particulières.

M. Duquet: Il s'est produit quelque chose en 1960. Il faudrait l'adopter avant que vous ne changiez d'idée.

M. Hamel: L'article 77 est exactement le même que l'article 72 actuel. L'article porte sur l'interdiction d'enlever sans autorisation les avis d'élection et papiers de ce genre.

M. Turner (London-Est): Monsieur le président, l'article 77 mentionne l'affichage des listes sur les poteaux. Pourquoi les affiche-t-on ainsi et combien de temps durent-elles?

M. Hamel: Tant que le vent ne les déchire pas.

M. Turner (London-Est): Les enfants les déchirent dès le premier jour. Nous devrions les placer dans les bureaux de poste et à d'autres endroits très fréquentés. On ne dirait plus pendant l'élection qu'il n'y a pas de liste.

M. Forrestall: Je sais qu'il n'en reste plus dans les bureaux de poste ruraux.

M. Duquet: Le gouvernement devrait peut-être dépenser un peu d'argent pour recouvrir avec du plastique les listes placées à l'extérieur.

M. Comtois: Pourquoi ne pas envoyer une liste à chacun comme dans les centres urbains. Ainsi, tous en prendraient connaissance.

Le président suppléant (M. Jerome): Nous nous éloignons un peu du sujet. Nous avons déjà parlé de la publication des listes mais si vous voulez discuter la question maintenant, vous êtes libres de le faire.

M. Comtois: Nous pourrions passer outre.

Le président suppléant (M. Jerome): Nous pourrions en discuter plus tard lorsque nous parlerons de l'affichage des listes électorales, parce que cela ne s'applique pas à cette partie de la Loi qui nous préoccupe pour le moment, en l'occurrence les sanctions. Si vous voulez en prendre note, nous en parlerons peut-être plus tard.

M. Hamel: Monsieur le président on avait décidé il y a quelques années de ne pas envoyer d'exemplaires des listes provisoires aux électeurs des régions rurales, parce que si le nom d'un électeur ne figurait pas sur la

[Texte]

on the list in rural areas, he still could vote by being vouched for by somebody who was on the list.

M. Comtois: Monsieur le président, j'aurais une observation à faire. Souvent, des gens qui ne sont pas éligibles sont sur la liste, surtout dans les milieux ruraux où il y a beaucoup de touristes. Si une liste était publiée, on pourrait rayer ces gens de la liste, alors qu'actuellement, on ne le fait pas. Ce serait une protection additionnelle surtout pour les régions où il y a beaucoup de touristes.

M. Duquet: Monsieur le président, je pense que cela n'entre pas dans la discussion de cette partie-là, parce que, en plus de la liste, il y a d'autres documents qui doivent être affichés. Personnellement, je n'ai aucune objection à ce qu'on adopte cet article, quitte à discuter des autres propositions en temps et lieu.

M. Comtois: Monsieur le président, j'aimerais faire une autre observation. Souvent, en période électorale, certains candidats font de la publicité au moyen d'affiches ou de banderoles. Or, on voit souvent des adversaires prendre plaisir à détruire ces choses-là. Est-ce que cela ne pourrait pas être prévu par cet article? Souvent, ces gens sont pris sur le fait, mais que voulez-vous faire? Ici, on parle strictement des proclamations, d'avis venant du sous-officier rapporteur, etc. Ne pourrait-on pas également tenir compte des partis politiques?

The Acting Chairman (Mr. Jerome): This is confined to official election documents, not to opponent's posters and so on.

Mr. Forest: We should confine our discussions to that aspect of it. We do not want to deal with the people who tear down from the poles the posters of the other candidates.

M. Comtois: Rien n'empêche que cela soit inclus dans la Loi. On tient compte de la boisson, des rafraîchissements; on pourrait bien tenir compte de la publicité.

The Acting Chairman (Mr. Jerome): I might say this was successfully prosecuted after a municipal election—a schoolboard election—in the City of Toronto just recently under the Criminal Code for wilful damage to a property of another person. In fact, a schoolboard candidate just a couple of months ago, under that section of the Criminal Code, was fined \$100 and costs for deliberately tearing down posters of another candidate.

It is an offence in the same way as if he were to go to your home and mutilate your building or damage your car. It is considered damage to your own property because those signs are your property and you put them up.

Mr. Duquet: But there is nothing in the law that says that.

[Interprétation]

liste, dans les régions rurales il pouvait voter quand même si une des personnes inscrites répondait de lui.

Mr. Comtois: Mr. Chairman, just one remark. The electoral list often bears the name of people who are not eligible, especially in rural districts where there are many tourists. Should a list be published, these people could be taken off the list. This is not done at the present time. This would be an additional protection especially for areas where there are many tourists.

Mr. Duquet: Mr. Chairman, this should not be discussed at this time because there are other documents that have to be posted. I do not oppose the adoption of this section; we could discuss the other proposals later on.

Mr. Comtois: Mr. Chairman, I have another remark to make. During electoral campaigns, some candidates handle part of their publicity with posters and streamers. It is recognized that opponents often destroy these lists. Could this not be covered by this section. These people are often caught in the act but what can be done?

This strictly applies to the proclamations, of notice, issued by the deputy reporting officers. Could this not also cover the political parties?

Le président suppléant (M. Jerome): L'article ne touche que les documents officiels de l'élection, non pas les affiches des adversaires et ainsi de suite.

M. Forest: Nous devrions nous en tenir uniquement à cet aspect. Nous ne voulons pas parler de ceux qui déchirent les affiches des autres candidats.

Mr. Comtois: Nothing prevents this from being included in the Act. Liquor and refreshments are included, publicity could also be included.

Le président suppléant (M. Jerome): Récemment après une élection de commissaires d'école à Toronto on a intenté une poursuite en vertu du code criminel pour des dommages causés volontairement à la propriété d'autrui. Il y a deux mois un candidat a dû payer une amende de \$100 pour avoir volontairement détruit les affiches d'un autre candidat. Les affiches sont la propriété du candidat.

Le délit est le même que si le candidat en question avait mutilé une maison ou endommagé une voiture. On parle de dommages à la propriété, parce que les affiches appartiennent au candidat et qu'il les installe.

M. Duquet: Il n'y a rien dans la Loi électorale à cet effet.

[Text]

The Acting Chairman (Mr. Jerome): No, it is not in the Elections Act. It does not have to be because it is in the Criminal Code. It is an offence under the Criminal Code.

Mr. Comtois: The same thing should apply to official documents.

Mr. Duquet: Monsieur Hamel, ne pourrait-on pas l'ajouter à l'article?

77(1) Quiconque sans autorisation enlève, recouvre, mutile, lacère ou modifie une proclamation, un avis, une liste électorale ou un autre document imprimé ou écrit . . .

. . . y compris les affiches d'un candidat. Est-ce qu'on pourrait ajouter cela?

Mr. Comtois: Ce serait une protection additionnelle. Les gens sauraient ainsi que c'est illégal d'enlever les affiches d'un candidat.

The Acting Chairman (Mr. Jerome): There is a distinction in the question of ownership of these kinds of document. There is the question of ownership and there is the question of whether or not anybody would prosecute under the Criminal Code because it is the owner of the thing who would have to prosecute and these probably would not owned by a person who would be in a position to prosecute. Anyway, be that as it may, perhaps . . .

Mr. Duquet: It is a general law, Mr. Chairman. The statute should spell it out that a candidate's advertisement . . .

. . . y compris les affiches d'un candidat.

The Acting Chairman (Mr. Jerome): Is there any reason, Mr. Hamel, why you could not take this up with your legal advisers to see if it could be broadened?

Mr. Hamel: No, I cannot see any reason. We could certainly look into it.

Mr. Duquet: Could we stand this section until we have heard from Mr. Hamel?

The Acting Chairman (Mr. Jerome): Yes.

Mr. Hamel: Proposed Section 78 is where the penalties have been grouped and I have been informed that this would conform with the present provisions of the Criminal Code, that is on summary conviction the fine would be no more than \$1,000 and imprisonment for no more than a year; on indictment the fine would be no more than \$5,000 and imprisonment for no more than five years. This was covered under the former Sections 77 and 78 of the Act.

[Interpretation]

Le président suppléant (M. Jerome): Non. Ce n'est pas nécessaire, parce qu'on en parle dans le code criminel comme d'une infraction.

M. Comtois: Le même règlement devrait s'appliquer aux documents officiels.

Mr. Duquet: Mr. Hamel, do you think this could be added to the section?

77(1) Everyone who without authority takes down, covers up, mutilates, defaces or alters any printed or written proclamation, notice, list of electors or any other document authorized or required . . .

. . . including the posters of a candidate.

Could this be added?

Mr. Comtois: It would be an additional protection. People would know that it is illegal to remove a candidate's posters.

Le président suppléant (M. Jerome): Il y a une distinction dans la question de propriété en ce qui a trait à ce genre de documents. Il s'agit aussi de savoir si le propriétaire poursuivrait en vertu du code criminel, parce que le propriétaire des affiches n'est souvent pas en mesure de le faire. Advienne que pourra . . .

M. Duquet: C'est une loi générale, monsieur le président. Il faudrait dire que les affiches d'un candidat . . .

. . . including the posters of a candidate.

Le président suppléant (M. Jerome): Pourriez-vous en parler à vos conseillers juridiques, monsieur Hamel, pour voir si l'on ne pourrait pas lui donner une plus grande portée?

M. Hamel: Nous étudierons certainement la question.

M. Duquet: Ne pourrions-nous pas réserver cet article jusqu'à ce que M. Hamel nous fasse connaître son point de vue.

Le président suppléant (M. Jerome): Oui.

M. Hamel: Les peines sont regroupées à l'article 78 et on me dit que les dispositions sont conformes à celles du Code criminel. Donc, sur déclaration sommaire, l'amende serait d'au plus \$1,000 et l'emprisonnement d'au plus un an. Sur mise en accusation l'amende ne dépasserait pas \$5,000 et l'emprisonnement ne dépasserait pas cinq ans. Ces questions sont couvertes par les anciens articles 77 et 78 de la Loi.

[Texte]

The Acting Chairman (Mr. Jerome): Do the individual sections dealing with corrupt practices provide for an indictable offence in themselves?

Mr. Hamel: Do you mean corrupt practices? Corrupt practices are covered in proposed subsection (2).

The Acting Chairman (Mr. Jerome): It states which ones are corrupt practices, but do those sections specifically set out that they create indictable offences as in subsection (b) up above, because if they do not...

Mr. Hamel: Instead of summary?

The Acting Chairman (Mr. Jerome): Instead of a summary conviction.

Mr. Hamel: I am sorry, I do not follow you there.

The Acting Chairman (Mr. Jerome): Subsection (2) of proposed Section 78 says that offences against certain sections are considered to be corrupt practices, but are they also indictable offences because there is a distinction between the two. Does it say "indictable offences" in the actual sections?

Mr. Hamel: Yes, all those in proposed Section 78(1).

The Acting Chairman (Mr. Jerome): How can you tell whether the offence that you are talking about is punishable by indictment or summary conviction? This sets out the different penalties, but how can you tell which offence is which?

Section 66 as proposed says:

66. (1) Every one is guilty of an offence against the Act...

However, it does not say whether by indictment or by summary conviction.

Mr. Hamel: It could be either, as a summary conviction or an indictment.

The Acting Chairman (Mr. Jerome): How do you know that, if I may ask?

Mr. Hamel: This is an election. I mean, it could be prosecuted either on summary conviction or on indictment. This is an election by the Crown.

M. Duquet: Monsieur Hamel, l'article 78 remplacerait, quel article selon vous?

M. Hamel: 77 et 78.

[Interprétation]

Le président suppléant (M. Jerome): Les articles individuels traitant des manœuvres frauduleuses prévoient-ils qu'il s'agit là d'actes criminels?

M. Hamel: Parlez-vous des pratiques frauduleuses dont il est question au paragraphe (2)?

Le président suppléant (M. Jerome): Les manœuvres frauduleuses sont indiquées, mais les articles en question précisent-ils qu'il y a acte criminel comme dans l'alinéa b) ci-dessus parce que sinon...

M. Hamel: Au lieu d'une déclaration sommaire?

Le président suppléant (M. Jerome): Précisément, au lieu d'une déclaration sommaire...

M. Hamel: Je regrette, je ne vous suis pas.

Le président suppléant (M. Jerome): Le paragraphe (2) de l'article 78 stipule que les infractions à certains articles sont considérées comme des manœuvres frauduleuses, mais elles sont également des actes criminels. Il y a une distinction entre les deux. Est-il question d'acte criminel dans cet article?

M. Hamel: Oui, tous ceux dont fait mention l'article 78 (1).

Le président suppléant (M. Jerome): Comment pouvez-vous dire si l'infraction dont vous parlez se punit par déclaration sommaire ou par mise en accusation? Les deux peines sont données mais comment déterminer le genre d'infraction?

L'article 66 est ainsi conçu:

66 (1) Est coupable d'une infraction à la présente loi...

On ne parle toutefois pas de déclaration sommaire ou de mise en accusation.

M. Hamel: Il pourrait s'agir de l'une ou de l'autre.

Le président suppléant (M. Jerome): Comment faites-vous pour l'établir?

M. Hamel: Il s'agit d'une election. On pourrait intenter des poursuites soit par déclaration sommaire ou mise en accusation par la Couronne.

Mr. Duquet: Mr. Hamel, according to you, section 78 replaces which section?

M. Hamel: Sections 77 and 78.

[Text]

[Interpretation]

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Mr. Howe: I agree with Mr. Jerome I cannot understand who is going to decide which you come under, whether it is A or B, and there is a difference in the penalties.

The Acting Chairman (Mr. Jerome): Each section that we have read so far simply says that you are guilty of an offence against the Act. Now, unless it says some place "anyone who commits an infraction is punishable either on summary conviction or on indictment", or else it says in the section "is guilty of an indictable offence," or "is guilty of an offence punishable on summary conviction," I think you might be in trouble if you tried to proceed by way of indictment against anybody.

Mr. Duquet: Is that not covered, Mr. Chairman, by the wording of the article *"Except as otherwise provided in this . . ."*

The Acting Chairman (Mr. Jerome): Section 78 simply says that if you are guilty of an offence on summary conviction you are liable to certain punishment and if you are guilty of an offence on indictment you are liable to certain punishment, but nowhere in the Act does it tell you by doing what things you are subject to what penalty.

Mr. Hamel: I would have to consult the criminal section of the Department of Justice because this was put in at their suggestion and apparently there was no dissent there.

Mr. Forest: Could you not proceed either way? If you decide it is an offence it could go by summary conviction or by indictment.

The Acting Chairman (Mr. Jerome): Every section of the Criminal Code tells you whether you are liable to an offence on summary conviction or indictment.

Mr. Duquet: But who makes the decision of whether it is an indictment or a summary conviction.

The Acting Chairman (Mr. Jerome): A choice is made by the prosecution, but there is nothing in here that tells you whether you are liable to that. Every offence as described has to tell you that you may be liable for indictment; otherwise you are not. I am sure of that.

Mr. Trudel: In Section 77 I think we have what we are looking for, a short line from the bottom of the first paragraph, paragraph (1) which says specifically "summary conviction". Now, if this is so for the other sections that we are dealing with now—and they are Sections 66, 68, 69, 70 and 72 and I would ask Mr.

M. Howe: Je conviens avec M. Jerome qu'il est difficile de savoir si l'alinéa a) ou l'alinéa b) B est en cause. Les peines ne sont pas les mêmes.

Le président suppléant (M. Jerome): Les articles que nous avons lus jusqu'ici, mentionnent simplement qu'il y a infraction à la Loi. A moins qu'on ne dise quelque part «quiconque commet une infraction est punissable soit par déclaration sommaire ou par mise en accusation», ou encore, «est coupable d'acte criminel par voie de déclaration sommaire», je crois que vous aurez des ennuis si vous tentez de procéder par voie de mise en accusation.

M. Duquet: Monsieur le président n'est-ce pas ce que prévoit l'expression *«Sauf comme le prévoit autrement la présente loi.»*

Le président suppléant (M. Jerome): L'article 78 dit simplement que si une personne se rend coupable d'une infraction sur déclaration sommaire, elle est passible de certaines peines, et si elle se rend coupable d'une infraction elle est passible sur mise en accusation de certaines peines, mais la loi ne précise pas quelles actions sont punissables de telle ou telle peine.

M. Hamel: Il me faudrait consulter la division de criminologie du ministère de la Justice, parce que c'est cette division qui a proposé cet article. Il ne semblait pas y avoir de dissentiment.

M. Forest: Ne pourrait-on pas procéder de l'une ou de l'autre façon? S'il y a infraction, on pourrait faire soit une déclaration sommaire ou une mise en accusation.

Le président suppléant (M. Jerome): Tous les articles du Code criminel précisent si la personne coupable d'une infraction est passible d'une peine, sur déclaration sommaire ou sur mise en accusation.

M. Duquet: Qui détermine si ce doit être une déclaration sommaire ou sur mise en accusation?

Le président suppléant (M. Jerome): C'est la Couronne qui prend la décision. Rien n'indique que l'on soit passible de cette peine. Toute description de délit doit préciser si le coupable est passible de mise en accusation; autrement il ne l'est pas. J'en suis certain.

M. Trudel: L'article 77, je crois, renferme ce que nous cherchons. A la fin du paragraphe (1), on précise «déclaration sommaire». S'il en est ainsi pour les autres articles dont nous discutons, en l'occurrence les articles 68, 69, 70 et 72, M. Hamel aurait-il l'obligation de vérifier si l'on donne des précisions quant à la

[Texte]

Hamel to verify that—if we have that specification, either summary or otherwise, then your question would be answered, but if it has not I guess it would have to be included.

The Acting Chairman (Mr. Jerome): The draft of Section 66 does not include that.

Mr. Trudel: This is why, so I think that the point that you raise now has to be looked at by the legal department.

The Acting Chairman (Mr. Jerome): Just to highlight it I think Section 78, if it is to do what it is intended to do, should begin by saying "Everyone who commits an infraction against this Act is liable to an offence on summary conviction or by indictment". Then you can go on and suggest further penalties and then you have covered it, I think.

Mr. Trudel: Yes.

The Acting Chairman (Mr. Jerome): But if you do not say that you may not be able to convict anybody of either one.

Mr. Hamel: We will have to consult with the criminal section of the Department of Justice.

The Acting Chairman (Mr. Jerome): Is this a good place to stop, gentlemen?

An hon. member: Yes.

The Acting Chairman (Mr. Jerome): It is a few minutes after 11 o'clock now and I do not think there is much of what we have discussed that is controversial. At the beginning of the next meeting, perhaps, when we have sufficient members we can take the necessary votes.

Thank you, gentlemen. The meeting is adjourned.

[Interprétation]

déclaration sommaire ou autre, vous auriez la réponse à votre question, sinon il faudrait l'ajouter.

Le président suppléant (M. Jerome): Les modifications apportées à l'article 66 projeté n'en font pas mention.

M. Trudel: Le ministère de la Justice devra étudier la question.

Le président suppléant (M. Jerome): Afin de mieux faire ressortir la raison d'être de l'article 78, celui-ci devrait commencer par les mots suivants: «Quiconque se rend coupable d'une infraction à la présente loi est passible de... sur déclaration sommaire ou sur mise en accusation». Vous continuez en ajoutant d'autres peines et tout est prévu.

M. Trudel: Oui.

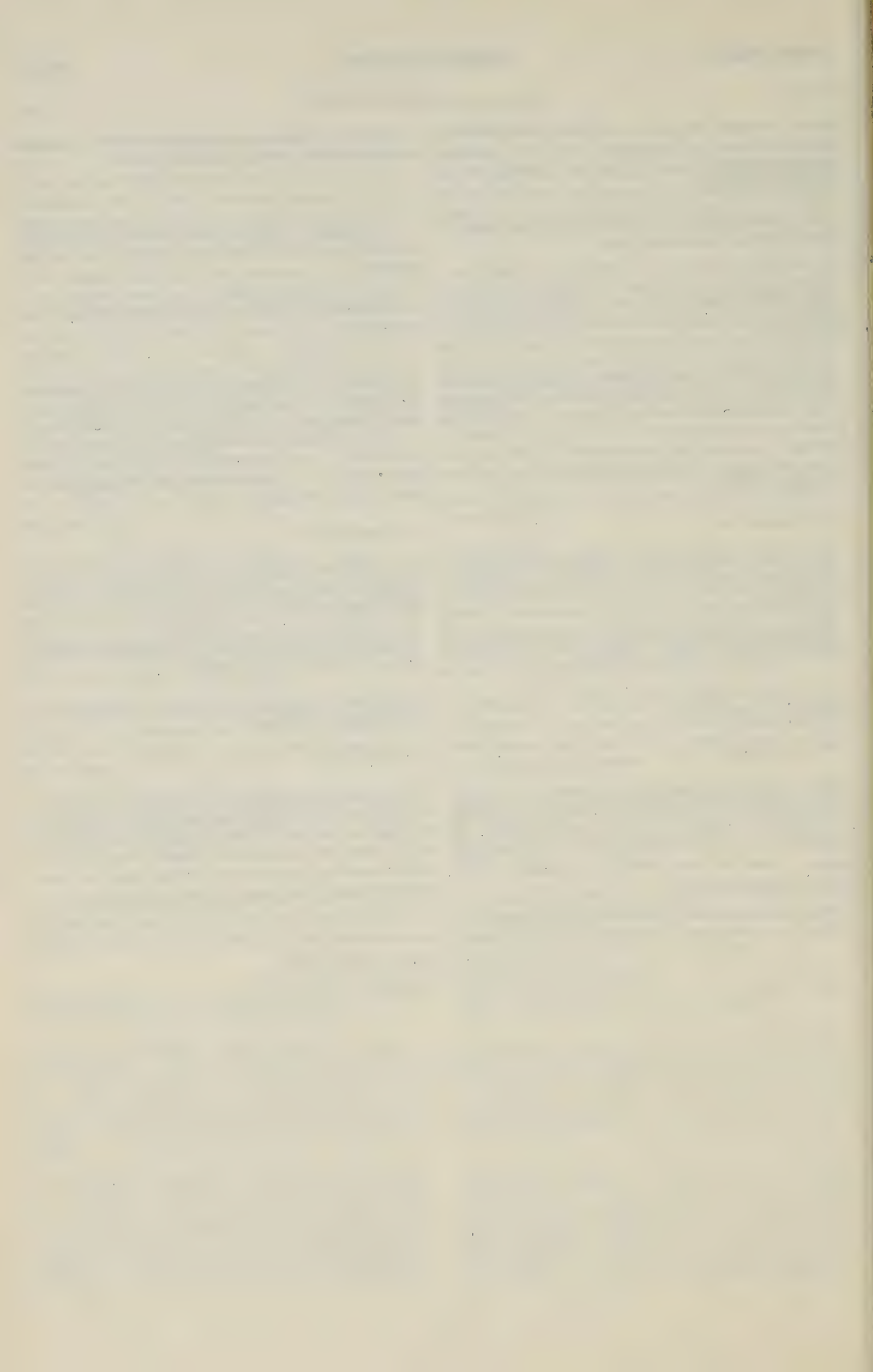
Le président suppléant (M. Jerome): Si vous n'apportez pas de précisions, vous ne pourrez reconnaître la culpabilité de qui que ce soit.

M. Hamel: Il faudra consulter la division de la criminologie du ministère de la Justice.

Le président suppléant (M. Jerome): Pourrions-nous lever la séance messieurs?

Une voix: Oui.

Le président suppléant (M. Jerome): Il est passé onze heures. Je ne crois pas qu'une grande partie de ce que nous avons discuté porte à controverse. Peut-être qu'au début de la prochaine séance nous serons en nombre suffisant pour mettre les questions aux voix. Je vous remercie, messieurs. La séance est levée.



OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

Second Session

Twenty-eighth Parliament, 1969-70

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Deuxième session de la

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

ON

COMITÉ PERMANENT

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

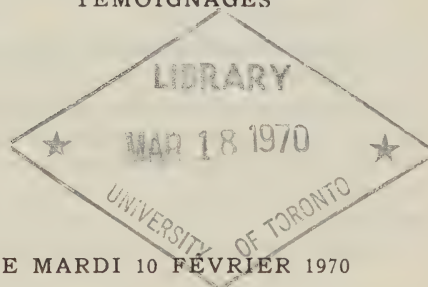
M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 14



TUESDAY, FEBRUARY 10, 1970

LE MARDI 10 FÉVRIER 1970

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir les Procès-verbaux)

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman
and Messrs.

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président
et MM.

Alkenbrack,
¹Badanai,
Benjamin,
Code,
Duquet,
Forest,

Forrestall,
Fortin,
Howard (*Skeena*),
Howe,
Jerome,
Lefebvre,

²Major,
Marceau,
³Noël,
Peddle,
Richard,
Serré—20.

(Quorum 11)

Le greffier du Comité,
R. V. VIRR
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),

¹Replaced Mr. Turner (*London East*) on
February 9, 1970

²Replaced Mr. Trudel on February 9,
1970

³Replaced Mr. Comtois on February 9,
1970

Suivant l'article 65(4)b) du Règlement

¹Remplace M. Turner (*London East*) le
9 février 1970

²Remplace M. Trudel le 9 février

³Remplace M. Comtois le 9 février 1970

MINUTES OF PROCEEDINGS

[Text]

Tuesday, February 10, 1970.

(17)

The Standing Committee on Privileges and Elections met this day at 9:45 a.m. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Badanai, Code, Duquet, Jerome, Laflamme, Lefebvre, Major, Noël, Marceau, Paproski, Richard, Serré—(12).

Also present: Mr. Francis, M.P.

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed its study of the Draft amendments to the Canada Elections Act.

The Committee agreed, having previously recommended the repeal of sections 67 to 78 of the said Act, that new sections 67 to 69 and 71 to 77 be substituted therefor:

Section 67

67. Everyone is guilty of an offence against this Act who at any time during the hours that the polls are open on the ordinary polling day sells, gives, offers or provides any fermented or spirituous liquor at any hotel, tavern, shop or other public place within an electoral district where a poll is being held.

Section 68

68. Everyone is guilty of an offence against this Act who

(a) applies under this Act to be included in any list of electors in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;

(b) having once to his knowledge been properly included in a list of electors under this Act as an elector entitled to vote at a pending election, applies, except as author-

PROCÈS-VERBAL

[Traduction]

Le mardi 10 février 1970

(17)

Le Comité permanent des privilèges et élections se réunit ce matin à 9 h 45. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Code, Duquet, Jérôme, Laflamme, Lefebvre, Major, Noël, Marceau, Paproski, Richard, Serré—(12).

Autre député présent: M. Francis.

Témoin: M. J.M. Hamel, Directeur général des élections.

Le Comité reprend son étude du projet de modification à la Loi électorale du Canada.

Ayant déjà recommandé que soient abrogés les articles 67 à 78 de ladite loi, le Comité convient qu'ils soient remplacés par les nouveaux articles 67 à 69 et 71 à 77:

Article 67

Est coupable d'une infraction à la présente loi quiconque, à tout moment durant les heures d'ouverture des bureaux de votation, le jour ordinaire du scrutin, vend, donne, offre ou fournit une boisson fermentée ou spiritueuse dans un hôtel, une taverne, un magasin ou un autre endroit public situé dans un district électoral où un scrutin est tenu.

Article 68

Est coupable d'une infraction à la présente loi quiconque

a) demande, en vertu de la présente loi, d'être inscrit sur une liste électorale sous le nom d'une autre personne, que ce nom soit celui d'une personne vivante ou décédée ou d'une personne fictive;

b) ayant une fois déjà été sciemment et régulièrement inscrit sur une liste électorale en vertu de la présente loi à titre d'électeur habile à voter à une élection en cours,

ized by this Act, to be included in any other list of electors prepared for any electoral district as an elector entitled to vote at the same election;

(c) applies to be included in a list of electors for a polling division in which he is not ordinarily resident;

(d) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;

(e) having voted once at an election, applies at the same election for another ballot paper;

(f) votes or attempts to vote at an election knowing that he is disqualified or not competent to vote at the election; or

(g) induces or procures any other person to vote at an election knowing that such other person is disqualified from voting or incompetent to vote at such election.

Section 69

69. Every one is guilty of an offence against this Act who, by intimidation, duress or any pretence or contrivance.

(a) compels, induces or prevails upon any person to vote or refrain from voting at an election: or

(b) represents to any person that the ballot or the manner of voting at an election is not secret.

Section 71

71. (1) Every election officer is guilty of an offence against this Act who fails or refuses to comply with any provision of this Act unless such election officer establishes that in failing or refusing to so comply he was acting in good faith, that his failure or refusal was reasonable and that he had no intention of affecting the result of the election, permitting any person to vote whom he did not bona fide believe was qualified to vote or preventing any person from voting whom he did not bona fide believe was not qualified to vote.

demande, sauf comme la présente loi l'autorise, d'être inscrit sur une autre liste électorale dressée pour un district électoral, à titre d'électeur ayant droit de voter à la même élection;

c) demande d'être inscrit sur la liste électorale d'un arrondissement de votation dans lequel il ne réside pas ordinairement;

d) demande un bulletin de vote au nom d'une autre personne, que ce soit celui d'une personne vivante ou décédée ou d'une personne fictive;

e) ayant voté une fois déjà à une élection, demande, à la même élection, un autre bulletin de vote;

f) vote ou tente de voter à une élection, sachant qu'il est privé de la qualité d'électeur ou inhabile à voter à l'élection; ou

g) incite ou encourage une autre personne à voter à une élection, sachant que cette autre personne est privée de ses droits politiques ou inhabile à voter à cette élection.

Article 69

Est coupable d'une infraction à la présente loi quiconque, par intimidation, contrainte ou quelque prétexte ou ruse

a) force, induit ou engage quelque personne à voter ou à s'abstenir de voter à une élection; ou

b) tente de faire croire à une personne que le scrutin ou le mode de voter à une élection n'est pas secret.

Article 71

(1) Est coupable d'une infraction à la présente loi tout officier d'élection qui omet ou refuse de se conformer à l'une des dispositions de la présente loi, à moins que cet officier d'élection n'établisse que, dans son omission ou refus, il agissait de bonne foi, que son omission ou refus était raisonnable et qu'il n'avait aucunement l'intention de porter atteinte au résultat de l'élection, en permettant de voter à une personne que de bonne foi il ne croyait pas habile à voter, ou en empêchant de voter une personne que de bonne foi il ne croyait pas inhabile à voter.

(2) It shall be deemed to be a failure to comply with the provisions of this Act to do or omit to do any act that results in the reception of a vote that should not have been cast, or in the non-reception of a vote that should have been cast.

(3) Where it is made to appear to the Chief Electoral Officer that an election officer has been guilty of an offence against this Act, the Chief Electoral Officer shall

(a) make such inquiry as appears to be called for in the circumstances; and

(b) if it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest,

(i) assist in carrying on such proceedings or cause them to be taken and carried on, and

(ii) incur such expenses as it may be necessary to incur for such purpose.

(4) Where it is made to appear to the Chief Electoral Officer that any person has committed an offence referred to in section 17, subsection (4) of section 20, section 22, subsection (2) of section 49, subsection (12) of section 50, subsection (7) of section 52, section 65 or section 77, the Chief Electoral Officer has, in respect of that offence, the same duties and powers that he has under subsection (3) of this section in respect of offences committed by election officers.

(5) For the purpose of any inquiry held under this section, the chief Electoral Officer or any person nominated by him for the purpose of conducting the inquiry has the powers of a commissioner under Part II of the Inquiries Act.

(6) Any expenses required to be incurred for the purpose of an inquiry under this section and of any proceedings that, pursuant to this section, the chief Electoral Officer assists in carrying on or causes to be taken are payable by the Receiver General, on the certifi-

(2) Est censé constituer une inobservation des dispositions de la présente loi, le fait de poser ou d'omettre de poser un acte ayant pour résultat la réception d'un vote qui n'aurait pas dû être déposé ou la non-réception d'un vote qui aurait dû être déposé.

(3) Lorsqu'il est démontré au directeur général des élections qu'un officier d'élection s'est rendu coupable d'une infraction à la présente loi, le directeur général des élections doit

a) faire l'enquête qui lui semble requise dans les circonstances; et

b) s'il est d'avis que des procédures pour la punition de l'infraction ont été convenablement entamées ou devraient l'être et que son intervention servirait l'intérêt public,

(i) aider à l'exécution de ces procédures ou les faire intenter et exécuter, et

(ii) faire les frais qui peuvent être nécessaires à cette fin.

(4) Lorsqu'il est démontré au directeur général des élections qu'une personne a commis une infraction qui est mentionnée à l'article 17, au paragraphe (4) de l'article 20, à l'article 22, au paragraphe (2) de l'article 49, au paragraphe (12) de l'article 50, au paragraphe (7) de l'article 52, à l'article 65 ou à l'article 77, le directeur général des élections, en ce qui concerne cette infraction, a les mêmes devoirs et pouvoirs qu'il a en vertu du paragraphe (3) du présent article en ce qui concerne les infractions commises par des officiers d'élection.

(5) Aux fins d'une enquête tenue en vertu du présent article, le directeur général des élections ou une personne nommée par lui pour diriger l'enquête possède les pouvoirs d'un commissaire en vertu de la Partie II de la *Loi sur les enquêtes*.

(6) Les frais qu'entraînent la tenue d'une enquête en vertu du présent article et les procédures que le directeur général des élections, en conformité du présent article, aide à intenter ou fait intentar, sont payables par le receveur général, au vu d'un certificat du

icate of the Chief Electoral Officer, out of the Consolidated Revenue Fund.

Section 72

72. Every one is guilty of an offence against this Act who, between the date of the issue of the writ for an election and the day immediately following polling day at the election, acts, incites others to act or conspires to act in a disorderly manner with the intention of preventing the transaction of the business of a public meeting called for the purposes of the election.

Section 73

73. Every printed advertisement, handbill, placard, poster or dodger having reference to an election shall bear the name and address of its printer or publisher, and every one printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears such name and address is guilty of an offence against this Act and, if he is a candidate or the official agent of a candidate, is also guilty of an illegal practice.

Section 74

74. (1) Every one who, knowingly, in any case where an oath is by this Act authorized or directed to be taken, compels or attempts to compel, or induces or attempts to induce, any other person to take such oath falsely, is guilty of an illegal practice and of an offence against this Act.

(2) Every one who, knowingly, in any case where an oath is by this Act authorized or directed to be taken, takes such oath falsely is guilty of an illegal practice and of an offence against this Act.

Section 75

75. Every one who, before or during an election, knowingly makes or publishes any false statement of fact in relation to the personal character or conduct of a candidate is guilty of an illegal practice and of an offence against this Act.

directeur général des élections sur le Fonds du revenu consolidé du Canada.

Article 72

Est coupable d'une infraction à la présente loi quiconque, entre la date de l'émission du bref d'élection et le jour qui suit immédiatement le jour du scrutin à l'élection, agit, incite d'autres personnes à agir ou conspire pour agir d'une manière désordonnée dans l'intention d'empêcher la conduite d'une assemblée publique convoquée aux fins de l'élection.

Article 73

Tout imprimé de la nature d'une annonce, d'un prospectus, d'un placard, d'une affiche ou d'une circulaire ayant trait à une élection doit porter les nom et adresse de l'imprimeur ou de l'éditeur, et quiconque imprime, publie, distribue ou affiche, ou fait imprimer, publier, distribuer ou afficher un imprimé de cette nature, sans indiquer ces nom et adresse, est coupable d'une infraction à la présente loi, et s'il est un candidat ou l'agent officiel d'un candidat, il est également coupable d'un acte illicite.

Article 74

(1) Quiconque, sciemment, dans un cas où la présente loi autorise ou prescrit la prestation d'un serment, contraint ou tente de contraindre, incite ou tente d'inciter une autre personne à prêter faussement ce serment, est coupable d'un acte illicite et d'une infraction à la présente loi.

(2) Quiconque, sciemment, dans un cas où la présente loi autorise ou prescrit la prestation d'un serment, prête faussement ce serment, est coupable d'un acte illicite et d'une infraction à la présente loi.

Article 75

Est coupable d'un acte illicite et d'une infraction à la présente loi quiconque, avant ou pendant une élection, fait ou publie sciemment une assertion fausse concernant la réputation ou la conduite personnelle d'un candidat.

Section 76

76. Every one who resides outside Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce electors to vote for any candidate at an election, or to refrain from voting is guilty of an offence against this Act.

Section 77

77. (1) Every one who without authority takes down, covers up, mutilates, defaces or alters any printed or written proclamation, notice, list of electors or other document authorized or required by this Act to be posted up is guilty of an offence against this Act and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years or to both.

(2) Where a document referred to in subsection (1) is posted up, a copy of subsection (1) shall be

(a) printed or written as a notice in large type on the document, or

(b) printed or written as a separate notice and posted up near the document, so that the notice may easily be read.

The Committee agreed to the following consequential amendments to the foregoing.

Section 7

Subsection (3) of section 7 of the said Act be repealed and the following substituted therefor:

“(3) Every returning officer to whom a writ is directed shall forthwith upon its receipt, or upon notification by the Chief Electoral Officer of the issue thereof, cause to be promptly taken such of the proceedings directed by this Act as are necessary in order that the election may be regularly held, and any returning officer who wilfully neglects so to do is guilty of an offence against this Act.”

Article 76

Quiconque réside à l'extérieur du Canada et, pour assurer l'élection d'un candidat, sollicite des votes ou cherche de quelque manière à induire les électeurs à voter pour un candidat à une élection ou à s'abstenir de voter, est coupable d'une infraction à la présente loi.

Article 77

(1) Quiconque sans autorisation enlève, recouvre, mutile, lacère ou modifie une proclamation, un avis, une liste électorale ou un autre document imprimé ou écrit, dont la présente loi autorise ou prescrit l'affichage, est coupable d'une infraction à la présente loi et passible, sur déclaration sommaire de culpabilité, d'une amende d'au plus mille dollars, d'un emprisonnement d'au plus deux ans ou des deux peines à la fois.

(2) Lorsqu'un document qui est mentionné au paragraphe (1) est affiché, une copie du paragraphe (1) doit

a) être imprimée ou écrite, à titre d'avis, en gros caractères sur le document; ou

b) être imprimée ou écrite à titre d'avis distinct et affichée près du document,

de manière à ce que cet avis puisse facilement être lu.

Le Comité convient que les amendements logiques suivants soient apportés à ce qui précède.

Article 7

Que le paragraphe (3) de l'article 7 de ladite loi soit abrogé et remplacé par ce qui suit:

«(3) Tout officier rapporteur à qui est adressé un bref d'élection doit, dès sa réception ou dès que le directeur général des élections lui a notifié l'émission dudit bref, faire exercer avec diligence les opérations prescrites par la présente loi et qui sont nécessaires en vue de la tenue régulière de l'élection, et un officier rapporteur qui refuse volontairement de le faire est coupable d'une infraction à la présente loi.»

Section 17

Subsection (14) of section 17 of the said Act be repealed and the following substituted therefor:

“(14) Every one is guilty of an offence against this Act who

(a) requests, demands, accepts or agrees to accept monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act; or

(b) pays or agrees or promises to pay or gives or agrees or promises to give any monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act.”

Subsections (17), (18) of section 17 of the said Act be repealed and the following substituted therefor:

“(17) Every enumerator is guilty of an offence against this Act who wilfully and without reasonable excuse,

(a) includes in any list of electors prepared by him the name of any person who he has good reason to believe does not have the right to have his name included;

(b) omits to include in any list prepared by him the name of any person who he has good reason to believe has the right to have his name included; or

(c) Gives, delivers or issues a notice in Form No. 7, duly signed by two enumerators, in the name of a person who he has good reason to believe is not qualified or competent to vote at the election.

(18) Every one is guilty of an offence against this Act who impedes or obstructs an enumerator or a revising agent in the performance of his duties under this Act.

Article 17

Que le paragraphe (14) de l'article 17 de ladite loi soit abrogé et remplacé par ce qui suit:

«(14) Est coupable d'une infraction à la présente loi quiconque

a) sollicite, exige, accepte ou convient d'accepter de l'argent ou autre rétribution quelconque à titre de contrepartie de l'adjudication d'un contrat ou de toute commande concernant l'impression des listes électorales ou autres documents d'élection qui doivent être imprimés en conformité des dispositions de la présente loi; ou

b) paie ou convient ou promet de payer, ou donne ou convient ou promet de donner de l'argent ou autre rétribution quelconque à titre de contre partie de l'adjudication d'un contrat ou de toute commande concernant l'impression des listes électorales ou autres documents d'élection qui doivent être imprimés en conformité des dispositions de la présente loi.»

Que les paragraphes (17) et (18) de l'article 17 de ladite loi soient abrogés et remplacés par ce qui suit:

«(17) Est coupable d'une infraction à la présente loi tout énumérateur qui, volontairement et sans excuse raisonnable,

a) inscrit sur une liste électorale qu'il a dressée le nom d'une personne, alors qu'il a des motifs valables de croire qu'elle n'a pas le droit d'y voir figurer son nom;

b) omet d'inscrire sur une liste qu'il a dressée le nom d'une personne qui, selon lui et pour des motifs valables, a le droit d'y voir figurer son nom; ou

c) donne, délivre ou émet un avis selon la formule no 7, dûment signé par deux énumérateurs, au nom d'une personne, alors qu'il a des motifs valables de croire qu'elle n'a pas qualité ou titre à voter à l'élection.

(18) Est coupable d'une infraction à la présente loi quiconque gêne ou entrave un énumérateur ou un agent reviseur dans l'exercice de ses fonctions prévues par la présente loi.

Section 29

Section 29 of the said Act be repealed.

Section 44

Subsection (3) of section 44 of the said Act is repealed and the following substituted therefor:

“(3) Every one is guilty of an illegal practice and of an offence against this Act who contravenes or fails to observe any provision of this section.”

Section 46

Subsection (4) of section 46 of the said Act be repealed and the following substituted therefor:

“(4) Every elector is guilty of an illegal practice and of an offence against this Act who vouches for an applicant elector knowing that the applicant is for any reason disqualified from voting in the polling division at the election.”

Section 49

Subsection (5) and (6) of section 49 of the said Act be repealed and the following substituted therefor:

“(5) Every one who violates, contravenes or fails to observe any of the provisions of this section is guilty of an offence against this Act.”

Section 52

Subsection (7) of section 52 of the said Act be repealed and the following substituted therefor:

“(7) Every person is guilty of an offence against this Act who refuses or neglects to attend on the summons of a returning officer issued under this Act in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at a polling station.”

Section 57

Section 57 of the said Act be repealed and the following substituted therefor:

Article 29

Que l'article 29 de ladite loi soit abrogé.

Article 44

Le paragraphe (3) de l'article 44 de ladite loi soit abrogé et remplacé par ce qui suit:

«(3) Quiconque enfreint quelque disposition du présent article, ou omet de s'y conformer, est coupable d'un acte illicite et d'une infraction à la présente loi:»

Article 46

Que le paragraphe (4) de l'article 46 de ladite loi soit abrogé et remplacé par ce qui suit:

«(4) Est coupable d'un acte illicite et d'une infraction à la présente loi, tout électeur qui répond d'une personne demandant à voter, sachant qu'elle est pour un motif quelconque inhabile à voter à l'élection dans l'arrondissement de votation.»

Article 49

Que les paragraphes (5) et (6) de l'article 49 de ladite loi soient abrogés et remplacés par ce qui suit:

«(5) Quiconque viole, enfreint ou néglige d'observer l'une des dispositions du présent article est coupable d'une infraction à la présente loi.»

Article 52

Que le paragraphe (7) de l'article 52 de ladite loi soit abrogé et remplacé par ce qui suit:

«(7) Est coupable d'une infraction à la présente loi, quiconque refuse ou néglige d'obéir à la sommation d'un officier rapporteur émise en vertu de la présente loi, dans tous les cas où les boîtes du scrutin ne sont pas produites et où il est nécessaire de recourir à la preuve pour constater le nombre total des suffrages donnés à chaque candidat dans un bureau de votation.»

Article 57

Que l'article 57 de ladite loi soit abrogé et remplacé par ce qui suit:

“57. If any returning officer wilfully delays, neglects or refuses to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make the return of his election is guilty of an offence against this Act.”

Section 63

Subsection (7) of section 63 of the said Act be repealed and the following substituted therefor:

“(7) Where the return and declarations referred to in this section are not transmitted before the expiration of the periods limited for the purpose in this section, the candidate to whom the return and declarations relate shall not, after the expiration of the last of those periods, sit or vote in the House of Commons as a member until either the return and declarations have been transmitted or the date of the allowance pursuant to this Act of an authorized excuse for the failure to transmit them, and if he sits or votes in contravention of this subsection he is guilty of an offence against this Act.”

Subsection (9) of section 63 of the said Act be repealed and the following substituted therefor:

“(9) Any candidate or official agent who knowingly makes a false declaration respecting election expenses is guilty of a corrupt practice and of an offence against this Act.”

Subsection (13) of section 63 of the said Act be repealed and the following substituted therefor:

“(13) Where it appears to a judge on hearing an application pursuant to subsection (12), that

(a) in the case of an application by a candidate, the candidate is unable to com-

«57. Si un officier rapporteur volontairement diffère, néglige ou refuse de déclarer dûment élu député à la Chambre des communes pour un district électoral une personne qui doit l'être, et s'il a été déterminé à l'instruction d'une pétition d'élection concernant l'élection dans ce district électoral que cette personne aurait dû être déclarée élue, l'officier rapporteur qui a ainsi volontairement différé, négligé ou refusé de faire rapport de son élection est coupable d'une infraction à la présente loi.»

Article 63

Que le paragraphe (7) de l'article 63 de ladite loi soit abrogé et remplacé par ce qui suit:

«(7) Lorsque les rapports et déclarations mentionnés au présent article ne sont pas transmis avant l'expiration des délais fixés à cette fin au présent article, le candidat auquel se réfèrent les rapports et déclarations ne peut, après l'expiration du dernier de ces délais, ni siéger ni voter comme député à la Chambre des communes, soit avant la transmission du rapport et des déclarations, soit avant la date où est acceptée en conformité de la présente loi une excuse autorisée pour le défaut de les transmettre, et s'il siège ou vote en contravention du présent paragraphe, il est coupable d'une infraction à la présente loi.»

Que le paragraphe (9) de l'article 63 de ladite loi soit abrogé et remplacé par ce qui suit:

«(9) Un candidat ou agent officiel qui fait sciemment une déclaration fausse relative à des dépenses d'élection est coupable d'une manœuvre frauduleuse et d'une infraction à la présente loi.»

Que le paragraphe (13) de l'article 63 de ladite loi soit abrogé et remplacé par ce qui suit:

«(13) Lorsqu'il apparaît à un juge, à l'audition d'une demande en conformité du paragraphe (12),

a) que, dans le cas d'une demande faite par un candidat, ce dernier est incapable

ply with the provisions of this Act respecting the return and declarations as to his election expenses by reason of the refusal or failure of his official agent or preceding official agent to make such return or supply such particulars as would enable the return and declaration to be made, or

(b) in the case of an application by an official agent, the official agent is unable to comply with the provisions of this Act respecting the return and declarations as to the election expenses of the candidate for whom he is the official agent by reason of the refusal or failure of a preceding official agent to make such return or supply such particulars as would enable the return and declaration to be made,

the judge shall, by order in writing served personally on the person who so refused or failed to make a return or supply particulars, direct that person to attend before the judge and, on that person's attendance, shall, unless the person shows cause to the contrary, order him to

(c) make such return and declaration or supply such statement of the particulars required to be contained in the return, as to the judge seems just, and make or supply them within such time and to such person and in such manner as the judge may direct, or

(d) be examined with respect to such particulars,

and if the person so ordered does not comply with the order to attend or an order referred to in paragraph (c) or (d) he is guilty of an offence against this Act."

Section 82

Subsection (1) of section 82 of the said Act be repealed and the following substituted therefor:

"82. (1) No election shall, on the trial of any election petition, be voided because of

de se conformer aux dispositions de la présente loi concernant le rapport et les déclarations relatifs à ses dépenses d'élection, par suite du refus ou de l'omission de son agent officiel ou du prédécesseur de son agent officiel de faire ce rapport ou de fournir les détails qui permettraient de faire le rapport et la déclaration, ou

b) que, dans le cas d'une demande faite par un agent officiel, ce dernier est incapable de se conformer aux dispositions de la présente loi concernant le rapport et les déclarations relatifs aux dépenses d'élection du candidat dont il est l'agent officiel, par suite du refus ou de l'omission d'un agent officiel antérieur de faire ce rapport ou de fournir les détails qui permettraient de faire le rapport et la déclaration,

le juge doit, au moyen d'une ordonnance par écrit signifiée personnellement à la personne qui a ainsi refusé ou omis de faire un rapport ou de fournir des détails, ordonner à cette personne de comparaître devant lui et, lors de la comparution de cette personne, à moins qu'elle ne fasse valoir des motifs à ce contraire, lui ordonner

c) de faire ce rapport et la déclaration ou de fournir la déclaration relative aux détails qui doivent être contenus dans le rapport, selon que le juge le croit juste, et de la faire ou les fournir dans le délai, à la personne et de la manière que le juge peut ordonner, ou

d) d'être interrogée concernant ces détails,

et si la personne qui reçoit ces ordres ne se conforme pas à l'ordonnance de comparaître ou à une ordonnance mentionnée à l'alinéa c) ou d), elle est coupable d'une infraction à la présente loi.»

Article 82

Que le paragraphe (1) de l'article 82 de ladite loi soit abrogé et remplacé par ce qui suit:

«82. (1) Aucune élection ne doit, à l'instruction d'une pétition d'élection, être annulée à

any illegal practice referred to in section 22, 40, 44, 73 or 75 unless the thing omitted or done, the omission or doing of which constitutes the illegal practice, was omitted or done by

- (a) the elected candidate in person;
- (b) his official agent; or
- (c) some other agent of the candidate with the candidate's actual knowledge and consent."

Section 91

Section 91 of the said Act is repealed.

Section 92

All that portion of subsection (8) of section 92 of the said Act preceding paragraph (a) thereof be repealed and the following substituted therefor:

"(8) The returning officer shall, not later than Saturday, the thirtieth day before the ordinary polling day,"

(2) Paragraph (b) of subsection (8) of section 92 of the said Act be repealed and the following substituted therefor:

"(b) mail

(i) one copy of the notice to each postmaster of the post offices situated within his electoral district,

(ii) five copies of the notice to each candidate officially nominated at the election,

(iii) where he considers it appropriate, five copies of the notice to every other person who may reasonably be expected to be so nominated or to the representative of such person, and

(iv) two copies of the notice to the Chief Electoral Officer; and"

(3) Subsection (9) of section 92 of the said Act be repealed and the following substituted therefor:

"(9) Upon receiving a notice described in subsection (8), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of

cause de l'un quelconque des actes illicites mentionnés aux articles 22, 40, 44, 73 ou 75, à moins que la chose omise ou commise, dont l'omission ou la commission constitue l'acte illicite, n'ait été omise ou commise par

- a) le candidat élu en personne;
- b) son agent officiel; ou
- c) quelque autre agent du candidat, à la connaissance et du consentement réels du candidat.»

Article 91

Que l'article 91 de ladite loi soit abrogé.

Article 92

Que toute la partie du paragraphe (8) de l'article 92 de ladite loi qui précède l'alinéa a) soit abrogée et remplacée par ce qui suit:

«(8) L'officier rapporteur, au plus tard le samedi trentième jour avant le jour ordinaire du scrutin, doit»

(2) Que l'alinéa b) du paragraphe (8) de l'article 92 de ladite loi soit abrogé et remplacé par ce qui suit:

«b) expédier par le courrier

(i) une copie de l'avis à chacun des maîtres de poste des bureaux de poste situés dans son district électoral,

(ii) cinq copies de l'avis à chacun des candidats officiellement mis en présentation à l'élection,

(iii) lorsqu'il le juge à propos, cinq copies de l'avis à toute autre personne raisonnablement susceptible d'être ainsi mise en présentation, ou au représentant de cette personne, et

(iv) deux copies de l'avis au directeur général des élections; et»

(3) Que le paragraphe (9) de l'article 92 de ladite loi soit abrogé et remplacé par ce qui suit:

«(9) Dès qu'il a reçu un avis mentionné au paragraphe (8), un maître de poste doit l'afficher dans un lieu bien en vue dans son bureau de poste, auquel le public a accès, et le tenir ainsi affiché jusqu'à l'heure fixée

the polls on the ordinary polling day has passed and for the purpose of this subsection the postmaster shall be deemed to be an election officer.”

Section 93

Section 93 of the said Act be repealed and the following substituted therefor:

“93. Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who

(a) has reason to believe that he will be absent from and unable to vote in the polling division on the ordinary polling day,

(b) because of advanced age, infirmity or the probable termination of pregnancy, finds it more convenient to vote at an advance polling station, or

(c) because of his religious beliefs or his membership in a religious order is unable to vote in the polling division throughout the hours or the greater part of the hours of polling on the ordinary polling day,

may vote at the advance polling station established in the advance polling district if, before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, before the deputy returning officer of the advance polling station.”

Section 95

Subsection (8) of section 95 of the said Act be repealed and the following substituted therefor:

“(8) Subject to sections 92 to 96, the provisions of this Act relating to ordinary polls, except subsection (2) of section 21 and section 67, shall in so far as they are applicable apply to advance polls.

(9) Every one is guilty of an offence against this Act who, in any manner whatever, makes a count of the votes cast at an

pour la fermeture des bureaux de votation le jour ordinaire du scrutin. Aux fins du présent paragraphe, le maître de poste est censé être un officier d’élection.»

Article 93

Que l’article 93 de ladite loi soit abrogé et remplacé par ce qui suit:

«Un électeur dont le nom apparaît sur la liste des électeurs préparée pour un arrondissement de votation compris dans un district provisoire de votation,

a) qui a des motifs de croire qu’il sera absent de cet arrondissement de votation et incapable d’y voter, le jour ordinaire du scrutin,

b) qui trouve plus commode de voter à un bureau provisoire de votation, en raison de son grand âge, d’une infirmité ou d’un accouchement prochain, ou

c) qui est incapable de voter dans l’arrondissement de votation durant les heures d’ouverture ou la majeure partie des heures d’ouverture du bureau, le jour ordinaire du scrutin, à cause de ses croyances religieuses ou de son appartenance à une congrégation religieuse,

peut voter au bureau provisoire de votation établi dans le district provisoire de votation si, avant de déposer son vote, il prête et souscrit un affidavit concernant la votation à un bureau provisoire, selon la formule n^o 66, devant le sous-officier rapporteur du bureau provisoire.»

Article 95

Que le paragraphe (8) de l’article 95 de ladite loi soit abrogé et remplacé par ce qui suit:

«(8) Sous réserve des articles 92 à 96, les dispositions de la présente loi relatives aux bureaux de votation ordinaires, sauf le paragraphe (2) de l’article 21 et l’article 67, s’appliquent, dans la mesure où elles sont applicables, aux bureaux provisoires de votation.

(9) Est coupable d’une infraction à la présente loi quiconque, de quelque manière que ce soit, fait le comptage des votes dépo-

advance poll except at the time and in the manner provided in this section.”

Section 97

Section 97 of the said Act be repealed and the following substituted therefor:

“97. Every one who

(a) makes before a deputy returning officer a false declaration in the affidavit for voting at an advance poll, in Form No. 66,

(b) after having taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, votes or attempts to vote at an advance poll other than the one where the affidavit was taken and subscribed to or at a poll on the ordinary polling day, or

(c) in any other manner contravenes any provision of sections 92 to 95,

is guilty of an offence against this Act.”

Section 104

The heading preceding section 104 and section 104 of the said Act be repealed.

Section 106

Section 106 of the said Act be repealed and the following substituted therefor:

“106. (1) No person, company or corporation shall, in any province before the hour of closing of the polls in that province, publish the result or purported result of the polling in any electoral district in Canada by radio or television broadcast, by newspaper, news-sheet, poster, billboard or handbill or in any other manner.

(2) Any person, company or corporation that contravenes the provisions of this section and, in the case of a company or corporation, any person responsible for the contravention thereof, is guilty of an illegal practice and of an offence against this Act.

sés à un bureau provisoire si ce n'est à l'heure et de la manière prévues au présent article.»

Article 97

Que l'article 97 de ladite loi soit abrogé et remplacé par ce qui suit:

«Quiconque

a) fait devant un sous-officier rapporteur une fausse déclaration dans l'affidavit concernant la votation à un bureau provisoire, selon la formule n^o 66;

b) après avoir prêté et souscrit un affidavit concernant la votation à un bureau provisoire, selon la formule n^o 66, vote ou tente de voter à un bureau provisoire autre que celui où l'affidavit a été prêté et souscrit ou à un bureau de votation le jour ordinaire du scrutin; ou

c) de toute autre manière, contrevient aux dispositions des articles 92 à 95,

est coupable d'une infraction à la présente loi.»

Article 104

Que l'article 104 de ladite et la rubrique qui précède l'article 104 soient abrogés.

Article 106

Que l'article 106 de ladite loi soit abrogé et remplacé par ce qui suit:

«(1) Aucune personne, compagnie ou corporation ne doit dans une province, avant l'heure de clôture des bureaux de votation en cette province, publier le résultat ou ce qui est donné comme étant le résultat du scrutin dans un district électoral au Canada, soit par émission radiophonique ou télévisée, soit par voie d'un journal, gazette, affiche, panneau-réclame, circulaire ou de toute autre manière.

(2) Une personne, compagnie ou corporation qui enfreint les dispositions du présent article et, dans le cas d'une compagnie ou corporation, une personne responsable de cette infraction est coupable d'un acte illégitime et d'une infraction à la présente loi.

(3) In this section “broadcast” has the same meaning as “broadcasting” in the Broadcasting Act.”

Section 111

Section 111 of the said Act be repealed and the following substituted therefor:

“111. Notwithstanding anything in this or any other Act, where a writ has been issued ordering a by-election to be held on a date subsequent to the dissolution of Parliament, the writ shall, after a notice to that effect has been published in the Canada Gazette by the Chief Electoral Officer, be deemed to have been superseded and withdrawn.”

Section 18

Subsection (1) of section 18 of the Act be repealed and the following substituted therefor:

“18. (1) Within two days after the receipt of the writ of election or within six days after he has been notified by the Chief Electoral Officer of the issue of such writ, whichever is the sooner, the returning officer shall issue a proclamation in Form No. 4 under his hand in the English and French languages and mail one copy at least to the various postmasters of the post offices within his electoral district, and such proclamation shall indicate

(a) the place and time fixed for the nomination of candidates (which shall be held at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district);

(b) the day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;

(c) the time when and the place where the returning officer will add up the number of votes given to the several candidates;

(d) what portion or portions of the electoral district are to be deemed to be

(3) Dans le présent article, l'expression «émission radiophonique» a le même sens que le mot «radiodiffusion» dans la *Loi sur la radiodiffusion*.»

Article 111

Que l'article 111 de ladite loi soit abrogé et remplacé par ce qui suit:

«111. Nonobstant toute disposition de la présente ou de quelque autre loi, lorsqu'il a été émis un bref ordonnant la tenue d'une élection partielle à une date subséquente à la dissolution du Parlement, ce bref, après que le directeur général des élections a publié un avis à cette fin dans la *Gazette du Canada*, est censé avoir été annulé et retiré.»

Que le paragraphe (1) de l'article 18 de la loi soit abrogé et remplacé par ce qui suit:

«18. (1) Dans les deux jours qui suivent la réception du bref d'élection ou dans les six jours après que le directeur général des élections lui a notifié l'émission de ce bref, selon celui de ces deux événements qui est antérieur à l'autre, l'officier rapporteur doit, sous sa signature, et dans les langues anglaise et française, lancer une proclamation suivant la formule n^o 4 et envoyer par la poste aux différents maîtres de poste dans son district électoral une copie au moins de cette proclamation. Cette dernière doit indiquer

a) le lieu et la date fixés pour la présentation des candidats (laquelle doit se faire dans un palais de justice, un hôtel de ville ou une salle municipale, ou dans un autre édifice public ou privé situé à l'endroit le plus central ou commode pour la majorité des électeurs du district électoral);

b) le jour où doit être tenu le scrutin, si un scrutin est nécessaire;

c) le jour, l'heure et l'endroit où l'officier rapporteur additionnera le nombre de suffrages donnés aux divers candidats;

d) la partie ou les parties du district électoral qui sont censées constituer des arron-

urban and rural polling divisions, respectively; and

(e) an exact description of the place in the electoral district where the returning officer has established his office;

the returning officer shall at the same time notify in writing each postmaster of the provisions of subsection (5).”

Section 25

Section 25 of the Act was permitted to stand.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

dissements urbains et ruraux, respectivement; et

e) une description exacte de l'endroit du district électoral où l'officier rapporteur a établi son bureau.

En même temps, l'officier rapporteur doit par écrit donner à chaque maître de poste avis des dispositions du paragraphe (5).»

Article 25

L'article 25 de ladite loi est réservé.

A 11 h., la séance du Comité est levée jusqu'à nouvelle convocation du président.

*Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.*

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, February 10, 1970

● 0945

The Chairman: We now have a quorum, gentlemen.

As you will remember, at the last meeting, Mr. Jerome, I believe in your absence Mr. Paproski, chaired the meeting and there was discussion on the proposed amendments to Clauses 66 to 78. I believe the draft amendment to 66, at page 53, has to stand.

Draft amendment to Clause 66 allowed to stand.

The Chairman: There was a full discussion on the draft amendment to Clause 67 and everyone was ready to have it carried. Is there any further discussion?

M. Lefebvre: Monsieur le président, est-ce que l'article 67 est un nouvel article?

M. J.-M. Hamel (directeur général des élections): Il y a un léger changement. En vertu de la loi actuelle, tous les débits de boissons doivent être fermés pendant vingt-quatre heures, c'est-à-dire de minuit à minuit pendant toute la journée du scrutin. En 1963, le Comité avait fortement suggéré que les restrictions soient moins sévères parce qu'elles venaient en conflit avec la plupart des lois provinciales; nous avions quelques problèmes à chaque élection. Ceci est le texte que nous avions préparé à la lumière des discussions avec le Comité, en 1963. La restriction s'appliquerait maintenant seulement pendant les heures d'ouverture des bureaux de votation.

The Chairman: The same will apply in many provinces.

Draft amendments to Clauses 67 to 69 inclusive agreed to.

On Draft amendment to Clause 70—*Illegal payments to electors*.

The Chairman: The draft amendment to Clause 70 is to be deleted except that subclause (b) be added to Clause 66. Do you agree that draft amendment 70 be deleted except for subclause (b) which will be added to Clause 66? The law officers have not yet had time to rearrange the drafting so we will have to carry subclause (b) at the next meeting.

Some hon. Members: Agreed.

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 10 février 1970

Le président: Maintenant, messieurs, nous faisons quorum et comme vous vous le rappelez sans doute, à la dernière réunion, M. Jérôme, qui fut présidée en votre absence par M. Paproski, nous avons discuté des modifications proposées aux articles 66 à 78. Je crois que le projet de modification à l'article 66 à la page 53, doit être réservé.

Le projet de modification de l'article 66 est réservé.

Le président: Ensuite, le projet de modification à l'article 67 a été longuement étudié, et tout le monde acceptait de l'adopter. Voulez-vous en discuter plus longtemps?

Mr. Lefebvre: Mr. Chairman, is clause 67 a new clause?

Mr. J. M. Hamel (Chief Electoral Officer): There is a slight change. According to the present Act all outlets selling liquor must be closed during 24 hours, i.e. from midnight until midnight during the entire polling day. In 1963, the Committee had strongly suggested that the restrictions be less strict because they conflicted with most provincial laws and we had problems at every election. This is the text we had prepared following the discussion held in 1963, with the Committee. So the restriction now would apply only while the polling stations are open.

Le président: C'est la même chose dans plusieurs provinces.

Les projets de modification aux articles 67 à 69 inclusivement sont adoptés.

Le projet de modification à l'article 70—*Paiements illicites aux électeurs*.

Le président: Le projet de modification à l'article 70 doit être supprimé, sauf le paragraphe b) qui doit être ajouté à l'article 66. Acceptez-vous que le projet de modification à l'article 70 soit supprimé, sauf le paragraphe b) qui doit être ajouté à l'article 66? Les conseillers juridiques n'ont pas encore eu le temps de modifier le libellé, alors il faudra adopter le paragraphe b) à la prochaine réunion.

Des voix: D'accord.

[Text]

On Draft amendment to Clause 71—*Liability of election officers.*

The Chairman: Do you agree that in this draft amendment, in which we have already accepted the transfer of rights from the Commissioner to the Chief Electoral Officer, the word "Commissioner" in the Clause should be changed to "Chief Electoral Officer"? Is it carried subject to this?

Draft amendment to Clause 71 as amended agreed to.

On Draft amendment to Clause 72—*Public meetings.*

Mr. Hamel: This is formerly Clause 104.

C'était autrefois l'article 104. C'est simplement un réarrangement des articles concernant les infractions. Ils étaient autrefois un peu dispersés à travers la Loi. Dans sa nouvelle ébauche, le ministère de la Justice a suggéré de faire de l'ancien article 104 le nouvel article 72. Il n'y a rien de neuf en substance.

Draft amendment to Clause 72 agreed to.

On Draft amendment to Clause 73—*Printed documents to bear name, etc., of printer or publisher.*

M. Hamel: Il n'y a rien de neuf en substance, sauf un tout petit mot. C'était autrefois l'article 71. Un seul mot a été changé, et ceci à la suite de la discussion assez longue qui avait eu lieu en 1963. Dans la quatrième ligne du texte anglais et dans la cinquième ligne du texte français, on a remplacé le mot «et» pour le mot «ou». Autrefois, c'était: «... le nom et l'adresse de l'imprimeur et de l'éditeur...». On voudrait remplacer cela par: «... le nom et l'adresse de l'imprimeur ou de l'éditeur...».

Draft amendments to Clauses 73 and 74 agreed to.

Draft amendment to Clause 75 — *Publishing false statements to affect return of any candidate an offence.*

● 0950

Mr. Hamel: Clause 75 is formerly Clause 76, with nothing new in substance; perhaps slightly...

Mr. Duquet: Are we going to add to that "verbally"?

Mr. Hamel: I thought it was agreed last time that the word "publishes" includes the spoken word.

Draft amendment to Clause 75 agreed to.

On Draft amendment to Clause 76 — *Non-residents of Canada forbidden to canvass.*

[Interpretation]

Le projet de modification à l'article 71—*Responsabilité des officiers d'élection.*

Le président: Êtes-vous d'accord, en ce qui a trait à ce projet de modification, même si nous avons déjà accepté le transfert de droit du commissaire au directeur général des élections, que le mot «commissaire» doit être remplacé par l'expression «directeur général des élections»? Êtes-vous d'accord sous réserve de ceci?

Le projet de modification à l'article 71 modifié est adopté.

Le projet de modification à l'article 72—*Assemblées publiques.*

M. Hamel: C'est l'ancien article 104.

This was formerly Clause 104. It is only a redrafting of the penalty clauses. Formerly, they were scattered throughout the Act. In its new draft, the Department of Justice suggested to change the former clause 104 into the new clause 72. There is nothing new in substance.

Le projet de modification à l'article 72 est adopté.

Le projet de modification à l'article 73—*Les documents imprimés doivent porter le nom, etc., de l'imprimeur ou de l'éditeur.*

Mr. Hamel: There is nothing new in terms of content, except one little word. Formerly, it was clause 71. One word only has been changed following lengthy discussions held in 1963. In the fourth line of the English text, and in the fifth line of the French text, the word "or" replaces the word "and". Before, it was "the name and address of its printer and publisher". We would like to replace that by "the name and address of its printer or publisher".

Les projets de modification aux articles 73 et 74 sont adoptés.

Le projet de modification à l'article 75—*Publier de fausses déclarations pouvant influencer l'élection d'un candidat est une infraction.*

M. Hamel: L'article 75 est l'ancien article 76. Il n'y a rien de neuf en substance, sauf une légère modification...

M. Duquet: Allons-nous y ajouter le mot «verbalement»?

M. Hamel: Je croyais que nous étions d'accord à la dernière réunion que le mot «publie» comprend ce qui est dit verbalement.

Le projet de modification à l'article 75 est adopté.

Le projet de modification à l'article 76—*Interdiction aux non-résidents du Canada de solliciter des votes.*

[Texte]

Il avait été suggéré que ce soit l'un ou l'autre, et non pas nécessairement les deux.

Mr. Hamel: I gave the history of Clause 76 last week and explained that the conditions which prevailed at the time this was put into the Act in 1920 or 1922 do not exist any more. But, on the other hand, there are other conditions, so the Committee last Thursday decided to keep it in.

Clause 76 agreed to.

The Chairman: Clause 77.

Mr. Hamel: You will remember this was left aside last week after a suggestion had been made that we include in this not only election documents but also candidates' publicity. We looked into this after the meeting and found out that it would have very far-reaching implications in the sense that I have an obligation under Clause 71 to investigate and prosecute anybody who commits an offence against Clause 77. So if you include candidates' publicity I would more or less become a kind of a referee between candidates or their organizations and I am sure that this is not the wish of the Committee.

Mr. Lefebvre: It is the official posters you are talking about here—nothing to do with the candidates.

Mr. Hamel: That is correct. Clause 77 deals strictly with election documents put out either by my office or by the returning officer's office.

Mr. Duquet: Would it be possible, Mr. Hamel, to draft a clause about candidates' publicity?

Mr. Hamel: Yes, I would suggest though that it become a completely separate clause.

Mr. Duquet: Yes, that is what I suggest too. I wish it was in there. Would it be possible to draft a short clause about that in time for the next meeting?

Clause 77 agreed to.

Clause 78 allowed to stand.

The Chairman: At the next meeting, we will have the new draft of Clause 78.

Mr. Hamel: There is some sort of a missing link between the previous clauses which are the offences clauses and clause 78 which is the penalty section. I believe the point was raised that there was no reference as to how there may be prosecutions for these offences. So we have prepared something but it has not yet been seen by the Criminal Law Section or the drafting section in the Department of Justice. We hope to have it by Thursday.

The Chairman: That includes subsection (2).

[Interprétation]

It had been suggested that it be one or the other, and not necessarily both.

M. Hamel: J'ai fait l'historique de l'article 76 la semaine dernière et j'ai expliqué que les conditions qui prévalaient quand cela a été ajouté à la Loi en 1920 ou 1922, n'existent plus. Mais il y a d'autres conditions, alors le Comité a décidé jeudi dernier de le conserver.

L'article 76 est adopté.

Le président: L'article 77.

M. Hamel: On avait remis ceci à plus tard la semaine dernière, après avoir suggéré d'inclure non seulement les documents d'élection, mais aussi la publicité des candidats. Nous avons examiné cela après la réunion pour nous rendre compte que cela aura des conséquences d'une grande portée, car d'après l'article 71, il faut que je fasse enquête et que j'intente des poursuites à l'endroit de ceux qui enfreignent l'article 77. Alors si vous incluez la publicité des candidats, je deviendrais plus ou moins l'arbitre entre les candidats et leur organisation, et je suis sûr que cela va à l'encontre des désirs du Comité.

M. Lefebvre: Vous parlez d'affiches officielles, qui n'ont rien à voir avec les candidats.

M. Hamel: C'est juste. L'article 77 porte strictement sur les documents d'élection émanant de mon bureau ou bien de celui de l'officier rapporteur.

M. Duquet: Serait-il possible, monsieur Hamel, de rédiger un article au sujet de la publicité des candidats?

M. Hamel: Oui, je suggère que ce soit un article tout à fait distinct.

M. Duquet: Oui, c'est ce que je suggère aussi. Je voudrais bien qu'il y soit déjà inclus. Serait-il possible de rédiger un petit article à ce sujet à temps pour la prochaine réunion?

L'article 77 est adopté.

L'article 78 est réservé.

Le président: Alors à la prochaine réunion, nous aurons un nouveau libellé.

M. Hamel: Il semble qu'il y a un chaînon qui manque entre les articles précédents sur les délits et l'article 78 qui est l'article sur les peines. Je crois qu'on n'a signalé aucune indication sur la façon d'instituer des poursuites judiciaires à l'égard de ces délits. Alors nous avons préparé quelque chose qui n'a pas encore été étudié par la section du droit criminel ou par les rédacteurs du ministère de la Justice. Nous l'aurons probablement jeudi.

Le président: Est-ce que cela comprend le paragraphe (2)?

[Text]

Mr. Hamel: Yes.

Mr. Paproski: Mr. Chairman, will we have a copy of that before Thursday to look at?

Mr. Hamel: Well, we will certainly do our best. We have a meeting with the Department of Justice this afternoon. We hope to have the final text in both English and French either later today or tomorrow. If it is available before Thursday, we will send it to the Clerk.

The Chairman: Now we can go back to some of the amendments which we let stand. The Clerk will circulate to you a list of the clauses of the Bill that have not already been passed. The clauses in the list are there as a consequence of the amendments we passed in Clause 37. Will you go back to the proposed Section 7 (3) at the bottom of page 2 and on page 3. It is only a redrafting. Is the proposed subsection (3) of Section 7 at pages 2 and 3 carried?

Proposed Section 7 (3) agreed to.

The Chairman: Now to page 13, Section 17, subsection (14). It is in the middle of page 13.

“(14) Every one is guilty of an offence against this Act who . . .”

Again, this was allowed to stand because we had to wait until we had passed Clause 37.

Proposed Section 17 (14) agreed to.

The Chairman: Now on pages 13 and 14. This deals with the liability of enumerators.

Proposed new subsections to Section 17 agreed to.

The Chairman: Now we go to Clause 14 at the top of page 32.

Clause 14 agreed to.

The Chairman: Now to clause 18 on page 35. The proposed Section 29 has become proposed Section 65 now.

Clause 18 agreed to.

The Chairman: Now to the bottom of page 39, Clause 26, dealing with offences against the Act.

Proposed subsection (3) of Section 44 agreed to.

The Chairman: If you wish, I can enumerate the remainder and we can pass a motion to deal with them together.

[Interpretation]

M. Hamel: Oui.

M. Paproski: M. le président, pourrions-nous en obtenir une copie avant jeudi?

M. Hamel: Nous ferons de notre mieux. Il y aura une réunion cet après-midi avec le ministère de la Justice. Nous espérons avoir le texte définitif, en anglais et en français, plus tard aujourd'hui ou demain. Si nous pouvons en disposer avant jeudi, nous l'enverrons au greffier.

Le président: Nous retournons à certaines modifications que nous avons réservées. Le greffier vous distribuera la liste complète des articles du projet de Loi qui n'ont pas encore été adoptés. Ces articles se trouvent là à cause des modifications que nous avons adoptées à l'article 37. Alors, messieurs, si vous voulez revenir à l'article nouveau 7, paragraphe 3, au bas de la page 2 et à la page 3. Ce n'est qu'un nouveau libellé. Le paragraphe (3) de l'article 7 à la page 2 et 3 est-il adopté?

Le président: L'article 7(3) nouveau est adopté. Nous passons maintenant à la page 13, article 17, paragraphe (14). Au milieu de la page 13.

«(14) Est coupable d'une infraction à la présente loi, quiconque»

On avait réservé ce paragraphe parce qu'il fallait adopter l'article 37 avant.

L'article 17(14) nouveau est adopté.

Le président: Ensuite les pages 13 et 14. Il s'agit de la responsabilité des énumérateurs.

Les nouveaux paragraphes de l'article 17 sont adoptés.

Le président: Maintenant nous passons à l'article 14, au haut de la page 32.

Le président: L'article 14 est adopté. Ensuite l'article 18, à la page 35. L'article 29 du projet maintenant devenu l'article 65 nouveau. Ensuite nous passons à la page 39 . . . Adopté?

Le président: L'article 18 est adopté. Ensuite au bas de la page 39, l'article 26, qui a trait aux infractions à la loi.

Le nouveau paragraphe (3) de l'article 44 est adopté.

Le président: Si vous êtes d'accord, je vais énumérer les autres et ensuite nous pouvons adopter une motion pour les faire adopter tous ensemble.

[Texte]

The following were agreed to:

- Clause 28, proposed Section 46 (4)
- Clause 29, proposed Section 49 (5)
- Clause 31, proposed Section 52 (7)
- Clause 33, proposed Section 57
- Clause 36 (1), proposed Section 63 (7)
- Clause 36 (2), proposed Section 63 (9)
- Clause 36 (3), proposed Section 63 (13)

Mr. Hamel: I believe last Thursday we also discussed the question of the deciding vote of the returning officer and it was agreed in principle to adopt the proposed draft but it could not be carried because we did not have a quorum. I believe the text was distributed.

• 1000

An hon. Member: It has been carried.

Mr. Hamel: I am sorry.

The Chairman: So, we are back to Section 82 on page 59. Mr. Hamel do you have any comments to make?

On Clause 38—*Election not voided unless illegal practices by candidate or agent*

Mr. Hamel: The only change is to insert the specific reference to new Clauses 73 and 75 instead of Clauses 71 and 76. Clause 71 is now Clause 73 and Clause 76 is now Clause 75. This is the only change.

Clauses 38 and 39 agreed to.

On Clause 40 - *Notice in Form No. 65*

Mr. Hamel: Clause 40 relates to Section 92 (8). This deals with the so-called notice of the advance pool. At the moment the requirements are that the notice of the advance poll be published not later than Wednesday after nomination day, which does not allow very much time for the notice to be sent throughout the electoral district. I suggest that it be printed well before nomination day because we do quite a number of other things before nomination day if there is more than one candidate. I agree that this is something that is done for nothing, but, on the other hand, perhaps too many things are crammed between nomination day and the advance poll day and the primary problem is the fact that we cannot advise the electoral office in time if we publish this on the Wednesday following nomination day, which is only two days before the first day of the advance poll. I suggest we advance it to Saturday, the thirtieth day before polling day.

In subclause (2), more or less as a consequence, I suggest that we send copies to the candidates who will then have been officially nominated and also to all

[Interprétation]

Les articles suivants sont adoptés:

- L'article 28 du projet, l'article 46(4) nouveau
- L'article 29 du projet, l'article 49(5) nouveau
- L'article 31 du projet, l'article 52(7) nouveau
- L'article 33 du projet, l'article 57 nouveau
- L'article 36(1) du projet, l'article 63(7) nouveau
- L'article 36(2) du projet, l'article 63(9) nouveau
- L'article 36(3) du projet, l'article 63(13) nouveau

M. Hamel: Jeudi dernier, nous avons aussi discuté la question de la voix prépondérante de l'officier rapporteur. Nous avons accepté en principe d'adopter l'avant-projet projeté, mais il n'avait pas été adopté parce qu'il n'y avait pas suffisamment de membres. Je crois qu'on a fait la distribution du texte.

Une voix: Il a été adopté.

M. Hamel: Pardon.

Le président: Nous revenons donc à l'article 82, à la page 59. Avez-vous quelques commentaires à faire, M. Hamel?

L'article 38—*Une élection n'est pas annulée à moins d'actes illicites commis par le candidat ou l'agent.*

M. Hamel: Le seul changement est d'inclure la référence précise dans les nouveaux articles 73 et 75 au lieu des articles 71 et 76. L'article 71 devient l'article 73, et l'article 76 devient l'article 75. Ce sont les seuls changements.

Les articles 38 et 39 sont adoptés.

L'article 40—*Avis selon la formule n° 65.*

M. Hamel: L'article 40 à trait au paragraphe 8, article 92, et il porte sur les avis d'un bureau provisoire qui doivent être publiés au plus tard le mercredi qui suit la date des présentations de candidats. Par conséquent on n'a pas beaucoup de temps pour expédier ces avis dans la circonscription électorale. Je propose que l'avis soit imprimé assez longtemps avant la date des présentations, car nous avons pas mal d'ouvrage à faire avant ce jour-là s'il y a plus d'un seul candidat. Je suis d'accord que ce n'est peut-être pas très utile, mais il faut faire trop de choses entre la date des présentations et le jour des élections provisoires, et le premier problème est le fait que nous puissions informer le bureau de votation à temps si nous publions cela le mercredi après le jour des présentations, ce qui ne nous donne que deux jours avant l'ouverture du bureau provisoire. Je propose donc que cela soit porté au samedi trentième jour avant le jour de la votation.

Par conséquent, je propose, au paragraphe (2), que nous adressions des exemplaires aux candidats qui auront déjà été choisis officiellement et aussi à ceux qui

[Text]

candidates who may reasonably be expected to be nominated so that everybody, either those who are officially candidates or those who are normally expected to be candidates, will have copies of this. It is primarily an administrative problem at the moment, and it would help us tremendously. I do not think it would affect the candidates to any extent.

● 1005

Clause 40 agreed to.

On Clause 41 - *Who may vote at advance poll*

Mr. Hamel: This appears at the bottom of page 60 and it deals with the advance poll. We suggest that the advance poll be extended to other categories of people. For example, people who are fairly old or because of infirmity or probable termination of pregnancy and they find it more convenient to vote at an advance poll, or because of religious beliefs or membership in a religious order, that kind of thing, that they be allowed to vote at the advance poll. It is to make it easier for these people to exercise their franchise. This, in fact, was taken from the New Zealand legislation.

M. Major: Est-ce que cela veut dire que ces vieillards, ces malades, sont obligés de se rendre au bureau de votation?

M. Hamel: Oui, définitivement.

The Chairman: Unless it has been decided that the advance poll is in the institution for old people.

M. Major: C'est-à-dire que le bureau soit installé dans une telle institution.

Le président: Rien n'empêche qu'un bureau provisoire de votation soit placé dans une institution pour vieillards; cela dépend de l'officier rapporteur, des circonstances et de la volonté de l'institution.

M. Major: L'officier rapporteur peut-il établir un bureau de votation dans une institution de vieillards, par exemple où les vieux ont de la difficulté à circuler.

M. Hamel: En vertu d'un autre article de la Loi, l'officier rapporteur peut établir un bureau de votation, un arrondissement de votation dans une maison de vieillards ou dans un hôpital de malades chroniques. Cependant, nous leur suggérons fortement de ne pas le faire sans consultation préalable avec la direction de la maison, à cause de certains problèmes. De plus il y a alors nécessairement identification du vote du groupe, sans compter qu'à maints endroits, la direction de l'institution s'oppose à ce qu'il y ait un bureau de votation dans l'institution même. Mais partout où c'est possible nous le faisons, mais c'est le bureau ordinaire de votation. Par contre, à d'autres endroits il y a des gens qui sont capables de sortir, mais qui veulent éviter

[Interpretation]

pourraient être choisis, de façon qu'ils aient tous des exemplaires de cet avis. Il s'agit en premier lieu d'un problème administratif pour le moment. Cette façon de procéder nous faciliterait les choses. Mais je crois qu'elle ne changera pas grand chose à l'égard des candidats.

L'article 40 est adopté.

L'article 41—*Qui peut voter à un bureau provisoire de votation*

M. Hamel: C'est à la page 60, au bas de la page. Il s'agit des bureaux provisoires. Nous proposons que les bureaux provisoires soient étendus à d'autres catégories d'électeurs, par exemple, les vieillards ou les infirmes ou les femmes près d'accoucher, encore pour des considérations religieuses ou l'appartenance à une congrégation religieuse. On veut qu'il soit plus facile pour ces gens d'exercer leur droit de vote. En fait, cela est modelé sur la loi de la Nouvelle-Zélande.

Mr. Major: Does this mean that those old people or sick people have to go to the poll?

Mr. Hamel: Yes, definitely.

Le président: A moins qu'il n'ait été décidé que le bureau provisoire soit dans l'institution même où vivent les vieillards.

Mr. Major: That is the poll itself may be set up in such an institution.

The Chairman: There is nothing to prevent an advance poll from being set up in an institution for elderly people. That depends on the returning officer, the circumstances, and what the institution itself wants.

Mr. Major: May a returning officer set up a poll in an institution for the elderly for instance, when the old people have difficulty getting around?

Mr. Hamel: Pursuant to another section of the Act, the returning officer may set up a poll, on a polling district in a home for the aged or in a hospital for the chronically ill. But we definitely suggest to them not to go ahead without prior consultation with the management of the institution, because of certain problems. Furthermore, the vote can be identified for the group. In many places the institutions are opposed to having a poll in their institution. But wherever it is possible we do it, but this is an ordinary polling station. On the other hand, at some other places there are people who are able to go outside but who wish to avoid the crowds which are often encountered in the vicinity of ordinary polling stations. The idea of

[Texte]

la foule: et en allant au bureau ordinaire de votation, ils sont parfois pris dans une foule assez considérable d'électeurs. On veut permettre à ces gens d'aller au bureau provisoire de votation pour leur faciliter les choses parce que, habituellement, il n'y a pas là la même foule qu'à un bureau ordinaire.

M. Major: Excusez-moi, mais comme je suis arrivé en retard à cette réunion, je ne suis pas au courant de ce qui s'est passé antérieurement.

Le président: D'accord, allez-y.

M. Major: Monsieur le président, puisqu'on a discuté de ce point-là, est-ce qu'on a étudié la possibilité d'établir des bureaux provisoires mobiles, où l'officier rapporteur pourrait faire le tour des secteurs où les gens ne peuvent pas sortir?

M. Hamel: Nous avons des bureaux mobiles de votation, présentement, mais des bureaux ordinaires. Dans une institution où les patients sont alités, le sous-officier rapporteur et le greffier, peuvent aller d'une chambre à l'autre et recueillir le bulletin de vote du patient alité.

M. Major: C'est donc possible, et laissé à la discrétion de l'officier rapporteur.

M. Hamel: C'est-à-dire, à la discrétion du sous-officier rapporteur. D'ailleurs, cette situation est prévue par la loi et les instructions: s'il y a des patients alités, il peut fermer le bureau de votation et faire le tour des chambres pour recueillir les bulletins de vote des patients qui ne peuvent pas s'y rendre.

M. Major: Mais pas sur une base provisoire . . .

M. Hamel: Non, strictement un bureau ordinaire.

Mr. Richard: I would like to make a remark. The big trouble I have always found with the advance poll is that there are too few of them. The way it is now in my riding—and some of them must be much worse—people have to cross the river and go about three miles, and this is hard for a person who is not very well. It is too damn far, and something should be done to permit the deputy returning officer to put advance polls in more places, even if there are not many voters. I think that is within your discretion.

● 1010

Mr. Hamel: Yes, at the moment, it is within my discretion only to one point. In urban areas, one advance poll has to be established for every revisal district. If you include approximately 35 polling divisions in a revisal district, it means that there is only one advance poll for 35 ordinary polls. This was introduced, in fact, in 1960. The advance poll facilities are used to a greater extent at every election. During the first election following 1960, the

[Interprétation]

allowing these people to go to an advance poll is to facilitate their voting since usually there are not as many people there as there would be at an advance poll.

Mr. Major: I am sorry, but as I arrived late for this meeting, I do not know what went on before.

The Chairman: All right, go ahead.

Mr. Major: Mr. Chairman, since that point was discussed, have you studied the possibility of having mobile advance polls where the returning officer could go around to these institutions where people cannot go out?

Mr. Hamel: We have mobile polling stations at the present time, but they are ordinary polling stations. In institutions where patients are confined to bed the returning officer and the clerk can go from one room to another and take the vote.

Mr. Major: Therefore, it is possible, when left at the discretion of the returning officer?

Mr. Hamel: That is, at the discretion of the deputy returning officer. Besides, this situation is covered in the Act and in the Regulations. If there are patients confined to bed, he may close the polling station and go around the rooms to take up the vote.

Mr. Major: This would not be an advance poll . . .

Mr. Hamel: No, strictly an ordinary poll.

M. Richard: Je voudrais faire une observation. La grande difficulté des bureaux provisoires, c'est qu'il n'y en a pas assez. Dans ma circonscription, et peut-être que dans d'autres, c'est encore pire, il faut traverser la rivière et parcourir trois milles, ce qui n'est pas possible pour les malades. Il faudrait permettre aux sous-officiers rapporteurs d'établir des bureaux provisoires à plus d'endroits, même si les électeurs ne sont pas nombreux. Je crois que c'est dans vos attributions.

M. Hamel: A ce moment, c'est dans mes attributions jusqu'à un certain point. Dans les régions urbaines, un bureau provisoire doit être établi pour chaque district de revision. Si vous avez à peu près 35 arrondissements de votation dans une circonscription de revision, vous n'avez qu'un bureau provisoire par 35 bureaux ordinaires. Cela remonte à 1960. Les bureaux provisoires sont employés de plus en plus à chaque élection. Durant la première élection, après 1960, l'augmenta-

[Text]

increase over the previous practice was not that marked, but in 1968 we had a very, very considerable vote at the advance poll. By extending the facilities of advance polls to other categories of people, we may very well have to consider reducing the number of polling divisions in each revisal district, that would probably serve your purpose.

On the other hand, in some other places, advance polls are still not extensively used and you always have the problem. On a few occasions, the Auditor General made a remark, that, in a sense, it is a waste of money; personally I feel that, first of all, we have to provide the facilities. But, when you have only one or two votes cast at an advance poll, there is a waste of money, I agree. I am much more concerned about the secrecy of those two or three ballots; if they are all for the same candidate, the secrecy is gone: This is one of the problems. In fact, the problem is as simple as this: It is to reconcile the necessity of providing reasonable facilities and, at the same time, preserving the secrecy of the vote.

Mr. Duquet: Mr. Hamel, could there be special arrangements for urban districts only, rather than rural and urban?

Mr. Hamel: We already have this kind of difference.

Mr. Duquet: I mean about the revisal districts.

Mr. Hamel: There is no revisal district in rural areas.

Mr. Duquet: There are none?

Mr. Hamel: This is strictly in urban areas.

Mr. Richard: The revisal districts in my riding, at any rate, are always badly placed, and they cover too big an area. I think, in the case where they cover too big an area, they should be multiplied. But there was another thing I was going to say: I have always interpreted in 93 (a):

(a) has reason to believe that he will be absent from . . .

anyone can think, in his own mind, that he has the reason to believe that he will be absent. You can go and vote, I can go and vote, anyone can go and vote, and it is a damn good thing too.

Mr. Paproski: Mr. Chairman, there is just one thing that I would like to ask Mr. Hamel. Are you going to set out, in this Act, who is going to be able to vote in the advance poll? Is there going to be, I mean, other than people who are just going to be away. You said that you are going to take out the way they use it in New Zealand. Is it set out like, perhaps, a polio victim, or someone like that, which might be able to go. Is there anything in the Act that sets this thing out, as to who is eligible to vote at the advance polls?

[Interpretation]

tion n'a pas été tellement prononcée, mais en 1968, nous avons un vote très important aux bureaux provisoires. En admettant d'autres catégories d'électeurs aux bureaux provisoires, il faudra sans doute songer à réduire le nombre des arrondissements de votation dans chaque district de revision, et ça ferait probablement votre affaire.

D'autre part, ailleurs, on ne se sert pas beaucoup des bureaux provisoires, et cela cause des problèmes. L'auditeur général a déjà dit à quelques reprises que, dans un sens, c'est une perte d'argent. Personnellement, je crois qu'il faut, en premier lieu, fournir les services. Lorsqu'il n'y a qu'un ou deux votes seulement à un bureau provisoire, c'est certainement du gaspillage, j'en conviens. Ce qui me préoccupe surtout, c'est le secret de ces deux ou trois bulletins. S'ils sont tous pour le même candidat, il n'y a plus de secret. C'est là un des problèmes. De fait, il s'agit de concilier la nécessité d'assurer des services raisonnables, et en même temps, préserver le secret du vote.

M. Duquet: M. Hamel, est-ce qu'il pourrait y avoir des arrangements spéciaux pour les districts urbains seulement, au lieu de bureaux urbains et ruraux?

M. Hamel: Cette distinction existe déjà.

M. Duquet: Je veux parler des districts de revision.

M. Hamel: Il n'y a pas de district de revision dans les régions rurales.

M. Duquet: Il n'y en a pas?

M. Hamel: Seulement dans les régions urbaines.

M. Richard: Dans ma circonscription, en tous cas, les districts de revision sont toujours mal situés, et ils couvrent un territoire trop étendu. Il faudrait qu'ils soient plus nombreux là où ils couvrent un territoire trop étendu. Il y a autre chose: l'article 93 (a) dit:

(a) qui a des motifs de croire qu'il sera absent . . .

N'importe qui peut se trouver des raisons d'être absent. Vous pouvez aller voter vous-même, je peux le faire, n'importe qui peut le faire, et c'est une excellente chose.

M. Paproski: M. le président, je voudrais poser une question à M. Hamel. Est-ce que vous allez établir dans la loi, qui pourra voter dans les bureaux provisoires? C'est à dire, à part les absents. Vous dites que vous allez suivre le modèle de la loi de la Nouvelle-Zélande. Est-ce qu'on y détermine, par exemple, qu'une victime de la polio pourra voter à ce bureau? Y a-t-il des dispositions de la loi qui établissent qui auront le droit de voter à un bureau provisoire?

[Texte]

Mr. Hamel: This is the gist of the proposed Section 93.

Mr. Paproski: This is left up to your discretion?

Mr. Hamel: Oh, no. If you look at Section 93, as proposed, at the bottom of page 60, and paragraph (b) at the top of page 61; I will read it:

"93. Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who

(a) has reason to believe that . . .

So this is exactly as in the Act at the moment. Now on page 61, paragraph (b) this is new:

(b) because of advanced age, infirmity or the probable termination of pregnancy, find it more convenient to vote at an advance polling station, or

The Chairman: The only thing that is new in this is "advanced age or infirmity", the probable termination of pregnancy is already covered by (a). This lady believes, I am sure, may think that she is . . .

Mr. Richard: It is natural, on election day, for example, most of the agents who are going to be working at the polls will never be near their voting polls, and they would have to travel from the poll where they worked; so, I think the best thing to do is to send them to the advance poll, because they have good reason to believe they will not be there.

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The Chairman: If I recall, Mr. Hamel, the idea of having other people vote in the advance poll was in answer to some of the requests received from crippled people so that they could have most suitable accommodation to vote. For instance, many institutions refuse to have a poll inside; perhaps they would accept the idea of having an advance poll in front of the institution, where they could come in wheelchairs, or something like that. This was the purpose of it. I would like to know if you find that the proposed recommendations could settle some of the problems, and answer some of the requests made.

Mr. Badanai: What would happen if a person goes to the advance poll, say several days ahead of the election, and an accident should happen that he died before the election? Can that vote be challenged in the event of a tie in the vote? The man is dead and the election is over.

[Interprétation]

M. Hamel: C'est le point essentiel du projet d'article 93.

M. Paproski: Est-ce que cela est laissé à votre discrétion?

M. Hamel: Non. Veuillez examiner l'article 93, proposé, au bas de la page 60, et l'alinéa (b), au haut de la page 61. Peut-être faudra-t-il en donner lecture.

93. Un électeur dont le nom apparaît sur la liste des électeurs préparée pour un arrondissement de votation compris dans un district provisoire de votation,

a) qui a des motifs de croire . . .

Ce texte-là est identique à celui dans la loi.

A la page 61, vous avez l'alinéa b) qui est tout nouveau:

b) qui trouve plus commode de voter à un bureau provisoire de votation, en raison de son grand âge, d'une infirmité ou d'un accouchement prochain, ou

Le président: Ce qui est nouveau ici, c'est «en raison du grand âge, d'une infirmité», parce que l'accouchement prochain est déjà couvert par l'alinéa a). La dame sans doute a des motifs de croire qu'elle sera . . .

M. Richard: Il est naturel que le jour des élections, par exemple, la plupart des officiers d'élection qui prennent part au scrutin soient éloignés de leur bureau de votation, et ils devraient donc voyager du bureau de votation où ils travaillent. Donc, je crois qu'il vaudrait mieux les envoyer au bureau provisoire de votation, parce qu'ils ont de bons motifs de croire qu'ils ne seront pas là.

Le président: Si j'ai bonne mémoire, monsieur Hamel, l'idée de permettre à de nouvelles catégories de gens de se présenter aux bureaux provisoires, c'est pour répondre à certaines des demandes qui ont été reçues des infirmes, pour permettre aux infirmes de voter plus facilement. Par exemple, plusieurs institutions refusent d'établir un bureau de votation chez elles, mais pourraient peut-être accepter qu'on établisse un bureau provisoire de votation en face de l'institution pour que ceux qui se déplacent en chaise roulante puissent y aller. C'est le but de cette disposition. Est-ce que vous trouvez que les recommandations pourraient régler certains problèmes et répondre aux demandes qui ont été faites.

M. Badanai: Que se passerait-il si une personne qui vote dans un bureau provisoire avait un accident mortel quelques jours avant les élections? Est-ce que ce vote-là pourrait être contesté dans le cas d'un vote d'égalité des voix? La personne est décédée et l'élection est terminée.

[Text]

The Chairman: If his vote was legally given at the advance poll, even if this person dies, he had reason to believe that he could be absent.

Mr. Badanai: Is there no provision to challenge that vote?

Mr. Paproski: How would you know who he voted for?

Mr. Badanai: Well, yes. There is, in the list in which he had voted. The records are there to show that he voted.

Mr. Paproski: What are you going to challenge? How would you know who he voted for?

Mr. Badanai: Oh, that is immaterial. That does not matter.

Mr. Duquet: Just take any ballot out of the box.

Mr. Paproski: Well I do not know, it is an interesting question.

The Chairman: Any legal vote that has been cast in the advance poll is cast.

Mr. Hamel: There is one thing I would like to mention. I do not know if I mentioned to the Committee that, in at least one province, it is not exactly mandatory, but it is said that the returning officer, in so far as possible, will set his advance polls on the ground floor of buildings, accessible to wheelchairs. I just pass this information to the Committee. We could do it by instructions, or if you prefer it could be put right in the Act, as it is done in Manitoba, I guess.

Mr. Paproski: I think it should be put in the Act.

Mr. Lefebvre: Why not put it right in?

Mr. Paproski: I think it should be put right in the Act.

Mr. Richard: What if you have to go down about 20 steps?

Mr. Francis: Mr. Chairman. In Section 4, the returning officer in the riding may be pressured to put it in a place, then, he can say: "In the Act I am required to do this". It removes all discretion, and I am sure that would be his wish, in most cases.

Mr. Duquet: Would that be left to his discretion?

[Interpretation]

Le président: Si le vote a été donné légalement au bureau provisoire de votation, même si cette personne meurt, il avait de bonnes raisons de croire qu'il serait absent.

M. Badanai: Est-ce qu'il n'y a pas de disposition pour contester ce vote?

M. Paproski: Comment feriez-vous pour savoir pour qui il a voté?

M. Badanai: Il y a la liste où son nom était inscrit. Il y a des preuves écrites indiquant qu'il a voté.

M. Paproski: Qu'est-ce que vous allez contester? Comment feriez-vous pour savoir pour qui il a voté?

M. Badanai: Ce n'est pas important.

M. Duquet: Vous n'avez qu'à prendre n'importe quel bulletin de vote dans l'urne.

M. Paproski: Je ne sais pas. C'est une question intéressante.

Le président: Tout vote qui a été enregistré légalement dans un bureau provisoire est valable.

M. Hamel: Je ne sais pas si j'ai dit au comité qu'au moins dans une province (ce n'est pas exactement obligatoire), il est dit que l'officier rapporteur autant que possible, établira ses bureaux provisoires au rez-de-chaussée d'immeubles accessibles aux personnes qui se déplacent en chaise roulante. Nous pourrions faire cela à l'aide de règlements ou si vous préférez nous pourrions l'inclure dans la loi, comme c'est le cas au Manitoba.

M. Paproski: Je crois que cela devrait se trouver dans la loi.

M. Lefebvre: Pourquoi ne pas l'inclure?

M. Paproski: Je crois que cela devrait se trouver dans la loi.

M. Richard: Et que se passe-t-il s'il faut descendre une vingtaine de marches?

M. Francis: Monsieur le président, en vertu de l'article 4 des pressions peuvent être exercées sur l'officier rapporteur d'une circonscription qui l'obligeraient à établir un tel bureau en un certain lieu. Dans ce cas il pourrait dire: «D'après la loi, il faut que je fasse ceci». Il serait débarrassé de tout pouvoir discrétionnaire, et je suis sûr que dans la plupart des cas, il en serait ravi.

M. Duquet: Est-ce que cela sera laissé à sa discrétion?

[Texte]

Mr. Hamel: The way it is, I am now talking from memory, spelled out in the Manitoba legislation, when in so far it is possible to do so, the returning officer shall establish his advance polls in a building on the ground floor, accessible to wheelchairs.

Mr. Duquet: I think that is all right.

An hon. Member: I think it is desirable.

The Chairman: It is desirable, to cover subsection (b) that is recommended to be passed; If you want to make accommodation for crippled people to vote, then you have to forecast . . .

Mr. Hamel: If this is the wish of the Committee, we will draft something for the next meeting.

Mr. Duquet: Would (b) stand?

The Chairman: No. The Clause is carried, except for an addition in the subclause that would cover the recommendation of the accommodation.

Is Clause 93 carried?

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An hon. Member: One moment please.

The Chairman: On page 61, Clause 42 is repealed.

Mr. Hamel: It is subsection (8) of Section 95. There is nothing new there except—well, it just says:

(8) Subject to sections 92 to 96, the provisions of this Act relating to ordinary polls . . . apply to advance polls.

With the exception of—this is exactly as it was before.

The Chairman: Carried.

Mr. Hamel: Subsection (9) is something new. You will recall that at each election we have so-called premature counts at the advance poll. At present the only thing I can do is to refuse payment to the person in charge of that advance poll.

The suggestion was made in the past, and this is the result of it, that it be made an offence for the deputy returning officer and possibly for the election clerk to make a premature count at an advance poll before the time set in the Act, which is 9 o'clock on polling day.

The Chairman: If there is only one vote cast . . .

Mr. Hamel: Well, they do not know.

The Chairman: He could not tell for whom they had voted.

Mr. Hamel : No.

[Interprétation]

M. Hamel: Je parle ici de mémoire. La loi du Manitoba prévoit que quand c'est possible de le faire, l'officier rapporteur doit établir un bureau provisoire au rez-de-chaussée d'un immeuble accessible aux malades qui se déplacent en chaise roulante.

M. Duquet: Je suis d'accord avec cela.

Une voix: Je crois que ce serait souhaitable.

Le président: Cela peut se rattacher au paragraphe (b) que nous recommandons pour adoption. Si vous voulez qu'il y ait des services spéciaux pour aider les infirmes qui veulent voter, il faudra prévoir . . .

M. Hamel: Si c'est l'idée du comité, nous allons préparer un texte pour la prochaine réunion.

M. Duquet: Le paragraphe (b), est-il réservé?

Le président: Non. L'article est adopté sous réserve d'ajouter dans le paragraphe le cas que nous venons de mentionner.

L'article 93, est-il adopté?

Une voix: Un instant, s'il vout plaît.

Le président: A la page 61, l'article 42 est abrogé.

M. Hamel: Il s'agit du paragraphe (8) de l'article 95. Il n'y a là rien de nouveau. Je cite:

«(8) Sous réserve des articles 92 à 96, les dispositions de la présente loi relatives aux bureaux de votations ordinaires . . . s'appliquent . . . aux bureaux provisoires de votation.»

Rien de changé là sauf . . .

Le président: Adopté.

M. Hamel: Le paragraphe 9, ça c'est du nouveau. On se souvient qu'à chaque élection, il y a des dénombremments prématurés aux bureaux provisoires. A l'heure actuelle, tout ce que je peux faire, c'est de refuser le paiement aux préposés de ces bureaux.

On a suggéré dans le passé, et ceci en est le résultat, que ce soit un délit pour le sous-officier rapporteur et peut-être aussi pour le greffier de procéder à un dénombrement anticipé dans un bureau provisoire avant l'heure indiquée dans la loi, c'est-à-dire 9 heures le jour du scrutin.

Le président: Mais s'il n'y a qu'un seul vote . . .

M. Hamel: Ils ne le savent pas.

Le président: Il ne pourra pas dire pour qui ce vote a été enregistré.

M. Hamel: Non.

[Text]

Proposed Clause 42 agreed to.

On proposed Clause 43.

Mr. Hamel: Proposed Clause 43 is consequential to Clause 37 which you have just passed. There is nothing new. It is just a redrafting.

Proposed Clause 43 agreed to.

On proposed Clause 44.

Mr. Hamel: Proposed Clause 44 has become Section 72, as I explained earlier. It is consequential to Clause 37.

Proposed Clause 44 agreed to.

On proposed Clause 45.

Mr. Hamel: Proposed Clause 45. You may recall that in 1963, as a result of a premature count, two newspapers actually published the results of the advance poll and they were prosecuted and found guilty, and they were fined and so on. The counsel that was retained by my predecessor suggested that it be spelled out. The only thing added there is in the second part, in subsection (2). It is:

(2) Any person, company or corporation that contravenes the provisions of this section . . .

In the present law it is only "any person, company or corporation," but in the second part it is:

. . . any person responsible for the contravention thereof, . . .

. . . in the case of a company or corporation, any person responsible for the contravention thereof, is guilty of an illegal practice . . .

It is only to spell out that not only the general manager, but also the corporation *per se* can be held responsible.

Proposed Clause 45 agreed to.

Mr. Hamel: We are now at proposed Clause 46. This is a redrafting of Section 111 to avoid in the future some of the problems we had at the time of the last general election. When it was called we had four by-elections in progress and everybody was a bit confused as to what happened to the writs that had been issued. The Act at present seems to indicate only when a Parliament has lasted the full five years. After consultation with the legal people in the Department of Justice, it was suggested that Section 111 be changed to cover any possible reoccurrence of what we had last time.

The writs are automatically withdrawn and a notice is published in the *Canada Gazette* to that effect.

Proposed Clause 46 agreed to.

Mr. Hamel: We have reached the forms now.

[Interpretation]

L'article 42 du projet est adopté.

L'article 43 du projet.

M. Hamel: L'article 43 du projet se rattache à l'article 37 que nous venons d'adopter. Il n'y a là rien de nouveau. Ce n'est qu'un nouveau libellé.

L'article 43 du projet est adopté.

L'article 44 du projet.

M. Hamel: L'article 44 du projet devient l'article 72 comme je l'ai déjà dit. Cela se rattache à l'article 37.

L'article 44 du projet est adopté.

L'article 45 du projet.

M. Hamel: L'article 45 du projet. On se souvient qu'en 1963, à la suite d'un dénombrement prématuré deux journaux ont publié les résultats de bureaux provisoires; ils ont été poursuivis et trouvés coupables et mis à l'amende. L'avocat retenu par mon prédécesseur a proposé que cela soit défini dans la loi. La seule chose qui a été ajoutée se trouve dans la deuxième partie, au paragraphe (2):

(2) Une personne, compagnie ou corporation qui enfreint les dispositions du présent article.

Dans la présente loi on ne dit que «une personne, compagnie ou corporation.» Mais dans la deuxième partie, on dit:

. . . une personne responsable de cette infraction

. . . dans le cas d'une compagnie ou corporation, une personne responsable de cette infraction est coupable d'un acte illicite . . .

Il s'agit de préciser que non seulement le directeur général, mais aussi la compagnie en soi, ou la corporation, peut être tenue responsable.

L'article 45 du projet est adopté.

M. Hamel: Nous en sommes à l'article 46 du projet maintenant, qui est un remaniement de l'article 111 pour éviter à l'avenir certains des problèmes que nous avons eus aux dernières élections générales; lorsque les élections ont été annoncées, il y avait déjà quatre élections complémentaires en cours. Il fallait se demander ce qui arriverait des mandats déjà émis. En ce moment la loi semble dire seulement lorsque le Parlement a duré son plein mandat de cinq ans, d'après le ministère de la Justice, il serait préférable de modifier l'article 111 pour empêcher que ce cas ne se répète.

Les mandats sont retirés automatiquement et l'avis est publié dans *La Gazette du Canada*.

L'article 46 du projet est adopté.

M. Hamel: Nous en sommes maintenant aux formules.

[Texte]

The Chairman: We have now reached the forms. Mr. Hamel, do you have any suggestions as to how we should deal with this?

Mr. Hamel: We could go back to a few sections that were let stand.

The Chairman: Yes. Which ones?

Mr. Hamel: How about proposed Clause 18. We mentioned on one occasion more or less the implications of the Official Languages Act on the conduct of elections. As you know, the present Canada Elections Act makes reference to the use of French and English in two sections, namely Section 25 and Section 18. In view of the new Official Languages Act, after consultation with a number of people, we had a couple of meetings on this. It is considered that it would be preferable to delete any reference to the languages so that the Official Languages Act would apply to any other federal body.

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The only point which was raised, I believe by Mr. Marceau, was in Section 18. At the moment the proclamation, which is the key document that is published by the returning officer at the very beginning of an election period, under the present legislation has to be published in both English and French in Quebec, Manitoba and New Brunswick, and also in a number of other electoral districts at my discretion. Mr. Marceau made the suggestion that this be done in both English and French in every electoral district in Canada.

I do not know what the wish of the Committee is on this. It is not too clear under the Official Languages Act whether we would be bound to do this. If it were published by my office, there would not be any doubt about it because anything published by my office has to be in English and in French. However, this being published by the returning officer, it is not too clear. So I do not know what the wish of the Committee will be. Will it be to be silent on this?

M. Lefebvre: Quelle page, s'il vous plaît?

M. Hamel: Vous ne l'avez pas, vous ne l'avez que dans la Loi elle-même, nous n'avions pas de modifications à apporter à 18.

M. Lefebvre: Le livre jaune?

M. Hamel: Oui, le livre jaune. En anglais, c'est la page 192, mais en français, je ne sais pas trop.

Mr. Badanai: With them paying an extra expense?

Mr. Hamel: I beg your pardon.

[Interprétation]

Le président: Nous en sommes maintenant aux formules. Monsieur Hamel, pourriez-vous nous suggérer comment procéder?

M. Hamel: On pourrait revenir à quelques articles que nous avons réservés.

Le président: Oui. Lesquels?

M. Hamel: L'article 18 du projet, par exemple. Nous avons déjà mentionné une fois ce que sont, plus ou moins, les répercussions de la Loi sur les langues officielles sur la conduite des élections. A l'heure actuelle dans la loi électorale du Canada on parle de l'usage de l'anglais et du français à 2 articles, les articles 25 et 18. Étant donné la nouvelle Loi sur les langues officielles, après des consultations avec plusieurs personnes, nous avons eu deux réunions à ce sujet. On a jugé préférable de supprimer toute allusion aux langues officielles de façon que la Loi sur les langues officielles s'applique à tout autre organisme fédéral.

Le seul point qui a été soulevé, par M. Marceau, portait sur l'article 18. En ce moment la proclamation qui est le document-clef publié par l'officier rapporteur au tout début d'une campagne électorale, aux termes de la loi actuelle, doit être publié en anglais et en français dans le Québec, au Manitoba et au Nouveau-Brunswick, et dans certains autres districts électoraux, à ma discrétion. M. Marceau a proposé que cela se fasse en anglais et en français dans tous les districts électoraux du Canada.

Je ne sais pas ce que veut le Comité. Il n'est pas très clair d'après la Loi sur les langues officielles si nous sommes tenus de le faire. Si c'était publié par mon bureau, il n'y aurait pas de doute, parce que tout ce que nous publions est en anglais et en français. Mais comme cela est publié par l'officier rapporteur, ce n'est pas tellement clair. Donc, je ne sais pas ce qu'en pense le comité. Est-ce que la Loi doit rester silencieuse là-dessus?

Mr. Lefebvre: What page, please?

Mr. Hamel: You will only find it in the Act itself. There were no amendments to be made to clause 18.

Mr. Lefebvre: The Yellow Book?

Mr. Hamel: Yes, the Yellow Book. In English, it is on page 192, but in French, I don't know.

M. Badanai: Est-ce qu'ils payeront des dépenses additionnelles?

M. Hamel: Pardon.

[Text]

Mr. Badanai: Would that make an extra expense to the electoral district where there is no French required?

Mr. Hamel: It is a very minimal expense.

Mr. Badanai: A minimal expense.

Mr. Hamel: Yes, because it is a relatively short document and it does not present any administrative problems because the only thing that in fact has to be added locally is the address of the office of the returning officer and the date of his official edition. The rest is a standard text. It is a legal form, in fact, and we provide the whole text in both English and French to everybody. From that point of view there is no problem.

Mr. Badanai: I see.

M. Marceau: J'ai fait une proposition et je la refais, c'est une question de principe. D'autant plus que ce n'est pas tellement dispendieux, si cela entraînait des dépenses considérables, je n'insisterais pas, mais c'est un principe et je ne vois pas pourquoi on ne le respecterait pas dans ce cas. Je réitère ma proposition à l'effet que la proclamation soit faite dans les deux langues à travers le pays.

The Chairman: There has been a motion put. Do you have a seconder, Mr. Marceau? I am sorry, we do not need a seconder.

If I do put your motion in accordance with the laws that exist, the actual 18 of the Canada Elections Act should be changed. Instead of saying . . . I will read it:

"18. (1) Within two days after the receipt of the writ of election or within six days after he has been notified by the Chief Electoral Officer of the issue of such writ, whichever is the sooner, the returning officer shall issue a proclamation in Form No. 4 under his hand in the English and French languages and mail one copy at least to the various postmasters of the post offices within his electoral district, and such proclamation shall indicate . . .

Do we have sufficient copies?

Mr. Hamel: In fact we prepared two texts, one with the specific reference to the use of English and French and one without any reference at all because we did not know what would be the wish of the Committee.

Mr. Duquet: Mr. Hamel, actually this is at your discretion, except of Quebec, Manitoba and New Brunswick?

Mr. Hamel: At the present time you mean?

Mr. Duquet: Yes.

[Interpretation]

M. Badanai: Est-ce que ce serait une dépense additionnelle pour le district électoral où il n'est pas nécessaire d'employer le français?

M. Hamel: C'est une dépense très minime.

M. Badanai: Une dépense minime.

M. Hamel: Oui, parce que c'est un document relativement court qui ne pose aucun problème administratif. Tout ce qu'il faut ajouter, c'est l'adresse du bureau de l'officier rapporteur et la date à laquelle il publie officiellement. Le reste, c'est un texte normal. En fait, c'est une formule légale, et nous fournissons tout le texte en anglais et en français à tout le monde. De ce point de vue il n'y a pas de problème.

M. Badanai: Je comprends.

Mr. Marceau: I made a proposal, and I am reviewing it. It is a matter of principle. And all the more so as it does not cost very much. I would not insist if the expense was too high. But it is a matter of principle. I do not see why we would not respect it in that case. I repeat my proposal to the effect that the proclamation be published in both languages throughout the country.

Le président: Une motion a été proposée. Quelqu'un appuie-t-il votre motion, monsieur Marceau? Je m'excuse, on n'en a pas besoin.

Si je mets votre motion aux voix, d'après les lois actuelles, le présent article 18 de la Loi électorale du Canada devra être modifié. Au lieu de dire . . . Je vais en donner lecture:

18. (1) Dans les deux jours qui suivent la réception du bref d'élection ou dans les six jours après que le directeur général des élections lui a notifié l'émission de ce bref, selon celui de ces deux événements qui est antérieur à l'autre, l'officier rapporteur doit, sous sa signature, et dans les langues anglaise et française, lancer une proclamation suivant la formule n° 4 et envoyer par la poste aux différents maîtres de poste dans son district électoral une copie au moins de cette proclamation. Cette dernière doit indiquer . . .

Avons-nous assez de copies?

M. Hamel: En fait, nous avons rédigé deux textes, l'un qui mentionne expressément l'anglais et le français, l'autre qui ne mentionne pas les langues, parce que nous ne savions pas ce que le Comité voudrait.

M. Duquet: M. Hamel, est-ce que ceci est laissé à votre discrétion, sauf pour le Québec, le Manitoba et le Nouveau-Brunswick?

M. Hamel: Vous voulez dire actuellement?

M. Duquet: Oui.

[Texte]

Mr. Hamel: Yes, at the present time it is mandatory in Quebec, New Brunswick and Manitoba in every electoral district, and then in any other electoral district where I consider that it is appropriate.

Mr. Duquet: That is what I mean by discretion.

Mr. Hamel: Yes. At the last election we did it in roughly 12 electoral districts in Eastern Ontario and Northern Ontario.

Mr. Duquet: And it worked well?

Mr. Hamel: No problems.

Mr. Major: Mr. Chairman and Mr. Hamel, is it a bilingual form or is it a French form and an English form?

Mr. Hamel: No, it is an English and French form.

Mr. Major: Are there two separate forms?

Mr. Hamel: No, there are on the same paper.

Mr. Major: On the same paper !

Mr. Hamel: Oh, yes. The way we do it at the moment in Quebec is that the French is at top and the English is at the bottom. The English is at the top and the French is at the bottom in the other districts. However, this does not apply in every electoral district, just in about 100 or ...

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Mr. Paproski: Would this be a convenience to you?

Mr. Hamel: It does not change anything.

Mr. Paproski: The way it stands right now, it does not make any difference to you one way or the other. Is that right?

Mr. Hamel: Yes, although I do not think proposed Section 18 should remain as it is because it is restricted vis-à-vis the Official Languages Act, and that would cause some problems for me. So, if I may respectfully suggest this, I believe it should be either as suggested by Mr. Marceau or no reference should be made to it at all. If no reference is made to it at all, it means that in every electoral district, because of the Official Languages Act, we have to do everything in a bilingual way and we would have to publish this in both English and French, as we have done so far.

Mr. Paproski: So it does not make any difference.

[Interprétation]

M. Hamel: Oui, en ce moment, c'est obligatoire au Québec, au Manitoba, et au Nouveau-Brunswick, dans tous les districts électoraux et dans tous les districts électoraux où j'estime que c'est approprié.

M. Duquet: Voilà ce que je veux dire par discrétion.

M. Hamel: Oui. Aux dernières élections, nous l'avons fait dans à peu près 12 district électoraux de l'Est et du Nord de l'Ontario.

M. Duquet: Et tout a bien fonctionné?

M. Hamel: Pas de problèmes.

M. Major: M. le président et M. Hamel, est-ce que c'est une formule bilingue, ou bien une formule anglaise et une formule française?

M. Hamel: Non, c'est une formule en anglais et en français.

M. Major: Y a-t-il deux formules différentes?

M. Hamel: Non, sur la même formule.

M. Major: Sur la même?

M. Hamel: Oui. La façon dont nous procédons en ce moment au Québec, le français est en haut et l'anglais en bas, et inversement dans les autres districts. Mais cela ne s'applique pas dans tous les districts électoraux; environ une centaine, disons.

M. Paproski: Est-ce que ça vous serait utile?

M. Hamel: Ça ne change rien.

M. Paproski: A l'heure actuelle, employer l'une ou l'autre formule ne vous fait aucune différence. Est-ce vrai?

M. Hamel: Oui, quoique je ne crois pas que l'article 18 du projet doive rester tel qu'il est, parce qu'il est restrictif vis-à-vis de la Loi sur les langues officielles, ce qui me causerait des problèmes. Alors, si vous me permettez de le dire, il faudrait soit approuver la version de monsieur Marceau, soit ne pas mentionner du tout l'usage des langues. Si on n'en fait aucune mention, ce qui voudrait dire que dans tous les districts électoraux, aux termes de la Loi sur les langues officielles, il nous faut tout publier en anglais et en français, comme nous l'avons fait jusqu'à présent.

M. Paproski: Dans un cas comme dans l'autre, ça revient au même.

[Text]

Mr. Duquet: Is there a difference in the expense?

Mr. Hamel: Oh, very minimal.

Mr. Francis: Mr. Chairman, there would be a difference. If I understand it correctly—and I am not sure that I do—under the Official Languages Act this only relates to those districts that are designated under the Official Languages Act. If I understand Mr. Marceau's motion, this would apply to every constituency in Canada. Is that right?

Mr. Hamel: Yes.

The Chairman: Yes. The formula is on page 64 of the proposed amendments. Form No. 4 is mentioned there.

An hon. Member: It is the writ.

The Chairman: It is the writ, but you say in your amendment:

... the returning officer shall issue a proclamation in form No. 4.

What is this form?

Mr. Hamel: That is the one shown here. That is a proclamation.

The Chairman: This is the proclamation. This is the document that Mr. Marceau suggested by motion be issued and published in both languages throughout the country.

Mr. Badanai: Mr. Chairman, we are moving towards becoming a bilingual country, and the expense is so minimal that I think it should be published in both languages and it should be mandatory.

Mr. Duquet: So you would go for this.

Mr. Badanai: Yes.

Mr. Duquet: You would go for it as amended.

Mr. Hamel: This means that in some electoral districts this would be the only document that would be published in both English and French. However, all the forms that come from my office, and we have almost 200 of them, are bilingual, or at least they are available in both English and French.

M. Lefebvre: Est-ce le seul document qui soit imprimé sur place?

Mr. Hamel: Non, les autres documents imprimés sur place sont l'avis d'octroi d'un scrutin, en vertu de l'article 25, l'avis de revision, l'avis du scrutin provisoire, les listes préliminaires et les bulletins de vote, bien entendu.

[Interpretation]

M. Duquet: Y a-t-il une différence dans les dépenses?

M. Hamel: Les dépenses sont insignifiantes.

M. Francis: Monsieur le président, il y aurait une différence. Si j'ai bien compris, aux termes de la Loi sur les langues officielles, la publication dans les deux langues serait nécessaire seulement dans les districts désignés par la Loi. La motion de monsieur Marceau s'appliquerait à toutes les circonscriptions du Canada. Est-ce vrai?

M. Hamel: Oui.

Le président: Oui. La formule se trouve à la page 64 du projet de modification. La formule n° 4 y est mentionnée.

Une voix: C'est le bref.

Le président: C'est le bref. Dans votre modification vous dites:

... l'officier rapporteur doit lancer une proclamation suivant la formule n° 4.

Quelle est cette formule?

M. Hamel: Celle qui figure ici. C'est une proclamation.

Le président: C'est une proclamation. C'est ce que propose M. Marceau par une motion, que ces documents soient publiés dans les deux langues partout au pays.

M. Badanai: Monsieur le président, notre pays est en voie de devenir bilingue, et comme cela ne représente qu'une dépense très minime, je crois qu'il faudrait que ce soit obligatoire de publier cette proclamation dans les deux langues.

M. Duquet: Vous seriez d'accord?

M. Badanai: Oui.

M. Duquet: Vous seriez prêt à adopter la motion modifiée.

M. Hamel: Cela veut dire que dans certains districts électoraux, ce serait le seul document publié dans les deux langues. Toutes les formules qui viennent de mon bureau, il y en a environ 200, sont bilingues, ou sont du moins disponibles en français et en anglais.

Mr. Lefebvre: Is it the only document locally printed?

Mr. Hamel: No, the other documents are the notice of a poll, pursuant to Section 25, the notice of revisal, the notice of advance poll and preliminary lists, and the ballots, of course.

[Texte]

M. Lefebvre: Et il y aurait un problème à faire imprimés tout cela bilingue?

M. Hamel: Oui, un vrai problème: l'avis d'octroi d'un scrutin est un document qui comprend toutes les descriptions des arrondissements de votation; il est préparé par l'officier rapporteur et doit présentement être bilingue dans le Québec, le Nouveau-Brunswick et le Manitoba; le texte est traduit et imprimé sur place. C'est un document qui peut parfois contenir jusqu'à 4, 5, 8, 10 pages même.

M. Lefebvre: Lors de la prochaine élection, les documents que vous avez nommés seront imprimés dans les deux langues, dans les districts qui sont bilingues selon la loi sur les langues officielles.

M. Hamel: C'est ça.

M. Lefebvre: Très bien.

Mr. Paproski: Before you take a vote, Mr. Chairman, could you specify again which documents are presently in both French and English. Do you have a list of them?

Mr. Hamel: Perhaps, I should try to specify what is meant by "document". If you include the statutory forms which are in the appendix to the Act, at the moment they are all bilingual, and those that are not bilingual are available in English and French everywhere in Canada. All the instruction that we issue are in English and French. The documents that are published locally by the returning officers are the proclamation, the notice of grant of a poll, notice of revision, notice of advance poll and the preliminary list of electors. At the moment the only two documents that we have to publish locally in both English and French—and this applies in three provinces plus a number of other districts—are the proclamation and the notice of grant of a poll. The other documents by law are not printed in both English and French.

Mr. Paproski: You say in those areas where it is not designated the proclamation appears in English at the top and in French at the bottom, and where it is designated it is vice versa. Is that right?

Mr. Hamel: Primarily it is French at the top in Quebec and English at the top in the other provinces.

M. Lefebvre: J'aimerais que le document dont nous parlons ce matin soit imprimé dans les deux langues, mais pas une langue en haut et l'autre en bas: comme dans notre loi électorale, une langue à côté de l'autre.

Dans mon propre comté, un comté assez bilingue, si on fait parvenir aux électeurs quelque chose dans les deux langues, que le français ou l'anglais soit placé en haut de la page, il y a toujours quelqu'un pour s'objecter. Je suggère donc au Comité que la proposition prévoit que ces documents soient imprimés comme notre loi, une langue à côté de l'autre.

[Interprétation]

Mr. Lefebvre: Does it create a problem to have all these forms printed bilingually?

Mr. Hamel: Yes, this would be a real problem. The notice of a poll is a document on which all the polling districts are defined. It is prepared by the returning officer and now it must be bilingual in Quebec, New Brunswick and Manitoba. The text is translated and printed locally. It is a document which may run to four, five, eight and even ten pages.

Mr. Lefebvre: At the next election the document you have mentioned will be printed in both languages in districts designated as bilingual districts, pursuant to the Official Languages Act.

Mr. Hamel: That is right.

Mr. Lefebvre: Very well.

M. Paproski: Monsieur le président, avant de voter, pourriez-vous nous dire quels sont les documents qui sont en anglais et en français? En avez-vous une liste?

M. Hamel: Peut-être qu'il faudrait savoir au juste ce que nous entendons par «documents». Si vous comprenez les formules statutaires qui se trouvent dans l'annexe de la loi, ils sont tous bilingues. En ce moment, celles qui ne sont pas bilingues sont disponibles en anglais et en français partout au Canada. Toutes les instructions que nous communiquons sont en anglais et en français. Les documents publiés localement par les officiers rapporteurs sont la proclamation, l'avis de la tenue d'un scrutin, l'avis de revision, l'avis de la tenue d'un scrutin provisoire, et la liste préliminaire des électeurs. A présent, les deux seuls documents qu'il nous faut publier localement en anglais et en français, et ceci s'applique dans trois provinces plus un certain nombre d'autres districts, sont la proclamation et l'avis de la tenue d'un scrutin. La loi n'exige pas que les autres soient imprimés dans les deux langues.

M. Paproski: Vous dites que dans les régions qui ne sont pas désignées la proclamation est publiée avec l'anglais en haut et le français en bas, et dans les régions désignées c'est l'inverse. Est-ce vrai?

M. Hamel: Principalement, c'est le français en haut dans le Québec, et l'anglais au haut de la page dans les autres provinces.

Mr. Lefebvre: I would like that the document we referred to this morning be printed in both languages, but not one language at the top and the other one at the bottom, but both on the same page, side by side, like in our Elections Act.

In my own riding, which is a fairly bilingual riding if we send something in both languages and French or English is at the top and the other at the bottom, there is always someone who will object. I suggest therefore to the Committee that this be inserted in the motion: that those documents be printed just like the Act, i.e. that the two languages be side by side.

[Text]

[Interpretation]

Une voix: Je n'ai pas d'objection.

An hon. Member: I have no objection.

Mr. Paproski: This is the reason I asked the question. We do not want to go through again what we just went through with respect to the bilingual bill, and this is what would happen in many of the areas of Western Canada. I think Mr. Lefebvre made a very good suggestion and I think it should be put on an equal form or plate when the proclamation is being devised and not have one or the other at the bottom, because if you do you will create quite a problem. In my area when they changed the post office sign they placed the French on top of the English, and there was a real problem there, so they changed it to English and French.

Mr. Lefebvre: That is true. Put them side by side and you will avoid all those problems.

Mr. Paproski: You will have no problems, there will be no confrontation whatsoever.

The Chairman: Does it really need to be put in the Act the way it is printed?

Mr. Hamel: If I may—and I do not want to try to find an alibi for what we have done so far—we had to do it in both English and French in some provinces and up until very recent times, there was no standard practice, so at the moment I believe this would follow the practice that has been established in recent years, and this is certainly the way it could be done. It does not add anything, so I do not think . . .

M. Lefebvre: Monsieur Marceau, vous allez intégrer cette suggestion à votre motion, n'est-ce pas?

The Chairman: The Chief Electoral Officer said that it does not need to be put in the Act; that the printing of it has to follow the practice established by Parliament.

Mr. Lefebvre: It might save the Electoral Officer some quarrels in different locations. If the local returning officer in one place wants to put one on top and someplace else he wants to put another one on top, let us make it clear that he cannot do this.

The Chairman: He will have to follow the instructions . . .

Mr. Paproski: If they follow the instructions of the Committee, yes.

An hon. Member: Spell it out.

Mr. Lefebvre: Spell it out and you will avoid a lot of discussion.

M. Paproski: C'est pourquoi j'ai posé la question. Nous ne voulons pas recommencer les débats sur le bilinguisme et c'est ce qui arriverait dans plusieurs régions de l'ouest du Canada. Je crois que M. Lefebvre a fait une excellente proposition. Je crois que les deux devraient figurer l'un vis-à-vis de l'autre dans la proclamation et non pas l'un ou l'autre en bas ou en haut, parce que cela pourrait créer un problème. Dans ma propre région, lorsque les autorités ont changé l'enseigne du bureau de poste, elles ont mis le français au dessus de l'anglais, ce qui a causé des difficultés; par la suite, elles ont décidé de mettre l'anglais au-dessus.

M. Lefebvre: C'est vrai. Mettez-les un à côté de l'autre et vous n'aurez pas de problème.

M. Paproski: Vous éviterez les problèmes; il n'y aura pas de confrontation du tout.

Le président: Est-ce qu'il est vraiment nécessaire d'inclure dans la Loi des prescriptions portant sur la disposition des textes?

M. Hamel: Si vous le permettez, je ne voudrais pas chercher une excuse à notre façon de procéder actuelle. Il nous fallait le faire en anglais et en français dans certaines provinces. Jusqu'à tout récemment il n'y avait pas de coutumes établies. Actuellement, nous procédons conformément à la pratique établie depuis quelques années, et c'est certainement la façon selon laquelle cela pourrait se faire. Rien de neuf n'est ajouté, alors je ne pense pas . . .

Mr. Lefebvre: You will make that part of your motion, won't you, Mr. Marceau?

Le président: Le directeur général des élections a dit qu'il n'est pas nécessaire d'inscrire cela dans la Loi, et que ce sera imprimé selon la coutume établie par le Parlement.

M. Lefebvre: Cela épargnera peut-être au directeur certaines disputes dans certains endroits où l'officier rapporteur voudra mettre le français en haut et l'anglais en bas et vice-versa. Il faudra indiquer à l'officier rapporteur qu'il n'est pas libre de choisir.

Le président: Il devra suivre les instructions . . .

M. Paproski: Oui, s'ils suivent les instructions du Comité.

Une voix: Il faut le préciser.

M. Lefebvre: Il faut le préciser afin de vous épargner beaucoup de discussions.

[Texte]

The Chairman: Subject to the way it has to be printed, is this motion approved?

An hon. Member: Approved.

Mr. Hamel: Certainly.

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Mr. Paproski: But you are going to have to include an amendment. You will have to leave it up to the clerk, of course, and to the discretion of the returning officer.

Mr. Hamel: This would apply only to a team, though.

The Chairman: Yes, to Form 4.

Mr. Lefebvre: To Form 4, that is right.

Mr. Paproski: I think you should set a precedent here, not only in that one, but in any other forms that you have that are going to be posted in any area in Canada.

The Chairman: Could we then not pass this motion as it is and make a section some place where it is mandatory for the Chief Electoral Officer to print any document from his office which is published in both official languages the way it is in the Parliament.

Mr. Hamel: I would have to look into this in some depth but I am afraid that when you deal with some forms, it may be pretty difficult because very often we have the English on the one side and the French on the other side.

Mr. Lefebvre: That is all right too.

Mr. Hamel: In some of the cases like the nomination paper, we try to make it the face itself bilingual. One principle I am trying to follow is to have the form so designed as to never indicate the language of the person who fills out the form. In other words, if the person has to sign somewhere, he has only numbers to put in for instance. Nobody knows whether his language is French or English or some other language. To do that we almost have to put the two texts together, using different typeset but one on top of the other.

M. Richard: Quelle différence peut-il y avoir?

M. Major: Je ne comprends pas l'utilité de faire ce que vous expliquez.

M. Hamel: Vous voulez dire essayer d'indiquer la langue de la personne . . .

M. Major: Oui, quelle importance cela peut-il avoir?

[Interprétation]

Le président: Sous réserve de la disposition des textes imprimés, la motion est-elle approuvée?

Une voix: Approuvée.

M. Hamel: Certainement.

M. Paproski: Il faudrait y ajouter un amendement. Il faudra s'en remettre au greffier, naturellement, et à la discrétion de l'officier rapporteur.

M. Hamel: Cela ne s'appliquera qu'à une équipe.

Le président: Oui. La formule n° 4.

M. Lefebvre: C'est ça, la formule 4.

M. Paproski: Je crois qu'il y a lieu d'établir un précédent, à l'égard non seulement de cette formule, mais de toutes vos formules qui seront affichées partout au Canada.

Le président: Est-ce qu'on ne pourrait pas adopter la motion dans sa forme actuelle et rédiger quelque part ailleurs un article disant qu'il est obligatoire pour le Directeur général des élections d'imprimer tous les documents qui émanent de son bureau dans les deux langues officielles comme au Parlement.

M. Hamel: Je devrais étudier la question à fond, mais lorsqu'il s'agit de certaines formules, cela peut être difficile parce que très souvent nous avons l'anglais d'un côté et le français de l'autre.

M. Lefebvre: Cela est très bien.

M. Hamel: Dans certains cas, comme pour les documents de candidature, nous essayons de leur donner un aspect bilingue. Un principe que je cherche à suivre, c'est que la formule soit conçue pour ne pas indiquer la langue de la personne qui doit signer cette formule. Ce qui veut dire que si la personne doit signer quelque part elle n'a qu'à écrire des chiffres, pas exemple. Personne ne sait si sa langue est l'anglais ou le français. Par conséquent, il faut mettre les deux textes ensemble, et employer différentes sortes de caractères, mais l'un au dessus de l'autre.

Mr. Richard: What difference can it make?

Mr. Major: I do not understand why you should proceed that way.

Mr. Hamel: You mean try to identify the language of the person . . .

Mr. Major: Yes, of what importance is that?

[Text]

M. Hamel: Bien, disons que c'est plus facile au point de vue contrôle ou vérification de formules. Tout est ensemble, si la formule est en anglais, elle est complétée d'une certaine façon, si elle est en français, elle l'est d'une autre et la signature et la déclaration sont ailleurs. Alors, si tout est ensemble, nos formules sont beaucoup plus uniformes.

M. Lefebvre: Monsieur Hamel, si les formules dont vous parlez étaient en français d'un côté et en anglais de l'autre, la personne peut choisir ce qu'elle veut.

Une voix: Il n'y a aucune priorité . . .

M. Lefebvre: Il n'y a aucune priorité à ce moment-là pour une langue ou l'autre.

The Chairman: I believe we are going to get mixed up with these forms now. If we really want to progress and work in accordance with what we were discussing,—first there was a motion put by Mr. Marceau for this amendment to Article 18 of the Act and then later Mr. Paproski suggested with Mr. Lefebvre the way it has to be printed. I just asked the members if they could consider the advisability of passing this proposed amendment that you have before you and then have another section where you can deal with the way the Chief Electoral Officer should publish it. Is that agreeable?

Some hon. Members: Agreed.

M. Marceau: Mettons l'article 18 aux voix, nous passerons à un autre.

The Chairman: Article 18 has already been carried as it is now.

Mr. Marceau: All right.

The Chairman: But instead of discussing very widely the way we should do it, maybe we could think of an amendment to the Act whereby it would be mandatory for the Chief Electoral Officer to act in such a way when he prints his documents if we want to apply the principle raised by Mr. Paproski.

M. Marceau: C'est M. Lefebvre qui a fait la proposition.

M. Duquet: Elle a été adoptée.

M. Lefebvre: Elle est adoptée, oui.

The Chairman: Now we are back to proposed Section 25 at page 32 of the draft amendments.

[Interpretation]

Mr. Hamel: It is easier to control and check the forms. You have everything together. If it is an English form, it is completed in a certain way, if the form is French, it is completed in a different manner. The signature and the statement are not at the same place. So, if everything is together, our forms will be far more uniform.

Mr. Lefebvre: Mr. Hamel, if these forms were French one side and English on the other side, the person could make his own choice.

An hon. Member: There is no priority . . .

Mr. Lefebvre: There would then be no priority for one language or for the other.

Le président: Je crois que nous risquons de nous mêler avec cette histoire de formules. Si nous voulons progresser et revenir au point que nous discutons au début, disons qu'une motion a été présentée par M. Marceau en vue de cet amendement à l'article 18 de la Loi, et ensuite M. Paproski, de même que M. Lefebvre ont proposé la façon dont cela doit être imprimé. J'ai tout simplement demandé aux membres s'ils pourraient songer à l'opportunité d'adopter l'amendement qui vous est proposé ensuite on pourrait, dans un autre article, indiquer comment le directeur général des élections doit procéder pour la publication de ces documents. Êtes-vous d'accord?

Des voix: D'accord.

Mr. Marceau: Let us vote on clause 18. Then we shall move on to another one.

Le président: L'article 18 tel que rédigé à présent, a déjà été adopté.

M. Marceau: Très bien.

Le président: Mais au lieu de discuter à fond, ce que nous devrions faire, nous pourrions peut-être envisager de modifier la loi de façon à obliger le directeur général des élections à suivre certaines règles quand il fait imprimer des documents, si nous voulons appliquer le principe auquel M. Paproski a fait allusion.

Mr. Marceau: It is Mr. Lefebvre who made the proposal.

Mr. Duquet: It has been adopted.

Mr. Lefebvre: Yes, it has been adopted.

Le président: Nous revenons à l'article 25 nouveau à la page 32 du projet de modifications.

Mr. Hamel: You will recall that the proposed amended Section 25 was not approved by the Com-

M. Hamel: On se souviendra que le nouvel article 25 amendé n'a pas été approuvé par le Comité car nous

[Texte]

mittee because we were proposing to delete the notice of grant of a poll. We have prepared a new text, subsection (1) of proposed Section 25, we suggest the text as it appears in the series of amendments, because this is necessary to delete any reference to electoral districts which used to return more than one member.

The Chairman: If you recall, when we had discussed this proposed Section 25, it was stood because many members rejected the idea of having the full list of descriptions of polls sent. I think that Mr. Richard has made the suggestion that it could be done in a much more efficient way without having this full list of documents. The proposed amendment you have in hand is to avoid the documentation of the full list of the usual description of polls we usually receive when there is an election.

Mr. Richard: Will this change it to give a full description?

Mr. Hamel: If you recall, my amendment was to delete this printing of the notice of grand of a poll which is the full description and you get five copies of this. The main reason why I put this forward was to try to save some money. Now the Committee felt that this was a very useful document and that perhaps we could save money by using a cheaper paper or a cheaper method of reproducing this. We are more or less reviving the present text of the law and deleting the reference to the use of English and French in certain areas and leaving the Official Languages Act apply. We will have to publish this in English and French in every designated area under the Official Languages Act.

M. Duquet: Monsieur Hamel, auriez-vous encore un exemplaire de cet avis de scrutin? Vous ne l'avez pas!

M. Hamel: Je regrette.

M. Duquet: Je pense que l'avis de scrutin est rédigé de la même façon que la proclamation: en français et en anglais, en haut ou en bas. Alors, peut-être pourrait-on appliquer la même règle pour ce qui a trait à l'avis du scrutin.

M. Hamel: Non, non. Je m'excuse, monsieur Duquet, présentement, dans les endroits où nous le publions dans les deux langues, nous avons deux documents complètement distincts et nous les plaçons côte à côte.

M. Duquet: Distincts?

M. Hamel: Et nous les plaçons côte à côte.

M. Duquet: D'accord.

M. Hamel: Parce que c'est un document assez volumineux, il peut aller jusqu'à 20 pages.

[Interprétation]

voulions éliminer l'avis de la tenue d'un scrutin. Nous avons préparé un nouveau texte. Le paragraphe 1 de l'article 25 nous proposons le texte qui se trouve dans les amendements parce qu'il est nécessaire pour éliminer toute mention aux districts électoraux où d'habitude plus d'un député était élu.

Le président: Si vous vous rappelez bien lorsque nous avons discuté cet article 25 nouveau, il avait été réservé parce que certains députés avaient rejeté l'idée de distribuer une liste complète des descriptions des bureaux de votation. M. Richard a proposé une façon de procéder beaucoup plus efficace, sans donner une liste complète de documents. Le projet d'amendement qui vous a été remis aurait pour but d'éviter de distribuer une liste complète des bureaux de votation que nous recevons habituellement lors des élections.

M. Richard: Est-ce que donner une description complète le changerait?

M. Hamel: Mon amendement avait pour but d'éliminer la publication de l'avis de la tenue d'un scrutin qui constitue la description complète, et vous en avez cinq exemplaires. J'ai voulu tenter d'épargner de l'argent. Le Comité a cru qu'il s'agissait d'un document très utile et que nous pourrions peut-être épargner de l'argent en utilisant du papier moins coûteux ou une méthode d'imprimer moins coûteuse. Nous sommes plus ou moins en train de revenir au texte actuel de la loi et d'éliminer les références à l'usage de l'anglais et du français dans certaines régions, tout reléguant ce domaine à la juridiction de la Loi sur les langues officielles. Il faudra que cela soit publié en anglais et en français dans toutes les régions désignées dans la Loi sur les langues officielles.

Mr. Duquet: Mr. Hamel, do you have another copy of this notice of granting of a pool? You don't!

Mr. Hamel: I am sorry.

Mr. Duquet: I think this granting of a pool is drafted in the same way as the proclamation: French and English are either at the top or at the bottom. We could perhaps use the same rule for the notice of granting of a pool.

Mr. Hamel: No. I am sorry, M. Duquet, but at present, in the areas where it is published in both languages, the two documents are separate, and we place them side by side.

Mr. Duquet: Separate?

Mr. Hamel: And we place them side by side.

Mr. Duquet: Fine

Mr. Hamel: It is a rather voluminous document with up to twenty pages.

[Text]

M. Duquet: Oui, oui, c'est correct.

M. Hamel: Alors donc, le paragraphe 1 de l'article 25, je suggère la modification à la page 32 de la série de modifications, pour enlever la mention des districts électoraux qui élisent plus d'un membre, plus d'un député, et, les paragraphes 2, 3, 4 et 5 sur la feuille qu'on vous a distribué tout à l'heure.

Proposed Section 25, as amended, carried.

The Chairman: Mr. Lefebvre.

● 1050

Mr. Lefebvre: I think when we discussed Item No. 8 we had the new ballot paper include the party for which the candidate is standing. You would have to shorten out the description of the candidate and maybe drop his occupation or other items there. I remember we discussed this so that the ballot will not become too large.

Mr. Badanai: Oh, no, it would be very simple to add an abbreviation, say "L" for Liberal, "N.D.P." for New Democratic Party and "P.C." for Conservative. I feel that the occupation should remain on the ballot.

Mr. Lefebvre: I am not objecting to it but I remember when we discussed this . . .

The Chairman: We are not discussing the ballot forms now.

Mr. Lefebvre: No, but it is mentioned on the page we just received.

Mr. Paproski: Mr. Chairman, what would happen when a person, say, like Mr. Richard who has been in Parliament for so long has to state his occupation? What would he put down, M.P.?

Mr. Richard: Lawyer.

An hon. Member: But he is no longer a lawyer.

Mr. Paproski: You are no longer a lawyer. You are an ex-lawyer.

Mr. Richard: Yes, I am still a lawyer.

Mr. Paproski: No, no, I mean your occupation. You do not work as a lawyer, your work is being a member of Parliament. How about the rest of you who have been elected, what do you put down?

Mr. Lefebvre: I do not think it means a hell of a lot. I am not a judge of what . . .

[Interpretation]

Mr. Duquet: Yes, all right.

Mr. Hamel: Subclause 1 of clause 25 would be modified on page 32. I would suggest that the series of amendments be changed in order to remove the reference to those electoral districts which elect more than one Member, and subclauses (2), (3), (4) and (5) which are found on the sheet that has just been distributed to you.

L'article 25 nouveau modifié, est adopté.

Le président: Monsieur Lefebvre.

M. Lefebvre: Je crois que lors de l'étude du n^o 8 nous avons décidé que le nouveau bulletin de vote porterait le nom du parti du candidat. Il faudrait abrégé la description du candidat et peut-être ne plus mentionner sa profession et certaines autres choses. Je me souviens qu'on en a discuté, car il ne faudrait pas que le bulletin de vote soit trop grand.

M. Badanai: Non, il serait très simple d'ajouter une abbréviation. On peut dire «L» pour libéral, «NPD» pour le parti néo-démocrate, et «PC» pour le parti conservateur. Je crois que la désignation de l'emploi du candidat devrait demeurer sur le bulletin de vote.

M. Lefebvre: Je ne n'y oppose pas, mais je me rappelle que quand nous en avons discuté . . .

Le président: Nous ne sommes pas en train de parler des bulletins de vote maintenant.

M. Lefebvre: Non, mais il en est question à la page que vous nous avez remise.

M. Paproski: Monsieur le président, qu'est-ce qui se produit lorsque quelqu'un comme M. Richard qui est à la Chambre depuis si longtemps, doit indiquer son emploi. Qu'est-ce qu'il va mettre? . . . Député?

M. Richard: Avocat.

Une voix: Il n'est plus avocat.

M. Paproski: Vous n'êtes plus avocat. Vous l'étiez.

M. Richard: Je le suis encore.

M. Paproski: Non, je veux dire votre occupation. Vous ne pratiquez pas le droit, votre occupation est d'être député. Et vous, ceux d'entre vous qui êtes élus, qu'indiquez-vous?

M. Lefebvre: Je ne crois pas que ce soit très important. Je ne peux juger . . .

[Texte]

Mr. Richard: Mr. Lefebvre, if you had two candidates with the name "Smith" how would you identify them?

Mr. Lefebvre: By their addresses.

Mr. Paproski: But you have not answered my question.

Mr. Lefebvre: Also there is going to be the name of the party for which he is standing, so there cannot be two men standing for the Liberal Party or the Conservative Party.

Mr. Paproski: I want to know if a person can list his occupation as an "ex-M.P."? You know, this is a very . . .

The Chairman: I believe we have now reached the point if we adopt the proposed amendments circulated to you, specifically subsections (a) and (b), where we will have to decide what we want to put on the ballot. As I recall, we have agreed on the idea of having the party affiliations put on the ballot. However, it has been suggested that if we do put the party affiliations on the ballot that we should not include the occupation of the candidates because it would make the ballot rather crowded.

Mr. Lefebvre: I do not think it is necessary, but if the Committee wishes it, I have no . . .

Mr. Paproski: I think this could create a problem because there will be ex-members of Parliament running.

Mr. Jerome: Can Mr. Hamel clarify for us the status of members of Parliament during an election campaign? Are there any members of Parliament while an election is on?

Mr. Hamel: Perhaps I am not qualified to comment on this, but my information is that a member ceases to be a member except for purposes of pay once Parliament is dissolved. We had a very serious problem at the last election and I must agree with Mr. Paproski that this was one of the very real sources of the problem because, first of all, it is not always easy to differentiate between an occupation and a title. For instance, if somebody wants to mention that he is a member of the Privy Council this, to me and I may be wrong, is a title, but at the time of an election he is still a Minister of the Crown or he is still Minister of External Affairs. This has been a real problem on many occasions. We try to give pretty specific instructions to the returning officers, but in spite of this at every election we have not only the odd problem, but quite a few such problems.

Mr. Francis: Mr. Chairman, has consideration been given to putting in the definition section or the Act a

[Interprétation]

M. Richard: Monsieur Lefebvre, comment feriez-vous pour identifier deux candidats qui s'appellent «Smith»?

M. Lefebvre: En vérifiant leur adresse.

M. Paproski: Vous n'avez tout de même pas répondu à ma question.

M. Lefebvre: En plus, il y aura le nom du parti que le candidat représente, et il ne peut y avoir deux candidats du parti libéral ou du parti conservateur.

M. Paproski: Je veux savoir si une personne peut indiquer «ancien député» comme étant sa profession? C'est très . . .

Le président: Nous en sommes au point où, si nous adoptons les amendements qui vous ont été distribués, précisément les paragraphes (a) et (b), nous devons décider ce qui devrait être inscrit sur le bulletin de vote. Si je me souviens bien, nous avions souscrit à l'idée d'inscrire le nom du parti sur le bulletin de vote. On a dit qu'il serait mieux de ne pas inscrire l'occupation du candidat si nous inscrivons le nom du parti, car ceci surchargerait le bulletin de vote.

M. Lefebvre: Je ne crois pas que ce soit nécessaire, mais si le Comité le désire, je ne m'y . . .

M. Paproski: Je crois qu'il va y avoir un problème car nous aurons des anciens députés qui vont se présenter à la candidature.

M. Jerome: Est-ce que M. Hamel peut nous dire quel est le statut des députés pendant une campagne électorale? Est-ce qu'il y a, en fait, des députés pendant une campagne électorale?

M. Hamel: Je ne suis peut-être pas compétent pour répondre à cette question. Mais je crois qu'un député cesse d'être député, sauf aux fins de son traitement, dès que le parlement a été dissous. Nous avons eu un problème très grave, lors du dernier scrutin, et je dois admettre avec monsieur Paproski que c'était une source de problèmes. Il n'est pas toujours facile d'établir la distinction entre une occupation et un titre. Si quelqu'un veut dire, par exemple, qu'il est membre du Conseil privé, je me trompe peut-être, mais je crois que c'est un titre, mais au moment du scrutin, il est toujours ministre de la Couronne, ou ministre des Affaires extérieures. Et ceci a souvent donné lieu à des problèmes. Nous essayons de donner des instructions précises aux officiers rapporteurs, mais en dépit de cela nous avons eu plusieurs problèmes de ce genre à chaque élection.

M. Francis: Monsieur le président, a-t-on songé à ajouter dans l'article de définition de la Loi, une

[Text]

definition of occupation which would say that it would be the non-elected employment at which the person would normally seek his living?

The Chairman: This still raises the problems, sir, elaborated by Mr. Hamel. We cannot include both. Did we agree in principle to putting the party affiliations on the ballot or did we not?

● 1055

Mr. Francis: That is another issue, Mr. Chairman.

The Chairman: I beg your pardon?

Mr. Francis: That is another issue, Mr. Chairman.

The Chairman: If we agree to putting the party affiliation on the ballot, then we have to take a second look at this question of putting the occupation on the ballot. It will have to be withdrawn.

Mr. Richard: Have you defined who will designate the fellow who belongs to a certain party?

The Chairman: We now have reached this point and this is precisely what the members of the Committee will have to decide.

Mr. Francis: Mr. Chairman, I would like to see Mr. Hamel's advisers take a run at a definition of occupation. I would like to see them produce something which in their view might be a working definition which would be of assistance in the kind of problem that Mr. Hamel has indicated.

Mr. Jerome: May I also suggest, Mr. Chairman, that it might be worthwhile to consider specific prohibitions against the use of certain terminology in respect to description of an occupation, particularly a prohibition against using any designation which would indicate the holding of a political office, the past holding of a political office, a description which would tend to indicate that a person has already been elected to the office which he is now seeking or something of that sort. It is too rough to put in workmanlike language now, but I would think there should be a prohibition against using any designation such as "member of Parliament M.P.", "Privy Councillor", "Cabinet Minister", "alderman", "controller", "mayor", etcetera, prohibition against using any description which refers to an elective office of any sort.

The Chairman: If you go back to Section 21 of the Act, subsection (6), it reads:

Occupation of Candidate.

(6) Unless specially authorized by the Chief Electoral Officer, the occupation given by a can-

[Interpretation]

définition de l'occupation, qui serait l'occupation normale d'un candidat s'il n'était pas élu?

Le président: Il y a toujours le problème élaboré par Monsieur Hamel. Nous ne pouvons pas inclure les deux à la fois. Étions-nous d'accord ou non sur le principe d'indiquer le parti du candidat sur le bulletin de vote?

M. Francis: C'est une autre question, monsieur le président.

Le président: Pardon?

M. Francis: C'est une autre question, monsieur le président.

Le président: Si nous sommes d'accord pour indiquer le parti du candidat sur le bulletin de vote, il faut reconsidérer la question d'indiquer l'occupation. Il faut la supprimer.

M. Richard: Avez-vous défini qui désignera la personne qui appartient à un certain parti?

Le président: Nous en sommes arrivés à ce point, et c'est précisément ce que les membres du comité auront à décider.

M. Francis: Monsieur le président, je crois que les conseillers de M. Hamel devraient essayer de définir ce qu'est l'occupation. Et je voudrais bien qu'ils proposent ce qui à leur avis, pourrait être une définition pratique susceptible d'aider à résoudre le genre de problème dont a parlé M. Hamel.

M. Jerome: Je pense aussi, monsieur le président, qu'il vaudrait peut-être la peine de discuter s'il conviendrait d'interdire l'indication de certains emplois, notamment toute désignation qui indique que le candidat détient un poste politique ou qu'il en a déjà détenu, ou encore une description qui indique qu'une personne a déjà été élue au poste auquel elle veut être élue, ou quelque chose de ce genre. Je pense qu'il faudrait interdire l'emploi de certaines désignations comme «ministre du cabinet», «député», «échevin», «contrôleur», «conseiller privé», «maire» etc.

Je crois qu'il faudrait interdire d'utiliser toute description d'un poste électif de n'importe quel genre.

Le président: Si vous retournez à l'article 21, paragraphe (6) de la Loi:

Occupation du candidat

(6) A moins d'une autorisation spéciale du directeur général des élections, l'occupation donnée par un candidat dans l'en-tête de son bulletin de

[Texte]

didate in the heading of his nomination paper shall be briefly stated and shall correspond to the occupation under which such candidate is known in the place of his ordinary residence.

Mr. Jerome: That is not very helpful because for the last four years I have been known as a member of Parliament. If I wanted to choose that designation in my riding and put "member of Parliament", unless I were prohibited from doing so, it would be a distinct advantage for me to be able to use that designation rather than any other because, you know, it has certain obvious implications.

Mr. Lefebvre: How about a man who was a school teacher but has not taught school for four years?

Mr. Paproski: This is exactly the point. Take an individual who has been a member of Parliament for four years, but prior to that he was an ordinary businessman. He now is retired from his business, so what does he do. Does he put on the form "retired"?

An hon. Member: Retired.

Mr. Paproski: You put down "retired" do you? The electoral then might say, "Well, that man is retired, so he does not need a job anymore. Therefore, we do not think we will put him in this time."

Mr. Francis: Put down "professional athlete" . . .

Mr. Jerome: Has Mr. Paproski ever given any consideration to designating himself as a "football star"?

The Chairman: Just a minute. We have to vacate this room, but before we adjourn I want to repeat again that we have to decide if we want to put the party affiliations on the ballot and if so, we have to give second thoughts to the description of occupation.

Mr. Lefebvre: Remove occupation.

An hon. Member: I think we should decide this at our next meeting.

The Chairman: Yes, it will be on Thursday at 9:30.

[Interprétation]

présentation doit être énoncée brièvement et doit correspondre à l'occupation d'après laquelle ce candidat est connu à l'endroit de sa résidence ordinaire.

M. Jerome: Ce n'est pas très utile, car depuis quatre ans je suis député. Je pourrais employer cette désignation-là dans ma circonscription et indiquer «député», à moins qu'on ne m'empêche de le faire, car ce serait un avantage distinct pour moi d'employer cette désignation plutôt qu'une autre car, comme vous le savez, il y a certaines implications sûres et certaines qui s'y rattachent.

M. Lefebvre: Prenons le cas d'un homme qui est instituteur mais qui n'a pas enseigné depuis quatre ans?

M. Paproski: C'est exactement ce que je voulais dire. Prenez quelqu'un qui a été député pendant quatre ans, mais qui auparavant était un homme d'affaires, il s'est retiré du monde des affaires, alors, doit-il écrire sur la formule «à la retraite»?

Une voix: A la retraite.

M. Paproski: Alors vous vous écrivez «à la retraite»? L'électorat pourrait dire: «Cet homme est à la retraite, donc il n'a plus besoin d'emploi. Donc nous ne voterons pas pour lui cette fois-ci.»

M. Francis: Écrivez «athlète professionnel» . . .

M. Jerome: M. Paproski a-t-il déjà songé à s'appeler une «étoile du football»?

Le président: Une minute s'il vous plaît. Il faut quitter les lieux, mais avant de lever la séance je répète qu'il faut décider si nous devons ajouter le parti du candidat sur le bulletin de vote, et dans l'affirmative, il faut resonger à la question de la description de l'occupation.

M. Lefebvre: Éliminez le terme occupation.

Une voix: Je pense qu'il faudrait attendre la prochaine réunion pour en décider.

Le président: La prochaine réunion aura lieu jeudi, à 9h.30.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969-70

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 15

THURSDAY, FEBRUARY 12, 1970

LE JEUDI 12 FÉVRIER 1970

TUESDAY, FEBRUARY 17, 1970

LE MARDI 17 FÉVRIER 1970

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir les *Procès-verbaux*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Vice-Chairman
Chairman
and Messrs.

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président
et MM.

Badanai,
Benjamin,
Code,
¹ Comtois,
Duquet,
Forest,

Forrestall,
Fortin,
² Francis,
Howard (Skeena),
Howe,
Jerome,

Lefebvre,
³ Macquarrie,
Major,
Marceau,
Peddle,
⁴ Trudel—20.

(Quorum 11)

Le greffier du Comité,
R. V. VIRR
Clerk of the Committee.

- Pursuant to Standing Order 65(4)(b), Suivant l'article 65(4)b) du Règlement,
- ¹ Replaced Mr. Noël on February 17, 1970 ¹ Remplace M. Noël le 17 février 1970
- ² Replaced Mr. Richard on February 17, 1970 ² Remplace M. Richard le 17 février 1970
- ³ Replaced Mr. Alkenbrack on February 17, 1970 ³ Remplace M. Alkenbrack le 17 février 1970
- ⁴ Replaced Mr. Serré on February 17, 1970 ⁴ Remplace M. Serré le 17 février 1970.

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, February 12, 1970.

The Standing Committee on Privileges and Elections having been duly called to meet this day at 9:30 a.m., the following members were present: Messrs. Badanai, Duquet, Forest, Jerome, Laflamme, Major, Marceau (7).

At 9:55 a.m., there being no quorum, the members dispersed the meeting at 9:55 a.m. to the call of the Chair.

TUESDAY, February 17, 1970.
(18)

The Standing Committee on Privileges and Elections met this day at 9:40 a.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Badanai, Benjamin, Code, Duquet, Forest, Howard (*Skeena*), Howe, Jerome, Laflamme, Le-febvre, Major, Noël, Marceau, Richard, Serré—(15).

Also present: Messrs. Francis and Trudel, M.P.'s.

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed its study of the Canada Elections Act and the draft amendments to the said Act.

The Committee agreed that:

Section 66

Section 66 of the said Act be repealed and the following substituted therefor:

“66. (1) Every one who corruptly, by himself or by any other person, during an election, directly or indirectly offers, procures or provides or promises to procure or provide money, valuable consideration, office, employment, food or

[Traduction]

PROCÈS-VERBAUX

Le JEUDI 12 février 1970

Le Comité permanent des privilèges et élections a reçu la convocation de se réunir ce matin à 9 h 30. Les députés ci-après étaient présent: MM. Badanai, Duquet, Forest, Jerome, Laflamme, Major, Marceau—(7)

A 9 h 55 en l'absence d'un quorum les députés se retirent jusqu'à nouvelle convocation du président.

Le MARDI 17 février 1970
(18)

Le Comité permanent des privilèges et élections se réunit ce matin à 9 h 40. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Benjamin, Côté, Duquet, Forest, Howard (*Skeena*), Howe, Jerome, Laflamme, Le-febvre, Major, Noël, Marceau, Richard, Serré—(15)

Autres députés présents: MM. Francis et Trudel.

Témoin: M. J.-M. Hamel, directeur général des élections.

Le Comité reprend l'étude de la Loi électorale du Canada et des projets de modification à ladite Loi.

Le Comité décide ce qui suit:

Article 66

L'article 66 de ladite Loi est abrogé et remplacé par ce qui suit:

«66. (1) Est coupable d'une infraction à la présente loi quiconque, en vue de corrompre, par lui-même ou par l'intermédiaire d'une autre personne, pendant une élection, directement ou indirectement offre, fait obtenir ou fournit, ou

drink to induce any person to vote or refrain from voting, and every one who corruptly accepts or receives or agrees to accept or receive any such money, valuable consideration, office, employment, food or drink, is guilty of an offence against this Act.

(2) Subsection (1) does not apply in respect of the provision of non-alcoholic beverages and sandwiches, cakes, cookies and other light refreshments

(a) by an official agent who provides such beverage or refreshment as an election expense at a meeting of electors assembled for the purpose of promoting the election of a candidate;

(b) by any person other than a candidate or an official agent who, at his own expense, provides such beverage or refreshment at a meeting of electors assembled for the purpose of promoting the election of a candidate; or

(c) by any person to an election agent at a polling station.

(3) Every candidate or official agent who, by himself or by any other person, directly or indirectly during an election before the close of polls on ordinary polling day,

(a) offers, procures or provides or promises to procure or provide alcoholic beverages to any person, or

(b) pays or indemnifies or promises to pay or indemnify any person for loss of wages or other earnings suffered by that person in going to, being at, or returning from a polling station or the neighbourhood of a polling station,

with intent to influence any person to vote or refrain from voting is guilty of an offence against this Act.

promet de faire obtenir ou de fournir de l'argent, une contrepartie valable, un poste, de l'emploi, de la nourriture ou de la boisson pour inciter quelqu'un à voter ou à s'abstenir de voter, et quiconque, par corruption, accepte ou reçoit ou convient d'accepter ou de recevoir dans ces circonstances de l'argent, une contrepartie valable, un poste, de l'emploi, de la nourriture ou de la boisson.

(2) Le paragraphe (1) ne s'applique pas dans le cas où des boissons non alcooliques, des sandwiches, gâteaux, biscuits et autres rafraîchissements légers sont fournis

a) par un agent officiel qui fournit ces boissons ou rafraîchissements à titre de dépenses électorales, lors d'une assemblée d'électeurs réunis en vue de favoriser l'élection d'un candidat;

b) par toute personne autre qu'un candidat ou un agent officiel qui, à ses propres frais, fournit ces boissons ou rafraîchissements à une assemblée d'électeurs réunis en vue de favoriser l'élection d'un candidat; ou

c) par toute personne, à un agent d'un candidat à un bureau de votation.

(3) Est coupable d'une infraction à la présente loi tout candidat ou agent officiel qui, dans le but d'inciter une personne à voter ou à s'abstenir de voter, par lui-même ou par l'intermédiaire d'une autre personne, directement ou indirectement, pendant une élection et avant la fermeture des bureaux de votation le jour ordinaire du scrutin,

a) offre, fait obtenir ou fournit, ou promet de faire obtenir ou de fournir des boissons alcooliques à une personne, ou

b) paie ou indemnise, ou promet de payer ou d'indemniser toute personne pour la perte de salaire ou d'autres gains subie par cette personne en se rendant à un bureau de votation ou aux environs, en s'y trouvant ou en revenant.

(4) In any proceedings in respect of an offence referred to in subsection (3), evidence that a candidate or an official agent has offered, procured or provided or has promised to procure or provide alcoholic beverages to any person or has paid, indemnified or promised to pay or indemnify any person is, in the absence of any evidence to the contrary, proof of intent to influence a person to vote or refrain from voting.”

Section 73A

The said Act be further amended by adding immediately after section 73 the following section

“73A. Everyone who without authority takes down, removes, covers up, mutilates, defaces or alters any printed advertisement, placard, poster or banner having reference to the election of a candidate is guilty of an offence against this Act.”

Section 54

Subsection (1) of section 54 of the said Act be repealed and the following substituted therefor:

“54. (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of two hundred and fifty dollars in legal tender or a certified cheque for that amount as security for the costs of the candidate who has obtained the largest number of votes, such judge shall appoint a time to recount the said votes, which time shall, subject to subsection (3), be within four days after the receipt of the said affidavit.”

(4) Dans une instance relative à une infraction visée au paragraphe (3), la preuve qu'un candidat ou un agent officiel a offert, fait obtenir ou fourni ou a promis de faire obtenir ou de fournir des boissons alcooliques à une personne ou a payé, indemnisé ou promis de payer ou d'indemniser une personne, constitue, en l'absence de preuve contraire, une preuve qu'il a agi dans le but d'inciter une personne à voter ou à s'abstenir de voter.

Article 73A

La dite Loi est modifiée par l'adjonction, immédiatement après l'article 73 de la Loi, de l'article suivant:

«73A. Est coupable d'une infraction à la présente loi quiconque, sans autorisation, arrache, enlève, recouvre, mutile, lacère ou modifie tout imprimé de la nature d'une annonce, d'un placard, d'une affiche ou d'un étendard ayant trait à l'élection d'un candidat.»

Article 54

Le paragraphe (1) de l'article 54 de ladite Loi est abrogé et remplacé par ce qui suit:

«54. (1) Si, dans les quatre jours qui suivent la date à laquelle l'officier rapporteur a déclaré le nom du candidat qui a obtenu le plus grand nombre de votes, il est, sur affidavit d'un témoin digne de foi, démontré au juge ci-après désigné, qu'un sous-officier rapporteur, en comptant les votes, a mal compté ou rejeté erronément quelques bulletins de vote ou fait un relevé inexact du nombre de bulletins de vote déposés en faveur de quelque candidat, ou que l'officier rapporteur a mal additionné les votes, et si le requérant, dans ledit délai, dépose, entre les mains du greffier ou du protonotaire de la cour qui relève de la juridiction de ce juge, la somme de deux cent cinquante dollars en monnaie légale ou un chèque visé pour cette somme en garantie des frais du candidat qui a obtenu le plus grande nombre de votes, ce juge doit fixer un temps pour recompter lesdits votes, lequel temps, sous réserve du paragraphe (3), doit être compris dans les quatre jours qui suivent la réception dudit affidavit.»

Section 78

The Committee having previously recommended to repeal section 78 of the said Act agreed to new section 78 as follows:

78. (1) Except as otherwise provided in this Act, every one who is guilty of an offence against this Act is liable

(a) on summary conviction, to a fine of not more than \$1,000 or to imprisonment for not more than one year, or to both; or

(b) on indictment, to a fine of not more than \$5,000 or to imprisonment for not more than five years, or to both.

(2) Any candidate at an election or the official agent of a candidate who commits a breach of any of the provisions of section 66, 68, 69 or 72 is guilty of a corrupt practice.

Section 5

Subsections (2) and (3) of section 5 of the said Act be repealed and the following substituted therefor:

“(2) Where, during the course of an election, it appears to the *Chief Electoral Officer* that, by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstance, any of the provisions of this Act do not accord with the exigencies of the situation, the *Chief Electoral Officer* may, by particular or general instructions, extend the time for doing any act, increase the number of election officers or polling stations or otherwise adapt any of the provisions of this Act to the execution of its intent, to such extent as he considers necessary to meet the exigencies of the situation.

(3) The *Chief Electoral Officer* shall not exercise his discretion pursuant to subsection (2) in such a manner as to permit a nomination paper to be received by a returning officer after two o'clock in the afternoon on nomination day or to permit a vote to be cast before

Article 78

Après avoir préalablement recommandé d'abroger l'article 78 de ladite Loi, le Comité décide d'accepter le nouvel article 78 suivant:

78. (1) *Sauf comme le prévoit autrement la présente loi, quiconque se rend coupable d'une infraction à la présente loi est passible,*

a) sur déclaration sommaire de culpabilité, d'une amende d'au plus \$1,000, d'un emprisonnement d'au plus un an ou des deux peines à la fois; ou

b) sur mise en accusation, d'une amende d'au plus \$5,000, d'un emprisonnement d'au plus cinq ans ou des deux peines à la fois.

(2) Un candidat à une élection ou l'agent officiel d'un candidat qui enfreint l'une des dispositions des articles 66, 68, 69, 70 ou 72 est coupable d'une manœuvre frauduleuse.»

Article 5

Les paragraphes (2) et (3) de l'article 5 de ladite Loi sont abrogés et remplacés par ce qui suit:

«(2) Lorsque, au cours d'une élection, il appert au *directeur général des élections* que, par suite d'une erreur, d'un calcul erroné, d'une urgence ou d'une circonstance exceptionnelle ou imprévue, une des dispositions de la présente loi ne concorde pas avec les exigences de la situation, le *directeur général des élections* peut, au moyen d'instructions générales ou particulières, prolonger le délai imparti pour faire tout acte, augmenter le nombre d'officiers d'élections ou de bureaux de votation ou autrement adapter une des dispositions de la présente loi à la réalisation de son intention, dans la mesure où il l'estime nécessaire pour faire face aux exigences de la situation.

(3) Le *directeur général des élections* ne peut agir à sa discrétion en conformité du paragraphe (2) de manière à permettre qu'un officier rapporteur reçoive un bulletin de présentation après deux heures de l'après-midi, le jour de la présentation, ou qu'un vote

or after the hours fixed in this Act for the opening and closing of the poll on ordinary polling day or on the days on which the advance poll is held.”

Pursuant to the restoration of powers to the Chief Electoral Officer, the following consequential amendments are recommended to the said Act.

Section 2

Paragraph (7) of section 2 of the said Act be repealed and the following substituted therefor:

“(7) “election officer” means the Chief Electoral Officer, the Assistant Chief Electoral Officer and every returning officer, election clerk, deputy returning officer, poll clerk, enumerator, revising officer and revising agent and includes any person having any duty to perform pursuant to this Act to the faithful performance of which duty he may be sworn;”

Section 21

Subsections 3, (3a) and (3b) of section 21 of the said Act be repealed and the following substituted therefor:

“(3) Nomination day in the electoral districts specified in Schedule III shall be Monday, the twenty-eighth day before polling day, and in all other electoral districts shall be Monday, the twenty-first day before polling day.”

“(3a) Subject to subsection (3b), the *Chief Electoral Officer* may at any time amend the list of electoral districts specified in Schedule III in which nomination day is the twenty-eighth day before polling day,

(a) by adding to the list the name of any electoral district named and described in a representation order declared pursuant to the *Electoral Boundaries Readjustment Act* to be in force, where that district coincides with or includes the whole or any part of any electoral district that was specified in Schedule III on the com-

puisse être déposé avant ou après les heures que fixe la présente loi pour l’ouverture et la fermeture du scrutin, le jour ordinaire de l’élection ou les jours pendant lesquels est ouvert le bureau provisoire de votation.»

Conformément à la restitution des pouvoirs au directeur général des élections, les modifications qui s’ensuivent sont recommandées pour ladite Loi.

Article 2

Le paragraphe (7) de l’article 2 de ladite Loi est abrogé et remplacé par ce qui suit:

«(7) «officier d’élection» désigne le directeur général des élections, le sous-directeur général des élections, et tout officier rapporteur, secrétaire d’élection, sous-officier rapporteur, greffier du scrutin, énumérateur, officier reviseur et agent reviseur, et comprend toute personne chargée, conformément à la présente loi, de quelque fonction relative à l’exercice fidèle de laquelle elle peut être assermentée;»

Article 21

Les paragraphes (3) (3a) et (3b) de l’article 21 de ladite Loi sont abrogés et remplacés par ce qui suit:

«(3) Le jour des présentations dans les districts électoraux spécifiés à la troisième annexe doit être le lundi vingt-huitième jour avant le jour du scrutin et, dans tous les autres districts électoraux, le lundi vingt et unième jour avant le jour du scrutin.»

«(3a) Sous réserve du paragraphe (3b), le *directeur général des élections* peut à toute époque modifier la liste des districts électoraux énumérés à la troisième annexe dans lesquels le jour des présentations est le vingt-huitième jour avant le jour du scrutin,

a) en ajoutant à la liste le nom de tout district électoral nommé et décrit dans une ordonnance de représentation déclarée en vigueur sous le régime de la *Loi sur la révision des limites des circonscriptions électorales*, si ce district coïncide avec tout ou partie d’un district électoral qui était mentionné dans la troisième annexe

ing into force of this Act and the *Chief Electoral Officer* is of opinion that more than fourteen days between nomination day and polling day are necessary for the effective conduct of an election in that district; or

(b) by deleting from the list the name of any electoral district that was specified in Schedule III on the coming into force of this Act or that has been added to the list pursuant to this subsection, where that district is not an electoral district named and described in a representation order declared pursuant to the *Electoral Boundaries Readjustment Act* to be in force.

(3b) No amendment to the list of electoral districts specified in Schedule III may be made by the *Chief Electoral Officer* pursuant to subsection (3a) later than seven days after a representation order referred to in that subsection becomes effective, and no such amendment shall become effective until notice thereof has been published in the *Canada Gazette*."

Section 58

The heading preceding section 58 and section 58 of the said Act be repealed and the following substituted therefor:

"Report of *Chief Electoral Officer*

58. (1) The *Chief Electoral Officer* shall within ten days after the commencement of any session of Parliament make a report to the Speaker of the house of Commons setting out

(a) any matter or event that has arisen or occurred in connection with the administration of his office in the interval since the date of his last preceding report and that he considers should be brought to the attention of the House of Commons;

(b) any action that has been taken by him under subsection (2) of section 5, section 71 or subsection (2) of section 4 of the *Special Voting Rules* and

lors de l'entrée en vigueur de la présente loi, ou comprend tout ou partie d'un tel district électoral, et si le *directeur général des élections* est d'avis qu'il faut plus de quatorze jours entre le jour des présentations et le jour du scrutin pour organiser efficacement une élection dans ce district; ou

b) en retranchant de la liste le nom de tout district électoral qui figurait dans la troisième annexe lors de l'entrée en vigueur de la présente loi ou qui y a été ajouté conformément au présent paragraphe, si ce district n'est pas nommé et décrit dans une ordonnance de représentation déclarée en vigueur sous le régime de la *Loi sur la révision des limites des circonscriptions électorales*.

(3b) Aucune modification à la liste des districts électoraux énumérés à la troisième annexe ne peut être faite par le *directeur général des élections* en conformité du paragraphe (3a) plus de sept jours après l'entrée en vigueur d'une ordonnance de représentation mentionnée dans ce paragraphe, et aucune modification de ce genre n'entre en vigueur avant qu'avis n'en soit publié dans la *Gazette du Canada*."

Article 58

La rubrique qui précède l'article 58 et l'article 58 de ladite Loi sont abrogés et remplacés par ce qui suit:

"Rapport du *directeur général des élections*

58. (1) Le *directeur général des élections* doit, dans les dix jours qui suivent l'ouverture de toute session du Parlement, faire à l'Orateur de la Chambre des communes un rapport signalant

a) toute question ou tout événement qui a surgi ou est survenu relativement à l'exercice de sa charge depuis la date de son dernier rapport et qui, à son avis, doit être porté à l'attention de la Chambre des communes;

b) toute initiative qu'il a prise sous le régime du paragraphe (2) de l'article 5, de l'article 71 ou du paragraphe (2) de l'article 4 des *Règles Élec-*

that he considers should be brought to the attention of the House of Commons;

(c) every statement referred to in subsection (2) respecting the conduct of an election or of any election officer that has been submitted to him, with such recommendations, if any, as he may see fit to make thereon; and

(d) any amendments that, in his opinion, are desirable for the better administration of this Act.

(2) Every candidate at an election and every official agent of any candidate has the right to send to the *Chief Electoral Officer* a statement in writing containing any complaint he may wish to make with respect to the conduct of the election or of any election officer and any suggestions as to such changes or improvements in the law as he may consider desirable.

(3) Any report received by the Speaker from the *Chief Electoral Officer* pursuant to this section shall forthwith be submitted by him to the House of Commons."

Section 60

Subsection (i) of section 60 of the said Act be repealed and the following substituted therefor:

"60. (1) Upon the recommendation of the *Chief Electoral Officer*, the Governor in Council may make a tariff of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at or with respect to elections under this Act."

The Committee proceeded to consider the time period during which election broadcasts are forbidden immediately preceding polling day. The conflict between the Election Act and the Broadcasting Act was discussed.

Mr. Duquet moved that

Subsection (1) of section 99 of the said Act be repealed and the following substituted therefor:

torales spéciales et qui, à son avis doit être portée à l'attention de la Chambre des communes;

c) toute déclaration mentionnée au paragraphe (2) qui lui a été soumise au sujet de la conduite d'une élection ou d'un officier d'élection, avec, le cas échéant, les recommandations qu'il peut juger bon de faire à son sujet; et d) toutes modifications qui, à son avis, sont souhaitables pour améliorer l'application de la présente loi.

(2) Tout candidat à une élection et tout agent officiel d'un candidat ont le droit d'adresser par écrit au *directeur général des élections* toute plainte qu'ils peuvent désirer formuler au sujet de la conduite de l'élection ou de tout officier d'élection et de proposer les modifications ou améliorations qu'il juge souhaitable d'apporter à la loi.

(3) L'Orateur doit soumettre sans retard à la Chambre des communes tout rapporte qui lui transmet le *directeur général des élections* conformément au présent article.»

Article 60

Le paragraphe (1) de l'article 60 de ladite Loi est abrogé et remplacé par ce qui suit;

«60. (1) Sur recommandation du *directeur général des élections*, le gouverneur en conseil peut établir un tarif des honoraires, frais, allocations et dépenses à payer et à allouer aux officiers rapporteurs et autres personnes employées aux élections ou au sujet des élections en vertu de la présente loi.»

Le Comité étudie ensuite la question du délai que doivent respecter les postes de radiodiffusion ou de télédiffusion au sujet des élections, immédiatement avant le jour du scrutin. Les députés ont débattu le conflit qui existe entre la Loi électorale du Canada et la Loi sur la radiodiffusion.

M. Duquet propose que:

Le paragraphe (1) de l'article 99 de ladite Loi soit abrogé et remplacé par ce qui suit:

“99. (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on the ordinary polling day and on the *one day* immediately preceding it, in favour or on behalf of any political party or any candidate at an election.”

After debate thereon, and the question being put, the motion was negatived. Yeas—3. Nays—9.

The Committee thereupon agreed that the Report to the House include a suggestion that the Broadcasting Act be amended accordingly.

The Committee further agreed that:

Section 92

Section 92 of the said Act be amended by adding thereto, immediately after subsection (6) thereof, the following subsection:

“(6a) Wherever possible a returning officer shall locate an advance polling station at a place in a building that will provide ease of access to any elector who is confined to a wheel chair or otherwise incapacitated or who is of advanced age.”

Section 4

Subsection (1) of section 4 of the said Act be repealed and the following substituted therefor:

“4. (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, shall devote himself exclusively to the duties of his office and shall not hold any office under Her Majesty or engage in any other employment.

(1a) The Chief Electoral Officer shall communicate with the Governor in Council through the Secretary of State.

(1b) The Chief Electoral Officer shall be paid a salary equal to the salary of a puisne judge of the Exchequer Court of Canada, including any additional salary authorized by section 20 of the *Judges Act*, and is entitled to

«99. (1) Nulle personne n'a le droit de radiodiffuser un discours ou un programme d'amusement ou d'annonce, le jour ordinaire de l'élection et le *jour* qui le *précède* immédiatement, en faveur ou pour le compte d'un parti politique ou d'un candidat à une élection.»

Après délibération, la proposition, mise aux voix, est répétée par neuf voix contre trois.

Le Comité décide donc que le rapport à la Chambre propose que la Loi sur la radiodiffusion soit modifiée en conséquence.

Le Comité décide ensuite que:

Article 92

L'article 92 de ladite Loi est modifié par l'adjonction, immédiatement après le paragraphe (6), du paragraphe suivant;

«(6a) Un officier rapporteur doit, autant que possible, choisir comme emplacement d'un bureau provisoire de votation un endroit, dans un édifice, qui sera d'accès facile pour un électeur confiné à la chaise roulante ou souffrant d'incapacité physique ou étant d'un âge avancé.»

Article 4

Le paragraphe (1) de l'article 4 de ladite Loi est abrogé et remplacé par ce qui suit:

«4. (1) Le directeur général des élections a le rang et tous les pouvoirs d'un sous-chef de ministère ou département. Il doit se consacrer exclusivement aux fonctions de sa charge et ne doit occuper aucune autre charge au service de Sa Majesté ni aucun autre poste.

(1a) Le directeur général des élections doit communiquer avec le gouverneur en conseil par l'intermédiaire du secrétaire d'État.

(1b) Le directeur général des élections reçoit un traitement égal à celui d'un juge puîné de la Cour de l'Échiquier du Canada, y compris tout traitement supplémentaire qu'autorise l'article 20 de la *Loi sur les juges* et

be paid reasonable travelling and living expenses while absent from Ottawa in the course of his duties.

(1c) The Chief Electoral Officer shall be deemed to be a person employed in the Public Service for the purposes of the *Public Service Superannuation Act* and to be employed in the public service of Canada for the purposes of the *Government Employees Compensation Act* and any regulations made pursuant to section 5 of the *Aeronautics Act*.

(1d) Any sums payable to the Chief Electoral Officer shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund.

(1e) The Chief Electoral Officer ceases to hold office as Chief Electoral Officer upon attaining the age of sixty five years but, until he attains that age, he shall be removable only for cause by the Governor General on address of the Senate and House of Commons."

The Committee then agreed that the Legal Officers of the Department of Justice be authorized to make non substantive amendments to the said Act to improve the clarity and simplicity thereof.

Mr. Richard moved that the voting age of electors be reduced to eighteen years.

After debate thereon, the motion was permitted to stand.

The Committee then agreed that public servants serving outside Canada be permitted to exercise their franchise under the Canadian Forces Voting Rules.

At 11:10 a.m., the Committee adjourned until 3:30 p.m. this day.

AFTERNOON SITTING (19)

The Standing Committee on Privileges and Elections met this afternoon at 3.45

il a droit de percevoir des frais raisonnables de déplacement et de subsistance lorsqu'il s'absente d'Ottawa dans l'exercice de ses fonctions.

(1c) Le directeur général des élections est censé être à l'emploi de la Fonction publique aux fins de la *Loi sur la pension du service public*, et être employé dans la fonction publique au Canada aux fins de la *Loi sur l'indemnisation des employés de l'État* et des règlements établis conformément à l'article 5 de la *Loi sur l'aéronautique*.

(1d) Les sommes payables au directeur général des élections sont acquittées à même les deniers non attribués faisant partie du Fonds du revenu consolidé.

(1e) Le directeur général des élections cesse d'occuper sa charge de directeur général des élections en atteignant l'âge de soixante-cinq ans, mais jusqu'à ce qu'il ait atteint cet âge, il n'est amovible que pour cause, par le gouverneur général sur une adresse du Sénat et de la Chambre des communes.»

Le Comité décide ensuite que les agents juridiques du ministère de la Justice soient autorisés à faire des modifications de forme à ladite Loi afin d'en rendre le texte plus clair et plus simple.

M. Richard propose que l'âge des électeurs soit porté à 18 ans.

Après délibération, la proposition est réservée.

Le Comité décide ensuite que les fonctionnaires qui travaillent à l'extérieur du Canada puissent exercer leur droit de vote en vertu des Règles électorales concernant les Forces canadiennes.

A 11 h 10, la séance du Comité est levée jusqu'à 3 h 30 de l'après-midi.

SÉANCE DE L'APRÈS-MIDI (19)

Le Comité permanent des privilèges et élections se réunit cet après-midi à 3 h 45.

p.m. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Badanai, Benjamin, Duquet, Forest, Howard (*Skeena*), Howe, Jerome, Laflamme, Lefebvre, Major, Marceau, Peddle, Richard—(13).

Also present: Messrs. Francis, Trudel, M.P.'s.

Witnesses: Mr. J. M. Hamel, Chief Electoral Officer, Mr. J. R. Neville, Public Service Commission, Colonel J. P. Dewis, Assistant Judge Advocate General, Department of National Defence.

The Committee resumed its consideration of the Canada Elections Act.

The Committee discussed new French terminology to be used in the Canada Elections Act.

After debate on the merits of "scrutateur" as opposed to "rapporteurs", it was moved by Mr. Marceau that "scrutateur" be used. Motion carried.

It was moved by Mr. Richard,

That the Committee recommend to the House that the voting age be lowered from 21 to 18 years. The motion carried.

It was moved by Mr. Howard,

That the age of eligible candidates be lowered from 21 to 18 years. The motion was negatived.

It was moved by Mr. Howard,

That the upper age limit for candidates for election be set at 75 years. The motion was negatived.

It was moved by Mr. Duquet,

That the Committee recommend to the House that the age of election officials, except for official returning officers, be lowered from 21 to 18 years.

Mr. Benjamin moved in amendment that the words "except for official returning officers" be deleted.

The question being put on the amendment, it was negatived.

Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Benjamin, Duquet, Forest, Howard (*Skeena*), Howe, Jerome, Laflamme, Lefebvre, Major, Marceau, Peddle, Richard—(13).

Autres députés présents: MM. Francis et Trudel.

Témoins: MM. J.-M. Hamel, directeur général des élections; J.-R. Neville, Commission de la Fonction publique; Colonel J. P. Dewis, juge avocat général adjoint, ministère de la Défense.

Le Comité reprend l'étude de la loi électorale du Canada.

Le Comité discute de la possibilité d'utiliser une nouvelle terminologie française dans la Loi électorale du Canada.

Après un débat sur les mérites du terme «scrutateur» par opposition à «rapporteur», la modification est adoptée.

M. Richard propose,

Que le Comité recommande à la Chambre de porter l'âge des électeurs de 21 ans à 18. La proposition est adoptée.

M. Howard propose,

Que l'âge des candidats admissibles soit porté de 21 ans à 18. La proposition est rejetée.

M. Howard propose,

Que l'âge limite des candidats à une élection soit fixé à 75 ans. La proposition est rejetée.

M. Duquet propose,

Que le Comité recommande à la Chambre de porter l'âge des agents officiels d'élection, à l'exception des présidents d'élection officiels, de 21 ans à 18.

M. Benjamin propose à titre de modification que l'expression

«à l'exception des directeurs du scrutin officiels»
soit abrogée.

La modification, mise aux voix, est rejetée.

And the question being put on the main motion of Mr. Duquet, it was carried.

The Committee agreed that the Canadian Forces Voting Rules should be extended to those public servants who are employed outside of Canada by those departments and agencies listed in Schedule A to the Financial Administration Act.

Mr. Benjamin moved that employees of Federal Crown Corporations be included under the Canadian Forces Voting Rules. The motion was negatived.

The Committee agreed in principle to restrict the franchise to Canadian citizens.

After debate thereon, it was agreed that British subjects who were resident in Canada on June 25, 1967 would retain their franchise. The Chief Electoral Officer was requested to draft an appropriate amendment.

At 5:20 p.m., the Committee adjourned until 8:00 p.m. this day.

EVENING SITTING (20)

The Standing Committee on Privileges and Elections met this day at 8:15 p.m. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Benjamin, Code, Comtois, Duquet, Forest, Francis, Howe, Jerome, Laflamme, Lefebvre, Major, Marceau, Trudel—(13).

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The members discussed the Canadian Forces Voting Rules and it was agreed that nomination day be the twenty-first day before polling day to assist in the counting of the service vote.

The Committee discussed the form of the ballot and it was agreed that a ballot hav-

La proposition de M. Duquet est adoptée.

Le Comité décide d'élargir les Règles électorales concernant les Forces canadiennes aux fonctionnaires qui sont employés à l'extérieur du Canada par les ministères et agences énumérés dans l'Annexe A de la Loi sur l'administration financière.

M. Benjamin propose que les employés des sociétés de la Couronne tombent sous le coup des Règles électorales concernant les Forces canadiennes. La proposition est rejetée.

Le Comité accepte en principe de limiter le droit de vote aux citoyens canadiens.

Après délibération, il est décidé que les sujets britanniques qui résidaient au Canada le 25 juin 1967 conserveraient leur droit. Le directeur général des élections reçoit l'ordre de rédiger une modification en conséquence.

A 5 h 20, la séance du Comité est levée jusqu'à 8 heures.

SÉANCE DU SOIR (20)

Le Comité permanent des privilèges et élections se réunit à 8 h 15. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Benjamin, Code, Comtois, Duquet, Forest, Francis, Howe, Jerome, Laflamme, Lefebvre, Major, Marceau, Trudel—(13).

Témoin: M. J.-M. Hamel, directeur général des élections.

Les députés discutent de la question des Règles électorales concernant les Forces canadiennes et il est décidé que la présentation se ferait le vingt et unième jour avant le jour du scrutin afin de faciliter le dépouillement du scrutin des Forces armées.

Le Comité débat la question de la forme du bulletin de vote. Les membres du

ing a circle in which to mark the voter's preference would be adopted.

The Committee agreed that:

Section 50

Paragraphs (c) and (d) of subsection (2) of section 50 of the said Act be deleted and the following substituted therefor:

“(c) on which votes have been given for more than one candidate; or

(d) upon which there is any writing or mark by which the elector could be identified.”

“(2a) No ballot paper shall be rejected pursuant to subsection (2) by reason only that

(a) it has on it any writing, number or mark placed thereon by any deputy returning officer; or

(b) it has been marked with a writing instrument other than a black lead pencil or with a mark other than a cross, if the mark does not constitute identification of the elector.”

Mr. Benjamin moved that the party affiliation of candidates be shown on the ballot. The motion was carried.

Mr. Marceau moved that the occupation of candidates be omitted from the ballot. The motion carried.

Mr. Trudel moved that only party affiliation and candidate's name be shown on the ballot. The motion carried on division.

An amendment to section 25 of the Act was discussed and it was agreed that it should be redrafted to show party affiliation of the candidate.

After discussion on a definition of a recognized political party, the Committee adjourned at 9:35 p.m. to the call of the Chair.

Comité décide d'opter pour un bulletin sur lequel apparaîtra un cercle et dans lequel cercle l'électeur indiquera son choix.

Le Comité décide que:

Article 50

Les alinéas c) et d) du paragraphe (2) de l'article 50 de ladite Loi sont abrogés et remplacés par ce qui suit:

«c) sur lesquels des votes ont été donnés à plus d'un candidat; ou

d) sur lesquels il se trouve une écriture ou marque qui pourrait faire reconnaître l'électeur.

(2a) Aucun bulletin de vote ne doit être rejeté en conformité du paragraphe (2), pour la seule raison

a) qu'un sous-officier rapporteur y a apposé quelque mot, numéro ou marque; ou

b) qu'il a été marqué avec un instrument utilisé pour l'écriture, autre qu'un crayon à mine noire, ou qu'il a été marqué autrement que d'une croix, si la marque ne constitue pas une identification de l'électeur.»

M. Benjamin propose que le nom du parti auquel appartiennent les candidats soit indiqué sur le bulletin de vote. La proposition est adoptée.

M. Marceau propose que l'occupation des candidats ne soit pas indiqué sur le bulletin de vote. La proposition est adoptée.

M. Trudel propose que seuls les noms des partis et des candidats soient indiqués sur le bulletin de vote. La proposition est adoptée sur division.

Après délibération au sujet d'une modification à l'article 25 de ladite Loi, il est décidé que l'article sera rédigé à nouveau et indiquera le parti auquel appartient le candidat.

Après un débat sur la définition d'un parti politique reconnu, la séance du Comité est levée à 9 h 35 jusqu'à nouvelle convocation du président.

Le greffier du Comité,
R. V. Virr
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, February 17, 1970

• 0942

The Chairman: I see we have a quorum and are ready to start our meeting.

Requests were made by the majority of the members at the last meeting that we try to schedule three meetings today, not to push the members to some decisions, but to try to terminate the work we started some months ago. Since the Chief Electoral Officer has prepared a list of all the things that were left as we went along, I would be pleased if you could agree to follow this line of discussion.

First, we would start with the approval of or the rejection of, as the Committee will decide, the newly drafted Section 66, which amendment was circulated to you at the last meeting.

Mr. Benjamin: Could we have a quick resume of the changes, if any?

The Chairman: Mr. Hamel.

Mr. Hamel: You will recall that Section 66 as it was proposed in the series of draft amendments, was not acceptable to the Committee and, furthermore, Section 70 included two things. First of all, the restriction in carrying the voters to the polls and, second, there was not only a restriction, but a ban against reimbursing electors for time lost in going to the polls. The suggestion of the Committee was to drop this restriction against carrying voters to the polls and to transfer the second part of Section 70 into Section 66. So this is what we have done in this new Section 66. It now includes the former Section

• 0945

70(b). We have also included at the request of the Committee this section covering alcoholic beverages, the complete ban on alcoholic beverages.

Mr. Benjamin: That is on polling day.

Mr. Hamel: Up to and including polling day.

Mr. Benjamin: Oh yes, during an election.

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le jeudi 17 février 1970

Le président: Messieurs, nous sommes en nombre, les délibérations peuvent commencer. A la dernière séance du Comité, la majorité des membres ont demandé que nous tenions aujourd'hui trois séances, non pas en vue de pousser les députés à prendre certaines décisions mais afin de terminer nos travaux dont le début remonte à plusieurs mois. Étant donné que le directeur général des élections M. Hamel a préparé une liste des questions qui n'ont pas été traitées au cours de l'étude du projet de loi, je me demande si nous ne pourrions pas commencer par l'approbation ou le rejet, selon que vous déciderez, de l'article 66 dont la modification vous a été présentée à la dernière séance.

M. Benjamin: Pourriez-vous nous donner un bref résumé des changements apportés, le cas échéant.

Le président: Monsieur Hamel.

M. Hamel: Vous vous rappelez bien que l'article 66 proposé dans la série de projets d'amendements était irrecevable et que, d'autre part, l'article 70 comprenant deux questions. En premier lieu, une restriction concernant le transport des électeurs aux bureaux de scrutin, et deuxièmement, il n'y avait pas seulement une restriction, mais l'interdiction de rembourser les électeurs pour le temps pris pour se rendre au bureau de scrutin.

Le Comité voulait éliminer cette restriction quant au transport des électeurs aux bureaux de scrutin et intégrer dans l'article 66 la deuxième partie de l'article 70. C'est ce que nous avons fait dans ce nouvel article 66. Il comprend maintenant l'ancien article 70 b). Nous avons aussi inclus pour répondre à la demande des membres du Comité, l'article concernant les boissons alcooliques où l'on interdit complètement les boissons alcooliques.

M. Benjamin: Le jour du scrutin?

M. Hamel: Oui, jusqu'au jour du scrutin inclusivement.

M. Benjamin: C'est ça, au cours d'une élection.

[Text]

Mr. Hamel: The serving of alcoholic beverages.

Mr. Benjamin: Oh, yes, this still will keep the candidate off the hook, somebody else can buy the lunch.

Mr. Hamel: This would allow, as in the present Act, the serving of non-alcoholic beverages, sandwiches, cookies and cakes, and I understand that by virtue of subsection (4) it would not be illegal to serve a drink to your wife, to your brother-in-law, or to a close friend coming into your home, but it would preclude the offering by a candidate or his official agent any alcoholic beverages.

The Chairman: These are the suggestions made by the members of the Committee when they discussed Section 66. Is Section 66 as amended carried?

Proposed Section 66 as amended agreed to.

We now will go on to Section 73 at page 57. There have been suggestions made by Mr. Duquet and Mr. Marceau, and there was a motion put to have something added to Section 73 which would make it an offence for anyone to deteriorate publications. This would be an amendment to Section 73A which reads as follows:

Clause 37 of the Draft Amendments is further amended by adding immediately after section 73 thereof, appearing on page 57 of the said draft, the following section:

Removing candidates' advertisements, etc., forbidden

73A. Everyone who without authority takes down, removes, covers up, mutilates, defaces or alters any printed advertisement, placard, poster or banner having reference to the election of a candidate is guilty of an offence against this Act.

Yes, Mr. Benjamin.

Mr. Benjamin: I agree with the intent of this. If I were to put up a poster in your yard or on your house without your permission and you took it down, then you would not be guilty of an offence, would you? That is the only area where I would be a little worried.

The Chairman: The legal advisers used the words "covers up".

Mr. Benjamin: The words, "who without authority" imply the getting of permission.

[Interpretation]

M. Hamel: Il s'agit de servir des boissons alcooliques.

M. Benjamin: Oui, le candidat se trouve ainsi libéré; d'autres peuvent payer les déjeuners.

M. Hamel: On pourrait ainsi servir, comme le mentionne la présente loi, des boissons non alcoolisées, des sandwiches, des petits gâteaux et des biscuits. Mais il ne serait pas illégal, en vertu du paragraphe (4) qu'un candidat offre un breuvage à son épouse, à son beau-frère, ou à un ami intime en visite chez lui, mais il serait interdit à un candidat ou à son agent officiel d'offrir des boissons alcooliques à des électeurs.

Le président: Voilà des suggestions faites par les membres du Comité, lorsque l'article 66 était en discussion.

L'article 66 modifié est-il adopté?

L'article 66 modifié est adopté.

Nous allons passer maintenant à l'article 73, page 57. MM. Duquet et Marceau ont offert des suggestions, et on a proposé une motion visant à ajouter quelque chose à l'article 73 et portant que toute détérioration de documents imprimés constitue une infraction. Il s'agirait là d'une modification apportée à l'article 73 qui se lit comme suit:

L'article 37 du projet de modification est en outre modifié par l'adjonction, juste après l'article 73 de la loi, à la page 57, Interdiction d'enlever les annonces, etc., des candidats, dudit projet de l'article suivant:

«73A. Est coupable d'une infraction à la présente loi quiconque, sans autorisation, arrache, enlève, recouvre, mutile, lacère ou modifie tout imprimé de la nature d'une annonce, d'un placard, d'une affiche ou d'un étendard ayant trait à l'élection d'un candidat».

Oui, monsieur Benjamin.

M. Benjamin: Je suis d'accord avec l'intention exprimée dans cet article. S'il arrive que quelqu'un pose des affiches dans votre cour, sur les murs de votre maison sans votre permission et que vous les arrachiez ou ne vous accuserait pas d'avoir commis une infraction n'est-ce pas? C'est le seul domaine qui m'inquiète.

Le président: Le conseiller juridique a employé le terme «recouvre.»

M. Benjamin: Les mots «quiconque sans autorisation» impliquent l'obtention d'une permission.

[Texte]

The Chairman: Yes.**Mr. Benjamin:** If it is on private property.**The Chairman:** Yes.

Mr. Howe: Mr. Chairman, I have heard of situations where during the night there were placards put up on lawns. The first thing in the morning the owners came out and said, "We do not want that on our lawn", and they took them down and threw them away.

An hon. Member: They were put on the lawns without authority.

Mr. Howe: But this says, "without authority takes down". A man's kingdom is his house.

The Chairman: Mr. Marceau.

M. Marceau: Je pense qu'il faudrait ajouter les mots «sans avoir le droit de le faire» ou «sans autorisation».

Le président: Le texte français dit «sans autorisation».

M. Marceau: Oui, mais ce n'est pas la même chose.

M. Trudel: «Sans autorisation enlève», ce n'est pas là qu'est le litige.

M. Marceau: Ce n'est pas là qu'est le litige.

Mr. Duquet: Presumably you cannot put posters, placards or whatever you call it on anybody's property without asking permission.

● 0950

Mr. Benjamin: No, but if they take them down are they guilty under this section? You know, I could sneak into your yard at three o'clock in the morning, nail a poster on your house and you could tear it off the next morning.

M. Duquet: Il y a une disposition au Code criminel qui interdit l'utilisation de la propriété d'autrui à de telles fins.

Mr. Richard: We have same very conflicting points to consider. In a city like Ottawa, half of your front lawn belongs to the city. Somebody could very well put a poster on that part of my front lawn. I would have no authority to take it down, but it would be a damn nuisance.

Mr. Howe: By the same token, you might own a vacant lot. You would not want people

[Interprétation]

Le président: Oui.**M. Benjamin:** S'il s'agit de propriété privée.**Le président:** Oui.

M. Howe: Monsieur le président, il est arrivé des cas où durant la nuit on avait installé des pancartes sur des pelouses et les propriétaires de s'écrier au réveil: «Je ne veux pas de telles pancartes sur ma pelouse». Ils ont alors arraché les pancartes et les ont jetées.

Une voix: Elles avaient été installées sur les pelouses sans autorisation.

M. Howe: Mais l'article stipule, «Quiconque sans autorisation, enlève.» Le domicile d'un homme est son royaume.

Le président: Monsieur Marceau.

Mr. Marceau: I think we should add the words «without having the right to do so» or «without authority».

The Chairman: The French text is «sans autorisation.»

Mr. Marceau: This is not the same thing.

Mr. Trudel: «Who without authority takes down». This is not an issuable matter.

Mr. Marceau: Of course, not.

M. Duquet: Vous ne pouvez pas installer des affiches ou des pancartes sur des propriétés privées sans en avoir obtenu la permission...

M. Benjamin: Non, mais s'ils les arrachent, sont-ils coupables en vertu de cet article? Je pourrais m'introduire à l'improviste dans votre cour, à trois heures du matin, poser une affiche sur le mur de votre maison et le lendemain matin, vous pouvez l'arracher.

Mr. Duquet: There is a section in the Code whereby it is prohibited to use other persons' property for such purposes.

M. Richard: Nous avons à étudier ici des points contradictoires. Dans une ville comme Ottawa ou la moitié de notre pelouse donnant sur la rue appartient à la ville, quelqu'un pourrait bien poser une affiche sur cette partie de ma pelouse et je n'aurais pas le droit de l'enlever, mais ce serait très déagréable.

M. Howe: De plus, vous pourriez posséder un terrain vacant et vous ne voudriez pas que

[Text]

of a different political affiliation putting their...

Mr. Benjamin: It should be worded "no-body could put up a poster without authority".

Mr. Howe: Without authority, that is what I think.

The Chairman: Mr. Benjamin?

Mr. Benjamin: I wonder if there should not be added something to the effect that the displaying and putting up of posters, advertisements and so forth must be done with permission or otherwise prohibited. I will throw out another point to see what the Committee thinks of it. I have had a great many complaints, maybe other members have too, that following an election the streets, roads, and highways are still cluttered with signs and whatnot. There have been a lot of suggestions that there should be some requirement on political parties to remove their posters and signs after an election.

The Chairman: What if you have no more candidates after the election?

Mr. Benjamin: That is right, but the country is still littered and cluttered up with signs and posters, some of which hang for many months or a year or two afterwards. Should there be any onus on the political parties to take down their signs and posters following an election, particularly in municipalities both urban and rural where there is no by-law prohibiting their display? If you leave them up you sort of presume upon the good will of that community. I think it is something that is worth looking at by the Committee. It does place a large onus on a political party, but if we could find the time, energy, money and people to put them up, should we not feel somewhat responsible to remove them as well?

An hon. Member: I think it is very important that you have authority to put it up.

The Chairman: Order, please.

Mr. Howe: I would think so, this is where a lot of the...

The Chairman: Mr. Howe.

Mr. Howe: I think rather than having the authority to take them down, there should be authority to put them up.

[Interpretation]

des gens ayant des opinions politiques opposées mettent...

M. Benjamin: L'article devrait être libellé: «Personne ne peut poser une affiche sans autorisation».

M. Howe: Sans autorisation, c'est ce que j pense.

Le président: Monsieur Benjamin.

M. Benjamin: Je me demande si l'on ne devrait pas ajouter certains termes stipulant que pour étaler ou poser des affiches, des annonces, etc., une autorisation est indispensable, autrement ces actes sont interdits. Je signale un autre aspect de la question pour voir ce qu'en pense le Comité. J'ai reçu beaucoup de plaintes, peut-être que d'autres membres du Comité en ont reçues également, relatives au fait qu'après les élections, les rues, les chemins, les routes sont encore parsemés de signes et autres choses de ce genre. Nombre de suggestions ont été offertes préconisant qu'on devrait exiger que les partis politiques fassent enlever leurs affiches et symboles, une fois la période d'élection terminée.

Le président: Qu'arrive-t-il s'il n'y a plus de candidats après les élections?

M. Benjamin: Les affiches n'y demeurent pas moins quelquefois plusieurs mois ou même un an ou deux par après et déparent le paysage. Les partis politiques ne devraient-ils pas s'occuper de faire enlever ces affiches après les élections? Je pense surtout aux municipalités rurales ou urbaines où il n'y a aucun règlement interdisant la pose d'affiches. Si vous les laissez, vous vous fiez à la bonne volonté des gens des autorités municipales pour les enlever. Je crois que le Comité devrait étudier la chose. Il est certain que de telles mesures imposent de lourdes responsabilités à un parti politique, mais s'ils ont pu trouver le temps, l'énergie, des personnes et les fonds pour les poser, ils devraient prendre la peine de les enlever.

Une voix: Je pense qu'il est important d'obtenir l'autorisation voulue pour les poser.

Le président: A l'ordre, s'il vous plaît.

M. Howe: Je le pense également, c'est le genre de situation où beaucoup de...

Le président: Monsieur Howe.

M. Howe: Je pense qu'au lieu d'avoir besoin de l'autorisation de les enlever, on devrait obtenir l'autorisation voulue pour les poser.

[Texte]

An hon. Member: There is nothing wrong with this.

The Chairman: It surely implies this.

Mr. Howe: I think it should be more clearly defined. I do not think anybody could object if I found a sign on my lawn that I did not like, if I took it off. I do not have to get the authority or the police or...

The Chairman: You do not need that, surely.

An hon. Member: I think there is legislation in the Province of Ontario now that prohibits the putting up of signs on the highways. I know in the municipality in which I live the hydro have passed a by-law that you cannot nail anything to their posts. I think there are certain restrictions in a good many areas.

The Chairman: Maybe, Mr. Howe, after the words "poster or banner having reference to the election of a candidate" these words should be added, "poster or banner having been legally posted".

• 0955

M. Trudel: Monsieur le président, le Comité serait peut-être satisfait de la modification suivante: il s'agirait d'ajouter après le mot «candidate»,

qui ont été placés avec l'autorisation du propriétaire des lieux.

En anglais, il faudrait ajouter, après les mots «against this Act»:

After the word "candidate" and before the words "against this Act", there should be added "that have been placed with the authority of the owner". Would that satisfy us?

An hon. Member: It would not change very much because usually they are placed without the authority of the owner. They are posted all over the place in the countryside.

Mr. Trudel: Yes, but in this case if there were no conflict...

Mr. Duquet: Which have been placed with the authority of the owner.

An hon. Member: Most municipalities now prohibit—I do not know if they do in Ontario—putting up posters within the limits of the cities.

[Interprétation]

Une voix: Il n'y a rien d'anormal à cela.

Le président: Cette idée y est certainement impliquée.

M. Howe: On devrait certes le préciser. Si je trouve une annonce sur ma pelouse, je ne crois pas que personne puisse m'empêcher de l'enlever. Je n'ai pas à demander l'autorisation ou à appeler la police.

Le président: Assurément non.

Une voix: En Ontario il est interdit en vertu de la loi, de poser des affiches le long des grandes-routes. Je sais que dans la municipalité où j'habite, la régie de l'électricité a émis une ordonnance interdisant de clouer quoi que ce soit sur les poteaux de la compagnie. Je pense qu'il existe certaines restrictions dans plusieurs régions.

Le président: Peut-être, M. Howe, que, après les mots «placard ou affiche ayant trait à une élection», on pourrait ajouter les mots suivants: «placard ou affiche posés légalement.»

Mr. Trudel: After the word «candidate», the Committee might agree to add: you put there, which is replaced by the authority or owner,

which have been placed with the authority of the premises' owner

In English we should add, after the words «against this Act».

Après le mot «candidate» et avant les mots «en contravention de cette loi» on devrait ajouter «qui ont été posées avec l'autorisation du propriétaire», serait-ce satisfaisant?

Une voix: Il n'y aurait pas grand changement, parce que, d'ordinaire, ces affiches sont installées sans l'autorisation du propriétaire. On les trouve apposées partout dans la campagne.

M. Trudel: Oui, mais dans ce cas il n'y aurait pas matière à litige.

M. Duquet: Pourvu qu'elles aient été placées là avec l'autorisation du propriétaire des lieux.

Une voix: La plupart des municipalités interdisent la pose d'affiches à l'intérieur des limites de la ville. J'ignore s'il en est ainsi en Ontario.

[Text]

Mr. Richard: Do you mean that you will have to get authority to take them down if they have not been legally put up?

The Chairman: I think Mr. Richard said something that is worth repeating.

Mr. Richard: Just now ?

The Chairman: Yes.

Mr. Richard: I just said that you should have the authority to take them down if they have not been put up legally.

The Chairman: You see, the legality of this matter has been decided by the Supreme Court, as I have just been told, and even if it is contrary to the by-laws of the municipality, the Canada Elections Act has the power above the municipality, so it would not be an offence against the municipal laws.

• 0955

Mr. Benjamin: This is in the case of your own private property, I think, is it not?

The Chairman: No, no, anyone who puts up posters contrary to a municipal by-law in a federal election, the Supreme Court of Canada has decided that it is not an offence against the Canada Elections Act. The Canada Elections Act has priority above the municipal by-laws.

Mr. Jerome: Was this not the case in Ontario where signs were displayed in people's yards which contravened a by-law? They were displayed on private property, they were not displayed on a street sidewalk or a hydro pole, and the Supreme Court ruled that this did not contravene the by-law.

The Chairman: If you do put in this amendment the requirement of obtaining authority, then any candidate who wants to put posters on the telephone posts would have to get written permission from Bell Canada.

An hon. Member: Yes, of course.

The Chairman: Mr. Benjamin.

Mr. Benjamin: I see your point. I wonder if an additional sentence were added such as: "no offence will have been committed under 73A, where any printed advertisement, placard, poster or banner has been displayed without authority."

[Interpretation]

M. Richard: Voulez-vous dire qu'il faut obtenir une autorisation pour les enlever, même si elles n'ont pas été posées légalement?

Le président: Je crois que M. Richard a formulé là une remarque intéressante. Voulez-vous répéter.

M. Richard: Aujourd'hui seulement?

Le président: Oui.

M. Richard: J'ai dit qu'il vous faut obtenir l'autorisation d'arracher ces affiches si elles ont été posées sans autorisation.

Le président: On vient de me dire que la Cour suprême du Canada a déjà statué en la matière et que même si la chose va à l'encontre des règlements d'une municipalité, la loi électorale du Canada a priorité sur les règlements municipaux. Ce ne serait donc pas une infraction aux règlements municipaux.

M. Benjamin: Cette règle s'applique à la propriété privée, n'est-ce pas?

Le président: Non, pas du tout. Quiconque pose des affiches en violation des règlements municipaux au cours d'une élection fédérale n'est pas coupable d'infraction à la Loi électorale du Canada, comme en a décidé la Cour suprême du Canada.

La Loi électorale du Canada a priorité sur les règlements municipaux.

M. Jerome: N'est-ce pas ce qui est arrivé en Ontario où des affiches avaient été posées dans la cour de particuliers, en violation d'un règlement municipal? Elles avaient été étalées sur une propriété privée. Il ne s'agissait pas de trottoirs ou de poteaux électriques et la Cour suprême a décidé qu'il n'y avait pas eu violation de règlements municipaux.

Le président: Si vous introduisez la modification stipulant qu'une autorisation est indispensable, tout candidat qui décidera de poser des affiches sur les poteaux téléphoniques devra en obtenir la permission écrite de la Compagnie de téléphone Bell.

Une voix: Ça va de soi.

Le président: M. Benjamin.

M. Benjamin: Je comprends très bien ce que vous voulez dire. Je me demande si l'on ne pourrait pas ajouter: «aucune infraction n'aura été commise en vertu de l'article 73A lorsqu'un imprimé de la nature d'une annonce, d'un prospectus, d'un placard, d'une affiche ou d'un circulaire est affiché sans autorisation».

[Texte]

Mr. Jerome: Mr. Chairman, you are talking here about the removal without authority, that is to say the authority to remove, not the authority to post up in the first place.

The Chairman: The law says covers up, too, lays down, removes, covers up.

Mr. Jerome: One of the problems that was discussed was the problem of a person who finds a sign on the front lawn of his home that he does not want there, so he takes it down. I do not think there is any doubt, by anyone's interpretation of the law, that such a person in that situation would have absolute authority to go ahead and take down the sign because it is his own property. So the phrase "Everyone who without authority takes down" is going to eliminate the problem of the person who finds it on his private property.

The municipal restrictions say that you cannot put signs on public property, hydro poles and so on. You are dealing here with whether or not you can get permission and so on, or put them in a public place, but once having put it in a public place or on a vacant lot, perhaps, and so on, if you put it in certain locations there are some people who might have authority to take it down, municipal officials, hydro companies and so on. However, what you are getting at here is the opponent who takes down these signs, who really possesses no authority to take down the signs. I do not think you need to change, add to or amend that section in any way. I think everybody is completely covered under it within the meaning of the section.

An hon. Member: Are you sure of that?

Mr. Jerome: I think so.

The Chairman: Is there any more discussion on the proposed amendment?

Amendment agreed to.

Clause 73A agreed to.

We now will have to go back to Section 54, subsection (1), regarding the deposit when there is a judicial recount. Mr. Jerome last time had made suggestions that—

Mr. Hamel: It is not in the series of amendments, it is in the Act itself in your yellow book on page 227, paragraph (1).

This is a point raised, I believe, by Mr. Jerome, maybe a week and a half or two

[Interprétation]

M. Jerome: Monsieur le président, vous parlez ici du fait d'enlever des affiches sans en avoir autorisation, c'est à dire l'autorisation d'enlever des affiches, non pas celle d'en poser.

Le président: Il est stipulé dans la Loi «enlève, recouvre, mutile».

M. Jerome: Un des problèmes qu'on a discuté est celui de la personne qui trouve un affiche sur sa pelouse à l'entrée de sa maison et qui l'enlève parce qu'il ne veut pas d'affiche sur sa pelouse. Je ne crois qu'il ne subsiste aucun doute, quelle que soit l'interprétation de la Loi, qu'une personne dans une telle situation a l'autorisation d'enlever l'affiche, vue que cette propriété est la sienne. Par conséquent, la phrase «Quiconque sans autorisation enlève» va éliminer le problème de la personne qui trouve cette affiche sur sa propriété.

Les restrictions municipales, stipulent que vous ne pouvez pas poser des affiches sur les propriétés publiques, comme les poteaux de la régie de l'électricité etc. Vous essayez de dégager ici s'il est possible ou impossible d'obtenir une autorisation à cet effet, ou de les mettre dans un endroit public, mais une fois ces affiches posées, par exemple, sur un terrain public en un lieu vacant ou encore dans certains autres endroits, si vous les posez à certains points, il y a des personnes qui pourront avoir l'autorisation de les enlever, par exemple les représentants municipaux, ceux de la régie de l'électricité, etc. Néanmoins, vous visez ici la question de l'adversaire politique qui enlève les affiches et qui en fait n'a nullement l'autorisation pour ce faire. Je ne crois pas qu'il y ait lieu de modifier cet article ou d'y ajouter quoique ce soit. Je pense qu'il protège tout le monde dans les limites de l'interprétation dudit article.

Une voix: En êtes-vous sûr?

M. Jerome: Je le suis.

Le président: Y a-t-il d'autres questions au sujet de cet amendement?

L'amendement est adopté.

L'article 73A est adopté.

Nous devons maintenant reprendre l'étude de l'article 54 (1) concernant le dépôt et le recomptage judiciaire. La dernière fois M. Jerome avait suggéré que...

M. Hamel: Cette question ne se trouve pas dans l'ensemble des amendements. Elle figure dans la loi même à la page 237 paragraphe (1), du livre à couverture jaune. Voilà une question qui a été soulevée par M. Jerome, je

[Text]

weeks ago, dealing with the deposit which a candidate must make to receive a judicial recount.

The Chairman: It is page 237 of the Canada Elections Act.

Mr. Hamel: The Act at the moment only says that the amount shall be \$250 in legal tender, which means that it precludes a certified cheque or some other form of payment of deposit; and I believe the suggestion was that a certified cheque be made acceptable for that deposit.

• 1000

Mr. Jerome: The purpose of it, Mr. Chairman, was just to add in the same terms and conditions under which candidates may pay their deposit in the first place because they almost invariably do it by certified cheque. If they then later get in a recount, they are going to make their deposit in the same way; and they may suddenly find themselves disqualified from the recount, because they have paid by certified cheque. This amendment brings the two sections...

The Chairman: The purpose of the amendment was only to cover this point.

Amendment agreed to.

On proposed Section 78—

Now we are back to the proposed section 78, on page 59 of the proposed amendments. This proposed section has been allowed to stand. Mr. Hamel, would you explain.

Mr. Hamel: You will recall that when we reached that section in the series of amendments, there was some doubt as to whether it was complete enough. Some members of the Committee were under the impression that there could be a missing link somewhere. This is the section, on page 59 of your series of amendments, which specifies a penalty in case of an infraction. This was discussed with both the Criminal Law Section of the Department of Justice and the Legislation Branch; and I discussed this again last night with them, and they feel that this is the way it appears in modern legislation.

This is based on Section 27 of the Interpretation Act which, the way I understand it, not being a lawyer, I must admit I am at times, in a rather awkward position to try to defend this, but it would fully cover the procedure which could be invoked or adopted by the Crown in taking action against an alleged infraction.

[Interpretation]

crois, il y a environ deux semaines. Il s'agit en l'occurrence du dépôt que le candidat doit verser pour obtenir un recomptage judiciaire.

Le président: C'est à la page 237 du volume des Instructions sur la Loi électorale du Canada.

M. Hamel: La Loi alors stipule que le dépôt sera de \$250 en monnaie légale, ce qui signifie qu'elle interdit la remise d'un chèque visé ou de toute autre forme de paiement à cette fin, et je crois que la suggestion portait qu'un chèque visé soit accepté en guise de paiement du dépôt.

M. Jerome: La suggestion, monsieur le président, était d'ajouter les mêmes conditions auxquelles doivent satisfaire les candidats pour server leur dépôt en premier lieu, parce qu'ils le font généralement par chèques visés. Si, ultérieurement, ils obtiennent un recomptage, ils paieront leur dépôt de la même manière. Il pourrait arriver qu'ils se voient refuser un recomptage pour avoir remis un chèque visé en paiement. Cet amendement fait que les deux articles...

Le président: L'amendement vise uniquement à régler cette question.

L'amendement est adopté.

L'article 78 du projet—

Nous reprenons l'étude de l'article 78 du projet, à la page 59 du Projet de modification à la loi électorale du Canada. Cet article a été réservé. Pourriez-vous expliquer, M. Hamel?

M. Hamel: On avait réservé cet article, parce qu'on se demandait alors s'il était suffisamment complet. Certains membres du Comité avait l'impression qu'il y manquait un élément quelque part. Il s'agit de l'article à la page 59 du Projet de modification à la Loi électorale du Canada qui prévoit une peine en cas d'infraction. La Division du droit pénal du ministère de la Justice et la division de la législation en ont fait l'étude. J'en ai rediscuté avec eux hier soir et il leur semble que c'est ainsi qu'il y a lieu de procéder dans la législation moderne.

Cette disposition s'inspire de l'article 27 de la Loi d'interprétation et de la façon que je la comprends, n'étant pas avocat, je dois admettre que par moments je suis dans une situation difficile pour tenter de la défendre mais elle porterait complètement sur la procédure qui pourrait être invoquée ou adoptée par la Couronne pour prendre des mesures dans le cas de supposée infraction.

[Texte]

Mr. Jerome: So far as criminal justice is satisfied, Mr. Chairman, I am. I just thought that some words in there should specify that, in fact, the offence was punishable on summary conviction or by way of indictment; but if they are satisfied that simply by setting out alternate penalties, one for summary conviction, the other for indictable offence, and leaving the other sections without specifying whether it is summary conviction or indictable offence, that is alright, it is okay with me. I would think that two or three lines in there, as I suggested the last time, indicating that if a person is guilty of offences where not otherwise specified, may be prosecuted by summary conviction or indictment, would cover the section; but if they do not want it in, that is alright with me.

An hon. Member: We will decide whether this is going to be summary or an indictment.

The Chairman: Mr. Hamel.

Mr. Jerome: Where there is an option left open the Crown always specifies at the beginning of the proceedings.

The Chairman: Is it carried?

Mr. Jerome: It almost invariably goes by way of summary conviction anyway.

Mr. Chairman: Mr. Jerome, the point you have raised is covered in Section 27 of the Interpretation Act.

Mr. Jerome: Thank you, Mr. Chairman.

Proposed Section 78 agreed to.

The Chairman: Now we want to get the firm motions from members of the Committee; we have already passed a motion to transfer the powers of the Representation Commissioner to the Chief Electoral Officer where it is supposed to be. And I believe that there are with this motion, this decision already made, a certain number of sections of the Canada Elections Act which have to be changed. We are not going to look at these sections. They are only consequential amendments to the Canada Elections Act, since we have not made the decision in principle to give back to the Chief Electoral Officer the powers which have already been given to the Representation Commissioner. So, Mr. Hamel, maybe you could give us some details as to the consequential amendments.

Mr. Hamel: As Mr. Chairman said, there are quite a number of sections involved. I believe you touched upon the mention of the

[Interprétation]

M. Jerome: Aussi longtemps que la justice criminelle est satisfaite, je le suis également. J'avais pensé que certains mots du texte devraient préciser qu'en fait l'infraction est punissable sur déclaration sommaire ou sur acte d'accusation, mais s'ils sont satisfaits en infligeant des sanctions alternatives, l'une sur déclaration sommaire, l'autre pour acte criminel et en laissant l'autre article sans préciser s'il s'agit d'infraction punissable sur déclaration sommaire ou d'un acte criminel, je crois que ce serait suffisant.

Une voix: Il faudra certes établir s'il s'agit d'une infraction punissable sur déclaration sommaire ou d'un acte criminel.

Le président: Monsieur Hamel.

M. Jerome: Dans les cas où il y a une option possible la Couronne le précise toujours au début du procès.

Le président: Est-il adopté?

M. Jerome: Il s'agit presque invariablement d'une infraction punissable sur déclaration sommaire.

Le président: Monsieur Jerome, le point que vous avez soulevé figure à l'article 27 de la Loi d'interprétation.

M. Jerome : Merci, monsieur le président.

L'article 78 du projet est adopté.

Le président: Nous voudrions entendre les motions de la part des membres du Comité. Nous avons déjà adopté une motion visant à transférer les pouvoirs du Commissaire à la représentation au directeur général des élections à qui devrait appartenir ce pouvoir. Je crois qu'il y a, dans le cas de cette motion, cette décision ayant déjà été prise, un certain nombre d'articles de la Loi électorale du Canada qui devront être modifiés. Nous n'allons pas lire tous ces articles. Ce sont là des modifications qui découlent de la Loi électorale du Canada. Puisque nous n'avons pas décidé en principe de remettre au directeur général des élections, les pouvoirs qui appartiennent déjà au commissaire à la représentation. Alors, peut-être que M. Hamel pourrait nous donner des détails quant à ces modifications.

M. Hamel: Comme l'a dit Monsieur le président, il y a un certain nombre d'articles à considérer. Je crois que vous avez discuté la

[Text]

Chief Electoral Officer or the Representation Commissioner in Section 71 last week. But on quite a few others, primarily subsection (2) and (3) of Section 5, this was slightly redrafted to make it clear, in cases of unusual or important circumstances, that the Chief Electoral Officer be given certain authority to resort to some other means to achieve the intent of the law. It was done in the past but we felt that the wording of subsection (2) had to be slightly changed to make it a bit clearer, you know.

The rest is just substitution of the words "Representation Commissioner" by the words "Chief Electoral Officer".

The Chairman: Does the Committee feel that we do not need to review all these amendments since we have agreed in principle. Is it agreed?

Some hon. Members: Agreed.

The Chairman: Now, on the location of the advanced polls, on proposed Section 99, subsection(1)—no, no. I am sorry, I dropped one item. We are back to Section 99, subsection (1). Just to eliminate the contradiction between the... just a minute...

Mr. Hamel: I am sorry. This is not in the series of amendments; this is in the Canada Elections Act itself. It was not in my recommendations. You will recall that this was mentioned at one of the last meetings, that there is contradiction between the Canada Elections Act and the Broadcasting Act with respect to the ban on political broadcasts on the day and the day before.

The Canada Elections Act at the moment says "two days" before polling day, and the Broadcasting Act says "one day" before polling day.

The Chairman: I want to recall to the members that we have received a lot of briefs suggesting that this contradiction be eliminated. We cannot decide to make it three days because the Broadcasting Act says "one day". If you want to adjust and avoid contradiction, we have to put it "one day". This is the purpose of the amendment which has just been circulated to you.

An hon. Member: This is in the Broadcasting Act and we cannot change it; before we

[Interpretation]

semaine dernière, la question du directeur général des élections ou du commissaire à la représentation dont fait état l'article 71, mais bien d'autres également, d'abord les paragraphes (2) et (3) de l'article 5 qui ont été légèrement retouchés, afin de bien établir quand il se présente des circonstances exceptionnelles ou extraordinaires, que le directeur général des élections a l'autorité voulue pour recourir à d'autres moyens visant à réaliser l'intention de la loi. Ce travail a été fait dans le passé, mais nous avons cru que le libellé du paragraphe (2) devrait être légèrement modifié pour le rendre un peu plus clair.

Le reste est simplement une substitution de mots. Nous avons remplacé «Commissaire à la représentation» par «directeur général des élections».

Le président: Le Comité est-il d'avis qu'il n'y a pas lieu de revoir ces amendements étant donné que nous les agréons en principe. D'accord?

Des voix: D'accord!

Le président: Maintenant la question de la situation du bureau provisoire de scrutin Article 99 paragraphe (1). Je m'excuse. Nous passons à l'article 99 (1) si j'ai bien compris.

Nous voulons éliminer la contradiction entre...

M. Hamel: Cette question n'est pas comprise dans le Projet de modifications; elle fait partie de la Loi électorale du Canada.

Elle n'entre pas dans le cadre de mes recommandations. Il en a été question à l'une des dernières séances. Il y a une contradiction entre la Loi électorale du Canada et la Loi sur la radiodiffusion en ce qui concerne l'interdiction des émissions politiques la veille ou le jour-même des élections.

La Loi électorale du Canada stipule présentement «deux jours», avant le jour du scrutin tandis que la Loi sur la radiodiffusion stipule «un jour», avant le jour du scrutin.

Le président: Je tiens à rappeler aux membres que nous avons reçu de nombreux mémoires suggérant que cette contradiction soit éliminée. Nous ne pouvons pas décider que ce sera trois jours, parce que la loi sur la radiodiffusion stipule «un jour». Si nous voulons apporter un réajustement et éviter une contradiction, nous devons adopter «un jour». C'est ce à quoi vise la modification qui vous a été présentée.

Une voix: Nous ne pouvons pas modifier la Loi sur la radiodiffusion. Si nous devons pro-

[Texte]

can make any changes, it must be in the Canada Elections Act.

The Chairman: Yes. We can change the Broadcasting Act. If we decide to adjust...

Mr. Howe: Is it not affected by election day; whether it comes on a Monday, or a Tuesday, or a Wednesday, or a Thursday? Would there be some difference? When it is always on a Monday, then it is stopped on Friday night, or Saturday night.

The Chairman: The amendment, if it is approved, will say on the one day immediately preceding the polling day.

Mr. Duquet: If the election is on a Monday, it stops on Saturday?

• 1010

The Chairman: Definitely.

Mr. Benjamin: In the case of the last election when it fell on a Tuesday then you could have gone on Sunday?

Some hon. members: Right.

The Chairman: It is clear enough.

Mr. Howard (Skeena): It would be easier on the general public if you prohibited it for the week before.

Some hon. Members: It would be easier on the bills.

Mr. Howard (Skeena): And just as influential, too.

The Chairman: Mr. Forest.

M. Forest: Monsieur le président, je voudrais poser une question à M. Hamel. Ces amendements ne font que transposer son bureau à votre service, ils n'abolissent pas le poste de commissaire à la représentation.

M. Hamel: Cela ne transpose pas son bureau chez moi. Ce sont simplement des pouvoirs qui, traditionnellement, appartenaient au directeur général des élections. Et en 1963, comme M. Castonguay n'a pas été remplacé à ce poste, on lui a assigné un pouvoir de surveillance sur son successeur éventuel. Alors, les amendements visent simplement à ramener ces fonctions au bureau du directeur général des élections. Cela ne change rien à la situation qui existait avant 1963.

[Interprétation]

céder à un réajustement quelconque, il faut que ce soit dans la Loi électorale du Canada.

Le président: Nous pouvons faire modifier la Loi sur la radiodiffusion. Si nous décidons de réajuster...

M. Howe: Le jour des élections n'y est pour rien. Que ce soit un lundi, un mardi, un mercredi ou un jeudi, peu importe. Y aurait-il une différence? Le jour de l'élection est d'ordinaire un lundi. Ces émissions cessent donc le vendredi ou le samedi soir.

Le président: Si l'on adopte la modification, il faudra préciser le jour qui précède immédiatement celui du scrutin.

M. Duquet: Si l'élection a lieu un lundi, les émissions radiodiffusées ou télédiffusées doivent cesser le samedi?

Le président: Définitivement.

M. Benjamin: Lors de la dernière élection, le jour du scrutin tombait un mardi. Un candidat aurait donc pu obtenir une émission radiophonique le dimanche.

Une voix: C'est exact.

Le président: C'est assez clair.

M. Howard (Skeena): Ce serait peut-être dans l'intérêt du public qu'on interdise ces émissions radiophoniques ou télévisées pendant toute la semaine précédant le jour du scrutin.

Une voix: Ça coûterait moins cher.

M. Howard (Skeena): Le résultat n'en serait pas moins bon.

Le président: Monsieur Forest.

Mr. Forest: I would like to ask Mr. Hamel whether these amendments will only transfer his office to your Department. They do not abolish the position of representation commissioner.

Mr. Hamel: This does not transfer his office to my department. These are simply powers which traditionally belonged to the Chief Electoral Officer. In 1963, as Mr. Castonguay was not replaced in that position, he was assigned a supervisory office over his possible successor. The purpose of these amendments is to return these powers to the Chief Electoral Officer's office. This does not change anything to the situation which existed before 1963.

[Text]

M. Forest: Mais vu que ces pouvoirs ne sont plus ce qu'ils étaient, que les besoins ne sont plus les mêmes, ne pourrait-on pas, en même temps, éliminer le poste et en faire une simple division de votre ministère?

Le président: Cela ne relève pas de notre juridiction. Si on lui enlève les pouvoirs, il est bien évident que la fonction disparaîtra.

M. Forest: D'accord.

Le président: Mais ce n'est pas à nous d'abolir cette fonction.

M. Hamel: Il lui reste quand même tous ses pouvoirs de Commissaire à la représentation, malgré ces amendements. Ceux-ci affectent simplement ses pouvoirs de surveillance sur la machine électorale.

The Chairman: Could we go back to proposed section 99? Is it carried or are there more comments?

Mr. Benjamin: It relates to television too, does it?

The Chairman: Yes.

Mr. Hamel: Yes. By virtue of subsection (4) of Section 99 which reads as follows:

(4) In this section "broadcast" has the same meaning as "broadcasting" in the *Broadcasting Act*.

And it includes television and radio.

Proposed Section 99 agreed to.

Mr. Benjamin: Mr. Chairman, is the only reason we are doing this because it conflicted with the *Broadcasting Act*?

The Chairman: Yes.

Mr. Benjamin: Would the *Canada Elections Act* not be prior to it?

Mr. Francis: With a conflict there would be a pretty, shall we say, formidable defence offered by someone...

Mr. Benjamin: During an election, I am sure the *Election Act* applies to you then.

Mr. Francis: Yes. But to prosecute against this, you know, there is a defence you can offer because of the conflict of laws.

Mr. Benjamin: Not the candidate nor the candidate's agent.

Mr. Francis: I think it is desirable that the two should say the same thing. If it should be

[Interpretation]

Mr. Forest: As these powers are not the same any longer and the need not required any more, would it not be possible to abolish the position so that it may become a regular division of your Department?

The Chairman: To do that is not within our competency, sir. If we remove the powers, the position disappears.

Mr. Forest: This is true.

The Chairman: But we have no authority to abolish this position.

Mr. Hamel: He still retains all his powers as representation Commissioner, in spite of these amendments. They simply affect his supervisory powers over the electoral machinery.

Le président: Pouvons-nous revenir à l'article 99 du projet? Cet article est-il adopté ou y a-t-il d'autres remarques?

M. Benjamin: Il s'applique à la télévision également, n'est-ce pas?

Le président: Oui.

M. Hamel: Oui. En vertu du paragraphe 4 de l'article 99 qui est ainsi libellé:

4) Dans le présent article «radiodiffuser» a le même sens que le mot «radiodiffusion» dans la *Loi sur la radiodiffusion*.

Il s'applique à la télévision ainsi qu'à la radio.

L'article 99 du projet est adopté.

M. Benjamin: Monsieur le président, cette disposition contrevient-elle aux dispositions de la *Loi sur la radiodiffusion*?

Le président: Oui.

M. Benjamin: La *Loi électorale du Canada* n'est-elle pas plus ancienne que la *Loi sur la radiodiffusion*?

M. Francis: S'il y a contradiction, un candidat aurait la possibilité de se défendre efficacement...

M. Benjamin: Au cours d'une élection, je suis sûr que la *Loi électorale* s'appliquerait à vous.

M. Francis: Oui, mais si l'on est poursuivi en vertu de ces lois, on a la possibilité de se défendre en raison de la contradiction existant entre elles.

M. Benjamin: Pas le candidat, ni son agent officiel.

M. Francis: Je pense qu'il est désirable que les dispositions des deux lois s'accordent. Si

[Texte]

48 hours, if this is the Committee's wish, then we should recommend to the House that they consider amendment of the other Act but the two should be the same.

Mr. Hamel: Mr. Chairman, if I may briefly explain what happened at the last election, I believe CBC decided that the Canada Elections Act still applied in the light of some legal advice it had obtained and CBC did not give any time to any political party. On the other hand the CRTC issued a directive saying that the new Broadcasting Act superceded the provision in the Canada Elections Act and authorized private stations to broadcast political speeches or meetings and so on. As a result I may say that everybody was on television or radio on the Sunday immediately preceding polling day which was in accordance with the Broadcasting Act but which was against the letter of the Canada Elections Act.

The Chairman: The problem is that it had been two days before and when the Broadcasting Act was reviewed last year it was changed to one day.

Mr. Francis: In other words, Mr. Chairman, since the last election, both the Broadcasting Act and presumably this one will have been amended to be specific on the point and to be in agreement?

The Chairman: Yes.

Mr. Francis: In other words, at the last election the Broadcasting Act did not prohibit Sunday elections? Is that right?

Mr. Hamel: That is correct.

Mr. Francis: And it now does?

Mr. Benjamin: Is it correct, Mr. Hamel, in that event, you may not be able to charge a radio station or television station, but you could charge a candidate or an election official or a candidate's campaign manager for violating the Canada Elections Act? You would not be able to charge the radio station with violation of the Elections Act?

Mr. Hamel: Well, at the last election the polling day was on a Tuesday. So by virtue of the Broadcasting Act, they were authorized to broadcast on Sunday, but by virtue of the Canada Elections Act they were not. It means that those radio stations or those paying for

[Interprétation]

l'interdiction doit être de 48 heures et si le Comité juge cette interdiction bien fondée, nous devrions demander à la Chambre de modifier la Loi sur la radiodiffusion, afin que les deux lois soient identiques sur ce point.

M. Hamel: Monsieur le président, je vais tenter d'expliquer brièvement ce qui s'est passé aux dernières élections. Je crois que Radio-Canada avait décidé que c'était la Loi électorale qu'il fallait appliquer après avoir pris conseil auprès des juristes et Radio-Canada n'accorda pas d'émission à aucun parti politique. D'autre part, la CRTC publia une directive portant que la nouvelle Loi sur la radiodiffusion avait préséance sur la disposition de la Loi électorale du Canada et qu'elle autorisait les stations privées à radiodiffuser les discours politiques, à couvrir les réunions électorales, etc. Il s'ensuivit que tous les candidats apparurent à la télévision et à la radio le dimanche qui était en fait la veille du jour du scrutin, ce qui était conforme à la Loi sur la radiodiffusion, mais qui était en violation de la Loi sur la radiodiffusion.

Le président: Le problème est que la Loi sur la radiodiffusion prévoyait une interdiction de deux jours, mais cette disposition a été modifiée l'année dernière et l'interdiction a été amenée à un jour.

M. Francis: En d'autres termes, monsieur le président, depuis les dernières élections, la Loi sur la radiodiffusion et probablement celle-ci devront être modifiées, pour que cette disposition soit exprimée avec précision et que les deux lois concordent?

Le président: Oui.

M. Francis: En d'autres termes, aux dernières élections la Loi sur la radiodiffusion n'interdit pas les élections le dimanche, est-ce exact?

M. Hamel: C'est juste.

M. Francis: Les interdit-elle actuellement?

M. Benjamin: Dans un tel cas, on ne peut pas mettre en accusation une station de radiodiffusion ou de télévision, mais un candidat ou le directeur de la campagne électorale d'un candidat ou son agent officiel sont passibles de poursuites pour avoir enfreint la Loi électorale du Canada?

M. Hamel: Lors des dernières élections, le vote a eu lieu un mardi. En vertu de la Loi sur la radiodiffusion, on a pu diffuser des programmes de partis politiques le dimanche, ce qui était interdit en vertu de la Loi électorale du Canada. Ainsi, ceux qui ont payé pour

[Text]

the broadcast could have been charged under the Canada Elections Act, but could not under the Broadcasting Act. Nobody actually took action under the Canada Elections Act because of the apparent conflict between the two.

Mr. Benjamin: Mr. Chairman, these are mostly my own personal feelings on it. I would prefer that the Committee recommend to Parliament that the Broadcasting Act be amended for two reasons. One, to lessen the amount of broadcasting, which I think will not hurt public feelings one bit, and second, it also serves as something of a limit in an indirect way on election expenses. I would prefer it left at the 48 hours before election day and that we only recommend to Parliament that the Broadcasting Act be amended to conform with the Elections Act. I would like to make that a motion if I may, Mr. Chairman.

The Chairman: Order, please. If we go back to the Proceedings of this Committee when it started to review the Canada Elections Act in 1967, we see that this was discussed and it was recommended that it be put to one day instead of two days. However, at the time the objection was that the Broadcasting Act had two days so they amended the Broadcasting Act to one day and now we are back full circle. I believe that electors are now much better informed and they do not need 48 hours to reflect.

Mr. Benjamin: I think as they are much better informed they do not need to be pounded at right to the last minute either.

The Chairman: Well, we must make up our minds. If we want to go back again then we start with the Broadcasting Act and the trouble would continue.

Mr. Benjamin: Mr. Chairman, if for nothing else than to get the opinion of the Committee, I would like to move that we leave the Canada Elections Act as it is and recommend that the Broadcasting Act be amended to conform with the Canada Elections Act.

The Chairman: We have this motion before us, that no person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio on the ordinary polling day and on the one day immediately preceding it in favour or on behalf of any political party or any candidate at an election.

[Interpretation]

les émissions ou les stations de radio auraient pu être accusés en vertu de la Loi électorale du Canada, mais non en vertu de la Loi sur la radiodiffusion. Personne n'a pris de telles mesures en vertu de la Loi électorale du Canada, étant donné le conflit qui existe entre les deux lois.

M. Benjamin: Monsieur le président, voici un opinion personnelle à ce propos. Je préférerais que l'on demande au Parlement de modifier la Loi sur la radiodiffusion pour deux raisons: la première, pour réduire le nombre d'émissions, ce qui ne nuira certainement pas au public et sera certes bien accepté, en deuxième lieu, ceci limitera en quelque sorte les dépenses électorales. Je préfère donc une interdiction de 48 heures. On demanderait donc au Parlement de modifier la Loi sur la radiodiffusion pour qu'elle s'accorde avec la Loi électorale du Canada. Monsieur le président, je voudrais présenter cette proposition sous forme de motion.

Le président: A l'ordre, s'il vous plaît! Si vous examinez le compte rendu des délibérations du Comité, ayant trait à la révision en 1967 de la Loi électorale du Canada, vous verrez que cette question a déjà été discutée, on a recommandé que l'interdiction soit d'un jour au lieu de deux. Néanmoins, à ce moment-là, l'objection était que la Loi sur la radiodiffusion prévoyait deux jours. Donc on modifia la Loi sur la radiodiffusion, l'interdiction fut amenée à un jour et maintenant nous nous retrouvons au point de départ. Je crois qu'actuellement les électeurs sont beaucoup mieux informés et qu'ils n'ont pas besoin de 48 heures pour réfléchir.

M. Benjamin: Je pense que, vu qu'ils sont mieux informés, ils n'ont pas besoin qu'on leur bourre le crâne à la dernière minute.

Le président: Eh bien, nous devons prendre une décision. Si l'on reprend encore l'étude de la Loi sur la radiodiffusion nous nous retrouverons aux prises avec ce problème.

M. Benjamin: Ne serait-ce que pour connaître l'opinion du Comité je propose qu'on laisse inchangée la Loi électorale du Canada et qu'on recommande une modification de la Loi sur la radiodiffusion afin que les deux concordent.

Le président: Voici que nous sommes saisis d'une motion. Il est interdit à quiconque de diffuser à la radio tout discours, tout programme récréatif ou publicitaire le jour du scrutin et la veille de ce jour en faveur ou pour le compte de tout parti politique ou de tout candidat à une élection.

[Texte]

If this motion is defeated, we do not need to put the other motion. If this motion is carried, then it solves the problem. I am in the hands of the members.

Mr. Benjamin: It is all right by me if we just put this one to a vote then.

The Chairman: Yes. So, I now put the motion that . . . on the ordinary polling day and on the one day immediately preceding it in favour or on behalf of any political party or candidate at an election.

Motion defeated.

Mr. Benjamin: Do you need a motion now that we include in our report a recommendation that the Broadcasting Act be amended?

The Chairman: We can put it in our report to the House.

Mr. Benjamin: We do not need a motion on it.

The Chairman: Do you want to instruct either the steering committee or the Chairman to include such a recommendation?

Mr. Benjamin: I will so move, Mr. Chairman.

Mr. Duquet: Should that motion be put to the Broadcasting Committee?

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The Chairman: No.

At the last meeting, if you recall, we had discussions about the places where we could fix or put the advance polls. This relates to Section 92, subsection (6)(a), at page 254. This is not part of the amendments. It is in the Act.

Mr. Hamel: It is on page 254 of the Act of your yellow page book. You will recall that at the last meeting it was suggested there be some mention in the Act that the returning officer, whenever possible, should locate his advance polling stations in a place accessible to wheelchairs, so as to accommodate incapacitated electors.

The Chairman: You have the amendment before you. Is there any discussion on it? It was discussed at our last meeting. Is it carried?

Mr. Howe: Mr. Chairman, are there any stipulations in the Act with regard to polls of all kinds on election day?

[Interprétation]

Si cette motion est rejetée nous n'avons pas besoin de considérer l'autre motion. Si elle est adoptée, le problème est résolu. J'attends la décision des membres du Comité.

M. Benjamins: J'accepte votre décision là-dessus. Eh bien, il y aurait lieu de nous prononcer.

Le président: Je mets aux voix la motion portant que le jour du scrutin et la veille de ce jour aucune diffusion n'ait lieu à la radio en faveur de quelque parti politique que ce soit ou d'un candidat.

Motion rejetée.

M. Benjamin: Avons-nous besoin d'une motion maintenant que nous introduisons dans notre rapport à la Chambre une recommandation préconisant la modification de la Loi sur la radiodiffusion?

Le président: Nous pouvons l'introduire dans notre rapport à la Chambre.

M. Benjamin: Nous n'avons pas besoin de motion à ce sujet.

Le président: Voulez-vous dire au Comité de direction ou au président d'inclure une telle recommandation?

M. Benjamin: Je le proposerai également, M. le président.

M. Duquet: Cette motion devrait-elle être présentée au Comité sur la radiodiffusion?

Le président: Non. A la dernière réunion, si vous vous en souvenez, nous avions parlé des endroits où l'on pourrait installer les bureaux provisoires de votation. Il s'agit ici de l'article 92, paragraphe (6) a), page 265. Cette disposition ne fait pas partie des modifications. Elle se trouve dans la loi.

M. Hamel: Elle figure à la page 254 de la loi dans votre livre à couverture jaune. On avait proposé, à la dernière réunion, d'indiquer dans la Loi que les directeurs du scrutin devaient, quand c'est possible, installer les bureaux provisoires de votation dans les endroits accessibles aux fauteuils roulants afin de faciliter les déplacements des électeurs invalides.

Le président: Vous êtes saisis de la modification. Veut-on en discuter? On en a parlé à la dernière réunion. Adopté?

M. Howe: Monsieur le président, y a-t-il des dispositions de la loi portant sur les bureaux de votation de tous genres utilisés le jour du scrutin?

[Text]

The Chairman: What do you mean by "polls of all kinds"?

Mr. Howe: Well, every poll. There is a stipulation that every polling booth should, if possible, be made in an area where it is readily accessible to all the older people. As I say, I have not become too conversant with the Act at the present time.

Mr. Duquet: This article conforms to what is now understood. It is understood that old age persons, crippled persons, or anybody who feels that he is having trouble to go on the normal polling day, can go and vote in the advance polls.

Mr. Howe: I see.

Mr. Duquet: There is no special specification. He is entitled to vote in the advance poll. That is why this article was put on, so as to make it easier for them to go to the advance polls.

Mr. Howe: I understand.

Mr. Duquet: We can assume that the old-age people and the crippled will vote at the advance poll.

Draft Amendment to Section 92 agreed to.

The Chairman: If you recall, at one of the previous meetings we had I pointed out to the members of the Committee that we would have to make up our minds regarding the salary of the Chief Electoral Officer.

As we were told some meetings ago, this situation, as it exists now, is that there is nothing by which the Chief Electoral Officer—who in your belief should be regarded as a civil servant—can receive increases in

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salary without having an item in the Estimates of the Secretary of State. This means that any time the Chief Electoral Officer has to require or get an increase in salary, he has to request the Secretary of State for a special item in the Estimates.

There have been some suggestions in some other legislation. I am not going to try to influence the views of the members, but since there have been some discussions on this, it could be regarded, if we want to avoid the necessity for the Chief Electoral Officer to request this that he could be regarded as a judge of the Exchequer Court, with the provision that the law regarding the salary of the judges of the Exchequer Court apply to the Chief Electoral Officer.

In this way it will be kept out of the hands of the Secretary of State, and it will put the

[Interpretation]

Le président: Qu'entendez-vous par «bureaux de votation de tous genres»?

M. Howe: Eh bien, tous les bureaux de scrutin. Il est prévu dans la loi que tout bureau des scrutins doit être placé, dans la mesure du possible, dans un lieu d'accès facile aux personnes âgées. Comme je l'ai déjà dit, je ne connais pas bien la loi.

M. Duquet: La loi ne renferme pas cette disposition. Il est entendu que les vieillards, les infirmes ou tous ceux qui peuvent difficilement aller voter le jour des élections ont le droit d'aller voter aux bureaux provisoires de votation.

M. Howe: Je vois.

M. Duquet: Il n'y a pas de disposition spéciale. Ils ont le droit de voter dans des bureaux provisoires de votation. Le présent article vise à leur faciliter l'accès aux bureaux provisoires de votation.

M. Howe: Je comprends.

M. Duquet: On peut présumer que les vieillards et les infirmes iront voter dans ces bureaux provisoires de votation.

L'article 92 modifié est adopté.

Le président: A l'une des réunions précédentes, j'avais attiré l'attention des membres sur le fait qu'il faudrait qu'on en arrive à une décision touchant le traitement du directeur général des élections.

On nous a dit, quelques séances auparavant, que dans la situation actuelle il n'y a aucun règlement en vertu duquel le directeur général des élections censé être considéré comme un fonctionnaire peut toucher une

hausse de traitement, il n'y a pas de poste à cette fin dans les prévisions budgétaires du secrétaire d'État. Il lui faut, pour obtenir une hausse de traitement, demander au secrétaire d'État de porter un poste spécial dans les prévisions budgétaires. Il y a eu des suggestions dans d'autres lois. Je ne veux pas essayer d'influencer vos opinions, mais puisqu'on en a parlé, il faudrait prendre une décision pour éviter au directeur général des élections d'avoir à formuler cette demande et permettre qu'il soit traité comme un juge de la cour de l'Échiquier en prévoyant que la loi concernant le traitement des juges de la cour de l'Échiquier soit appliquée au directeur général des élections.

De cette manière, cette question ne relèverait plus du secrétaire d'État, et la situation

[*Texte*]

function of the Chief Electoral Officer in a much better position that it is now. He will not have to request anything regarding his salary. If the House in the future does amend the law regarding the judges of the Exchequer Court, and touches their salary, then this amendment would apply also to the Chief Electoral Officer. This view is open for discussion.

Mr. Major: What argument does he give, Mr. Chairman?

The Chairman: I beg your pardon?

M. Major: Quel est le traitement actuel du directeur général des élections?

Le président: Le traitement du directeur général des élections a été fixé à \$22,680 en 1965.

Depuis 1965, oui.

M. Major: Qu'est-ce que ces modifications vont apporter?

Le président: Son traitement sera de \$28,000, ce qui est de beaucoup inférieur à celui de la majorité des sous-ministres.

M. Major: Mais quand il y aura des modifications au niveau...

Le président: C'est-à-dire qu'il y a une loi qui traite des traitements et du statut des juges de la Cour de l'Échiquier. Et cette loi est indépendante de la Loi électorale du Canada. Si nous relient le traitement attaché à la fonction du directeur général des élections à celui d'un juge, comme cela s'est fait dans la Loi, sur les langues officielles.

Lorsque la Loi sur les juges sera modifiée, le traitement du directeur général des élections pourra en être affecté.

M. Major: Nous pourrions peut-être inclure le salaire des députés dans cette même catégorie.

M. Trudel: Son traitement serait donc directement relié à celui des juges de la Cour de l'Échiquier.

The Chairman: If this suggestion meets with your approval, I would like to read to you some drafting that could be regarded as an amendment to Section 4(1) of the Canada Elections Act, which will read as follows:

• 1030

The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secre-

[*Interprétation*]

du directeur général des élections serait meilleure qu'elle ne l'est présentement. Il n'aurait pas à formuler de demande spéciale concernant son traitement. Toute modification apportée dorénavant par la Chambre des communes à la loi sur la Cour de l'Échiquier, en ce qui a trait au traitement s'appliquerait également au directeur général des élections. La discussion est ouverte.

M. Major: Quel argument apporte-t-il, monsieur le président?

Le président: Je vous demande pardon?

Mr. Major: What is the Chief Electoral Officer's salary?

The Chairman: The Chief Electoral Officer's salary was fixed at \$22,680 in 1965. Yes, since 1965.

Mr. Major: What changes will result?

The Chairman: That will bring his salary up to \$28,000 this is much lower than what most deputy ministers get.

Mr. Major: But when there are changes at the salary level.

The Chairman: As a matter of fact, there is an Act which deals with the salaries and position of the Exchequer Court judges. This act became independent of the Canada Elections Act, but if we bring on the same level the salary of the Chief Electoral Officer and the salary of an Exchequer Court judge as it was done in the Official Language Act when the the Judges Act is amended then the chief Electoral Officers' salary will probably be affected.

Mr. Major: Perhaps, we could include the salaries of the Members of Parliament in the same category.

Mr. Trudel: His salary would therefore be directly related to the Exchequer Court Judges' salaries.

Le président: Si cette suggestion est approuvée par vous, je voudrais vous lire un libellé provisoire qu'on pourrait considérer comme une modification du paragraphe 1 de l'article 4 de la Loi électorale du Canada qui est rédigé comme suit:

Le directeur général des élections a le rang et tous les pouvoirs d'un sous-chef de ministère, et doit communiquer avec le gouverneur en conseil par l'intermédiaire

[Text]

tary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary equal to the salary of a puisne judge of the *Exchequer Court of Canada*, including any additional salary authorized by section 20 of the *Judges Act*, he is eligible as a contributor under and entitled to all the benefits of the Public Service Superannuation Act but until he attains the age of sixty-five years when he shall cease to hold office he shall be removable only for cause by the Governor General on address of the Senate and House of Commons.

Mr. Benjamin: What is the present salary in the Act, is it \$17,000?

The Chairman: No, the salary of the Chief Electoral Officer was revised in 1965 and was fixed at \$22,680.

Mr. Jerome: Section 4 of the Canada Elections Act specifies that the Chief Electoral Officer shall rank as a deputy head of a department and shall receive a salary of \$17,000 a year.

Mr. Forest: It was amended.

M. Duquet: J'appuie cette motion.

Le président: Oui.

M. Duquet: Je l'appuie.

Le président: Monsieur Trudel propose...

Mr. Trudel: I so move that the amendment to Section 4 subsection (1) be amended as just read.

Amendment to the amendment agreed to.

Proposed Section 4 subsection (1) as amended agreed to.

The Chairman: There is a list of denominations or names that could be better expressed in French. These were the suggested recommendations for changes in the French text only and I believe you already have received the proposed changes. Maybe Mr. Hamel could give us an explanation of the purpose of it.

Mr. Hamel: Perhaps, if you will allow me, I will do it in French because it deals primarily with the French text of the law.

Lorsque la Commission de révision des Statuts a étudié la Loi électorale, elle a fait plusieurs suggestions en vue de changer l'ap-

[Interpretation]

du secrétaire d'État du Canada, se consacrer exclusivement à l'accomplissement des fonctions de sa charge et toucher un traitement égal à celui d'un juge de la Cour de l'Échiquier du Canada, y compris toute hausse autorisée en vertu de l'article 20 de la Loi sur les juges; il est admis comme contributeur, aux termes de la loi sur la pension du service public, et a droit à tous les avantages prévus par cette loi, mais jusqu'à ce qu'il ait atteint l'âge de soixante-cinq ans, alors qu'il devra cesser d'occuper son poste, il n'est amovible que pour cause par le gouverneur général sur une adresse du Sénat et de la Chambre des communes.

M. Benjamin: Quel est le traitement actuel prévu par la loi? Est-ce \$17,000?

Le président: Non, le traitement du directeur des élections a été révisé en 1965 et porté à \$22,680.

M. Jerome: L'article 4 de la Loi électorale du Canada précise que le directeur général des élections touchera un traitement annuel de \$17,000 et que son rang sera celui de sous-chef de ministère.

M. Forest: Cette disposition a été modifiée.

Mr. Duquet: His motion simply suggests the adoption of all that.

The Chairman: Yes.

Mr. Duquet: I second it.

The Chairman: Mr. Trudel moves that...

M. Trudel: Je propose que la modification de l'article 4 soit modifiée comme on vient de l'indiquer.

La modification de l'amendement est adoptée.

Le paragraphe (1) de l'article 4 du projet modifié est adopté.

Le président: On nous a proposé une liste de termes qui pourraient être mieux exprimés en français. Nous avons là les recommandations concernant les modifications à apporter au texte français. Je crois que vous avez déjà reçu une copie de ces projets de changement. Peut-être que M. Hamel pourrait nous expliquer un peu le but de ces changements.

M. Hamel: Si vous me le permettez, je vais le faire en français parce qu'ils portent sur le texte français de la Loi.

When the statutory reviewing committee of the Elections Act—took up the Canada Elections Act there were several suggestions made

[Texte]

pellation française et les titres des officiers d'élections. Or, je voudrais souligner que le Comité, au moins à deux reprises, avait étudié la question et avait rejeté l'idée de changer les titres, tels que «officier d'élections» à «président d'élection» et d'autres de ce genre. Je ne m'y oppose pas personnellement, mais je leur ai fait remarquer que le Comité ayant déjà étudié la question, j'estimais que la décision relevait du Comité. Par conséquent, c'est pourquoi j'ai demandé à M. le président de vous soumettre cette question ce matin. Si, bien entendu, vous acceptez, les suggestions faites par la Commission de révision des Statuts, il s'agirait simplement de les en informer et d'apporter les changements au texte français de la Loi.

Il y a peut-être un ou deux termes qui peuvent prêter à confusion, puisqu'ils sont tirés principalement de la terminologie de la Loi électorale du Québec. Nous voulons changer le titre de scrutateur et l'appeler le «scrutateur central» l'équivalent du terme anglais «scrutineer». Ce qui peut créer une certaine confusion et induire en erreur quant au service désigné.

Le président: Êtes-vous d'accord pour que les termes français proposés dans la législation soient remplacés par ceux que vous avez sous les yeux?

Mr. Howard (Skeena): Mr. Chairman, whatever is acceptable and descriptive of the office is what is valuable, but I have a concern about the involvement of the Canadian Forces Voting Rules at this stage. It may be that the Committee has already dealt with the Canadian Forces Voting Rules, and if so, then what I am about to say has no force because the thing has been dealt with. Do we yet have to consider the Canadian Forces Voting Rules?

The Chairman: We will be reaching the point not of the Canadian Forces Voting Rules, but for public servants voting abroad, with the provision of the special voting rules that apply to the Canadian Forces.

Mr. Howard (Skeena): No, I want to know if the Canadian Forces Voting Rules have been dealt with by the Committee.

The Chairman: Yes, yes, we did not make any changes, but we reviewed them and we did not make any amendment at the time.

Mr. Howard (Skeena): Or make any decision about them, yes or no.

The Chairman: No.

[Interprétation]

to change the French names of the election officials and their titles. Now, I pointed out to them that the Committee on at least two occasions had studied the question, and had rejected the idea of changing the titles, such as "officier rapporteur" (returning officer) to "président d'élection" and so on. I personally do not object, but I pointed out to them since the Committee had already studied it. I thought it was a matter for the Committee to decide. This is why I asked the Chairman to submit this question to you this morning. If you agree with the suggestions made by the statutory reviewing committee, then it would simply be a matter of informing them and changes will be made in the French version could be confusing because we have adopted mainly the terminology of the Quebec Elections Act. However, we already use the words "scrutateur" in the Canadian Forces voting rules, but they want to change the title of "scrutateur" for "scrutateur central", the English equivalent of "scrutineer". This might lead to a certain amount of confusion. In any case, I have worked out a synopsis including the main terms which are being used, it will be up to you to decide.

The Chairman: Do you agree that these proposed French terms in the Act should be changed to those you have before you.

M. Howard (Skeena): Monsieur le président, ce qui est acceptable et qui identifie cette fonction constitue l'élément important, mais j'ai des inquitudes quant aux règles électorales concernant les forces canadiennes à ce stade s'il en est ainsi, ce que je veux exprimer est inutile, puisque le Comité a déjà discuté cette question. Devons-nous donc étudier les Règles électorales concernant les forces canadiennes?

Le président: Il ne s'agit pas des règles électorales concernant les forces canadiennes, mais plutôt du statut des employés de la fonction publique qui votent à l'étranger en vertu des règles spéciales de votation s'appliquant aux Forces canadiennes.

M. Howard (Skeena): Non, je désire savoir si les Règles électorales concernant les forces canadiennes ont été étudiées par le Comité.

Le président: Oui, nous n'avons pas fait de changement, mais nous les avons révisées et nous n'avons pas fait de modifications à ce moment-là.

M. Howard (Skeena): Mais avez-vous pris une décision là-dessus?

Le président: Non.

[Text]

Mr. Howard (Skeena): Are they still subject to being dealt with?

The Chairman: Yes.

Mr. Howard (Skeena): That was what I was getting at. Would it matter whether we deal with the adoption of a French-language text relating to these offices now or could we hold it off in case there are other changes in the Canadian Forces Voting Rules?

The Chairman: This will not affect them.

Mr. Hamel: The same terms will appear in the Canadian Forces Voting Rules whether you leave them as they are at the moment, in terms of content, or whether you extend their application to public servants, for instance.

Mr. Howard (Skeena): This is what I am getting at only. Are we making a predetermination about something that we may have to correct afterwards? This is all I am getting at.

The Chairman: No.

Mr. Howard (Skeena): If Mr. Hamel thinks not, fine.

M. Richard: Monsieur le président, j'admets que c'est une bonne terminologie, mais pour le public et les gens ordinaires ces expressions à gauche sont passées à l'histoire et ils ont pris l'habitude de s'en servir. Je comprends bien que ceux qui ont l'instruction nécessaire, vont très bien comprendre qu'un sous-officier rapporteur c'est un scrutateur, mais pour l'homme dans la rue, cela ne veut pas dire grand-chose cela ne veut pas dire un sous-officier rapporteur, etc.

Le président: Bien voici, c'est que...

M. Major: Il est temps qu'ils apprennent.

M. Richard: Bien, j'espère que vous pourrez vous promener et dire aux gens de votre circonscription de s'instruire, mais moi, je ne le ferai pas.

M. Duquet: Nous allons leur dire.

Le président: Monsieur Lefebvre.

M. Lefebvre: Monsieur le président, si nous étudions la liste—en anglais, *Canada Elections Act*, nous voyons *deputy returning officer*, et plus loin, sur la même liste, *returning officer*. La terminologie actuelle donne sous-officier rapporteur et officier rapporteur et on comprend très bien. Mais la nouvelle liste traduit *deputy returning officer*, par scrutateur et

[Interpretation]

M. Howard (Skeena): Doivent-elles toujours faire l'objet d'une étude?

Le président: Oui.

M. Howard (Skeena): C'est ce que je voulais signaler. Serait-il utile d'étudier maintenant l'adoption d'un texte français concernant ces fonctions, ou est-ce qu'il faudrait en différer l'étude au cas où il y aurait des changements aux Règles électorales concernant les forces canadiennes à l'étranger?

Le président: Cette étude ne changera rien à ces règles.

M. Hamel: On utilisera les mêmes termes dans les règles électorales concernant des forces canadiennes, que nous les laissions inchangées dans le texte ou que vous étendiez leur application aux fonctionnaires par exemple.

M. Howard (Skeena): Faisons-nous une prédétermination? Allons-nous définir immédiatement des choses que nous devons remodifier par la suite? C'est ce que je veux souligner.

Le président: Non.

M. Howard (Skeena): Si M. Hamel ne le croit pas, c'est très bien.

Mr. Richard: The terminology seems good, but for the public and for the common people these expressions written on the left belong to history and they got into the habit of using them. They have usual expressions I understand very well that those who have the necessary education will understand that a "deputy returning officer" is a "scrutineer" but the common people "scrutateur" means nothing. It does not mean "deputy returning officer".

The Chairman: Well, the joint is...

Mr. Major: It is time they learn.

Mr. Richard: We, I hope you will be able to go around telling your constituents in your county to learn them, but I do not think I will be able to do that in mine.

Mr. Duquet: We will tell them.

The Chairman: Mr. Lefebvre.

Mr. Lefebvre: Mr. Chairman, if we study the English list concerning *Canada Elections Act* we have a *deputy returning officer* who in French is un sous-officier rapporteur and the *returning officer* «l'officier rapporteur». This is very clear. The new list gives us for *deputy returning officer* «scrutateur» «scrutineer». And for returning officer «prési-

[Texte]

returning officer par président d'élection. A mon avis, cela va nous causer énormément de problèmes. Auparavant, nous avions la même terminologie pour les deux postes: un, au niveau du bureau de votation, et l'autre, au niveau de la circonscription, comme en anglais. J'aimerais savoir si nous ne pourrions pas trouver un moyen qui nous permettrait de garder la même terminologie et pour le bureau de votation et pour la circonscription.

Le président: Le problème réside dans le fait que lors d'une election provinciale au Québec, par exemple, les termes employés sont ceux que vous voyez à droite. Or, six mois plus tard, une élection fédérale a lieu, et on emploie alors d'autres termes.

M. Lefebvre: Ce sont les termes dont on se sert aux élections provinciales.

Le président: Ce sont les termes de la Loi électorale au Québec. Aux élections provinciales au Québec, oui, et c'est de là que vient la confusion. Monsieur Serré?

M. Richard: Ce sont les termes dont on se sert aux élections provinciales.

M. Serré: Dans ce texte nous avons «polling division» qui est traduit par secteur de vote et «polling station» qui correspond à bureau de scrutin. Pourquoi l'emploi de vote et de scrutin, puisqu'en anglais dans les deux cas nous avons le mot «polling», qu'en français nous traduisons par vote puis par scrutin. Quelle en est la raison?

Dans les modifications proposées dans le texte français, on traduit *polling division* par «section de vote», et *polling station* par «bureau de scrutin». Je me demande pourquoi on emploie «vote» à la place de «scrutin» pour traduire *polling* dans le premier cas.

M. Hamel: Je ne voudrais pas donner l'impression d'essayer de défendre ceci, parce que ce n'est pas mon travail. J'ai mes réserves comme n'importe qui. Je pense qu'une «section de vote» est un endroit desservi par un «bureau de votation» ou, comme les soi-disant spécialistes le suggèrent, par un «bureau de scrutin». L'un se réfère à un bureau et l'autre, à un territoire, si vous voulez, à une aire géographique.

M. Duquet: Autrement dit, l'un se réfère à une section où l'on ira voter, tandis que l'autre se réfère spécifiquement à un bureau de scrutin où on vote.

Le président: En bien! On ne passera pas l'avant-midi à discuter ces choses. Est-ce que les membres du Comité approuvent la terminologie proposée? Voulez-vous des modifications?

[Interprétation]

dent d'élection». This may cause a great number of problems. Before, we had the same terminology for the same positions on the one hand at the voting poll level and on the other at the county level, as in the English. So I would like to know whether we could find a means that could enable us to retain the same terminology for the polling station and for the county.

The Chairman: The problem lies in the fact that during a provincial election, let us say, for instance, in Quebec, all the terms used are those on the right. Six months later you have a federal election and the terminology is completely different.

Mr. Lefebvre: They are the terms used during a provincial election.

The Chairman: These are terms which belong to the Quebec Elections Act, yes, this is what causes all the confusion. Mr. Serré?

Mr. Richard: What now for the provincial elections.

Mr. Serré: In this text we have polling division which is translated by «secteur de vote» and polling station which is «bureau de scrutin». How do you explain the use of «vote» and «scrutin» since in English we have in both cases polling, and we translate by «vote» and then «scrutin» in French. How do you explain that?

In the amendments proposed in the French text, «polling division» is translated by *section de vote* and «polling station» by *bureau de scrutin*. I wonder why *vote* is used instead of *scrutin* to translate «polling» in the first case.

Mr. Hamel: I would not like to give impression that I want to defend this because it has nothing to do with my work. I have preferences like anybody else. I think that the polling division is a place served by a polling station which the so-called experts call «bureau de scrutin» in French. One is only an office and the other one is a whole territory, a geographical area.

Mr. Duquet: In other words, one is the voting area while the other one refers to the office on polling station where people vote.

The Chairman: We will not spend the whole morning on that subject. Do the Committee members approve of the proposed terminology? Are any modifications required?

[Text]

: Yes, Mr. Benjamin.

Mr. Benjamin: Am I correct in saying that there is terminology used in the Canadian Forces Voting Rules, titles and names of places, that is different from what is in the Canada Elections Act? For example, you have a "polling station" in the Canada Elections Act. Is it called a "voting place" under the Canadian Forces Voting Rules?

An hon. Member: That is correct.

Mr. Benjamin: In the Canada Elections Act the terminology is "polling station", for example, while under the Canadian Forces Voting Rules it is "voting place". Why can we not have the same terminology in the Canadian Forces Voting Rules as we do in the Canada Elections Act and eliminate some more confusion?

Mr. Francis: Mr. Chairman, in the Canadian Forces Voting Rules as I read them, deputy returning officer is "scrutateur" and scrutineer is "scrutateur central". If I ever saw anything that was designed to create confusion, it would seem to me it would be the use of these two terms. The scrutineer is a very different thing than the deputy returning officer in terms of function or job. I just do not understand, with deference to my French colleagues, why they would introduce this kind of terminology which seems to me to invite confusion.

Mr. Lefebvre: I think we had better have a further look at this, Mr. Chairman, before we adopt it.

Mr. Francis: There could be a good deal of misunderstanding, unless I am mistaken, because a scrutineer is a very different function, a very different job.

Le président: Pour éviter la confusion, on pourrait appeler l'officier rapporteur, le «directeur du scrutin», et le sous-officier rapporteur, le «sous-directeur du scrutin».

Mr. Francis: Car, il y a aussi le scrutateur central du parti.

Le président: On peut tout de même admettre que «sous-officier rapporteur» n'est pas, en français, un terme extrêmement élégant. C'est une traduction littérale de l'anglais au français. L'officier rapporteur pourrait s'appeler le «directeur du scrutin» et le sous-officier rapporteur, le «sous-directeur» afin de garder au mot «scrutateur» la signification qu'on lui

[Interpretation]

Oui monsieur Benajmin.

M. Benjamin: Ai-je raison de dire que la terminologie utilisée dans les Règles électorales concernant les forces canadiennes, par exemple dans le cas des titres et des noms d'endroits, diffère quelque peu de celle que l'on trouve dans la Loi électorale du Canada? Par exemple, vous avez, bureau de votation dans la Loi électorale du Canada, alors qu'on parle de poste de votation dans les Règles électorales concernant les forces canadiennes.

Une voix: C'est exact.

M. Benjamin: Dans la Loi électorale du Canada, on parle de bureau de votation et dans les Règles électorales concernant les forces canadiennes, de poste de votation. Pourquoi ne pas employer la même terminologie dans les Règles électorales concernant les forces canadiennes. On éliminerait ainsi une partie de la confusion?

M. Francis: Monsieur le président, dans les Règles électorales concernant les forces canadiennes, j'ai vu qu'on traduisait *deputy returning officer* (sous-officier rapporteur) par scrutateur et *scrutineer* (scrutateur) par scrutateur central. Je n'ai jamais rien vu pouvant plus porter à confusion que l'usage de ces deux termes. Le scrutateur exerce des fonctions très différentes de celles qu'exerce le sous-officier rapporteur. En toute déférence pour mes collègues d'expression française, je ne comprends pas pourquoi ils emploient une terminologie qui me semble porter à confusion.

M. Lefebvre: Je pense qu'il vaudrait peut-être mieux étudier la question de plus près, monsieur le président, avant d'adopter quoi que ce soit.

M. Francis: Il pourrait y avoir des malentendus, à moins que je ne me trompe, parce que le scrutateur exerce des fonctions très distinctes.

The Chairman: To avoid confusion, the returning officer could be called, "poll director" and the deputy returning officer, "deputy poll director".

Mr. Francis: For there is also the central party scrutineer.

The Chairman: We must admit that "deputy returning officer" is not, in French, an extremely elegant expression. It is a literal translation from English. The returning officer could be called "poll director" and the deputy returning officer, the "deputy director" so that the word "scrutineer" could still convey the usual meaning. Could the ter-

[Texte]

connaît. Est-ce que la terminologie pourrait être acceptée avec ces amendements?

M. Lefebvre: Quel est le changement?

Le président: Au lieu de «président d'élection», l'officier rapporteur s'appellerait «directeur du scrutin» et le sous-officier rapporteur, qu'on veut appeler «scrutateur» s'appellerait «sous-directeur du scrutin».

M. Lefebvre: C'est mieux.

Le président: Est-ce accepté avec les amendements?

Mr. Benjamin: I am not trying to get involved in what the French words should be because I am ignorant about it, but I question why the terminology in the Canadian Forces Voting Rules cannot be the same as those in the Canada Elections Act.

Mr. Lefebvre: Why can they not be the same?

An hon. Member: Because the vote is not taken in the same manner.

The Chairman: You have the list in your hand. You can think about it and this afternoon we will start again and try to get a consensus of what should be the best...

Mr. Lefebvre: This does not answer Mr. Benjamin's question, though.

The Chairman: He will let it stand until this afternoon, at which time we will resume consideration of this terminology.

Mr. Richard: Mr. Chairman, are you still satisfied with the word "doyen" just by itself?

M. Hamel: Monsieur Richard, si vous regardez le contexte, je pense qu'il n'y a pas de problème. On dit que l'officier rapporteur ou le président d'élection, suivant ce que vous déciderez de l'appeler, doit aller voir un juge et, en son absence, le doyen qu'on appelle actuellement «juge senior».

M. Lefebvre: Passons à autre chose.

M. Duquet: J'ai une autre remarque pour cet après-midi, monsieur le président. N'y aurait-il pas un meilleur mot que «provisoire», pour désigner *advance poll*? L'expression «bureau spécial de scrutin» ne veut rien dire. On pourrait plutôt dire «bureau préliminaire à l'élection».

Le président: On parlera de cela cet après-midi.

We will let this new French terminology stand until this afternoon.

[Interprétation]

minology be agreed to with these amendments?

Mr. Lefebvre: What are the amendments?

The Chairman: Instead of "president of the election" the reporting officer would be called "poll director" and the deputy reporting officer, whom we want to call "scrutineer" would be called "deputy poll director".

Mr. Lefebvre: That sounds better.

The Chairman: Are the amendments agreed to?

M. Benjamin: Je ne veux pas parler de terminologie française, parce que je n'y connais rien, mais je me demande pourquoi la terminologie ne serait pas la même dans les Règles électorales concernant les forces canadiennes que dans la Loi électorale du Canada.

M. Lefebvre: Pourquoi cette terminologie ne peut-elle pas être la même?

Une voix: Parce que le vote ne se fait pas de la même façon.

Le président: Vous avez la liste en mains. Alors, voulez-vous y réfléchir et nous y reviendrons cet après-midi. Nous tâcherons alors d'obtenir l'unanimité quant à la meilleure solution.

M. Lefebvre: Vous ne répondez toutefois pas à la question de M. Benjamin.

Le président: La question est remise à cet après-midi. Nous reprendrons alors l'étude de la terminologie.

M. Richard: Monsieur le président, êtes-vous d'accord avec le mot «doyen»?

Mr. Hamel: Mr. Richard. If you look at the context, we say that the reporting officer or election president, according to what you will decide, must go and see a judge, and during his absence, the senior judge, presently called "juge sénior".

Mr. Lefebvre: Let's go on to something else.

Mr. Duquet: I have another remark for this afternoon, Mr. Chairman. Is there no better word than advance for the expression "advance poll"? This expression (bureau spécial de scrutin) does not mean anything? We could say office preliminary to the election (bureau préliminaire à l'élection).

The Chairman: We will discuss these matters this afternoon.

Nous reportons donc l'étude de la nouvelle terminologie française à cet après-midi.

[Text]

Nous allons suspendre la discussion. Ça ne sert à rien de parler de cela aujourd'hui.

Would the members agree to pass a motion to authorize the law officers of the Crown and the legal advisers of the Department of Justice not to change anything in the Act with the amendments we have already approved, but just to authorize them to prepare or make a redraft of the Act to put it in more modern language and to conciliate and group the statute in a much better way so it could be better understood than it is now. In other words, what we could call "recodification" of the Act so that we could more easily find the sections we want. It will not change a word. They will just take the Act as we amend it and try to make it in a more understandable way. Would you agree to give this authority?

Mr. Howard (Skeena): Mr. Chairman, if I understood you, they simply are going to take the words that exist now, readjust them in different sections and clauses and put it out in some order.

• 1050

The Chairman: Yes and, in doing so, an endeavour should be made to ensure that the words used in the French and English texts have the same meaning. In some instances we have found during the review of an Act that the French and English text do not convey precisely the same thing.

M. Major: Va-t-on imprimer le texte de la Loi en français et puis en anglais, séparément?

Le président: Cela sera fait.

M. Major: Cela va être fait.

Le président: Forcément.

M. Major: Ah! D'accord.

Le président: Monsieur Richard. Monsieur Hamel.

Mr. Hamel: The only thing I wanted to add was that I was just transmitting to the Chairman a wish that I received from the Department of Justice yesterday. You are making pretty fundamental changes in the Act, a few sections have not been touched, and they may look a bit silly next to the amendments you have adopted because some of the language is still pretty archaic. It is not primarily a question of changing the order of the sections and so on but to drop some of the archaic language in the Act to make it a bit more reada-

[Interpretation]

We will suspend the discussion. It is useless to discuss this today.

Les membres du Comité sont-ils d'accord pour adopter une motion autorisant les agents juridiques de la Couronne et les conseillers juridiques du ministère de la Justice, non pas à modifier quoi que ce soit dans la Loi avec les amendements déjà approuvés, mais à préparer un nouveau libellé de la Loi afin que la terminologie employée soit plus moderne, de façon à mieux concilier et réunir les éléments de la Loi qui deviendra plus facile à comprendre. Autrement dit, nous pourrions parler de recodification de la Loi, c'est-à-dire que nous pourrions plus facilement trouver les articles que nous cherchons. Il n'y aura rien de changé. Ils vont essayer de faciliter la compréhension de la Loi. Leur accordez-vous cette autorité?

M. Howard (Skeena): Si je vous comprends bien, nous allons prendre les mots qui existent maintenant refaire les articles et les disposer en ordre.

Le président: Oui, et ce faisant, il faudrait tenter de s'assurer que les mots des deux textes, français et anglais, ont la même signification. Dans certains cas, nous nous sommes aperçus en revisant la Loi que les textes anglais et français ne correspondent pas tout-à-fait.

Mr. Major: Will the French and English texts be printed separately?

The Chairman: This will be done.

Mr. Major: It will be done?

The Chairman: Inevitably.

Mr. Major: I agree.

The Chairman: Mr. Richard. Mr. Hamel.

M. Hamel: Je voulais ajouter ceci. Je viens de faire part au président d'un désir exprimé hier par le ministère de la Justice. Vous faites des changements fondamentaux dans la Loi et il n'y a que quelques articles qui n'ont pas été touchés. Ceux-ci auront l'air un peu ridicule à côté des modifications que vous avez adoptées, parce que la langue est encore plutôt archaïque. Il ne s'agit pas surtout de modifier l'ordre des articles mais d'éliminer les termes désuets et de faciliter la compréhension de la Loi. Il s'agit de simplifier la langue, non de

[Texte]

ble. It is to simplify the language as much as possible but not change the substance of it at all. There are relatively minor changes in the drafting of the law itself.

Mr. Francis: How long is it anticipated this would take?

Mr. Hamel: This was a very important question which I raised with them. I told them that this should not delay in any way the over-all exercise. They promised me that this could be done quickly if they were to do only strictly a scissors and paste job.

Mr. Francis: In other words we are talking in terms of a week or so?

Mr. Hamel: I would not like to commit the Department of Justice but I was promised that it would be a matter of a few days, perhaps up to two or three weeks.

Mr. Francis: Fine.

Mr. Howe: Would the report of this Committee be held up until such time as we do get this review?

Mr. Hamel: This would be between the Committee stage and the presentation of the Bill to the House.

The Chairman: The Bill will have to be drafted by the Department of Justice before being tabled in the House, but it would not delay our report. We will not be tabling the new bill with our report; we will be tabling just the recommendations we have made.

M. Duquet: En résumé, monsieur Hamel, il s'agit d'une nouvelle rédaction qui concilierait mieux les textes anglais et français et rendrait la Loi électorale plus compréhensible pour le commun des mortels.

Une voix: D'accord.

M. Hamel: Une nouvelle rédaction est peut-être un peut fort; nous n'irons pas jusque là parce que nous n'avons pas le temps.

M. Duquet: Mais une rédaction retouchée, si vous voulez.

M. Hamel: Ce sont des retouches aux articles du texte qui n'ont pas été vus par le Comité.

M. Richard: Mais pas aux articles que nous avons étudiées.

M. Hamel: Non.

Le président: Non.

Carried?

[Interprétation]

changer la substance. Il y a peu de changements à faire dans la Loi elle-même.

M. Francis: Combien de temps faut-il pour accomplir ce travail?

M. Hamel: C'est une question importante que je leur ai posée. Je leur ai dit qu'il ne faudrait pas retarder notre travail. On m'a promis d'agir rapidement, à condition qu'il ne s'agisse que d'un travail de découpage et de collage.

M. Francis: Autrement dit, il leur faudrait environ une semaine?

M. Hamel: Je ne voudrais pas parler au nom du ministère de la Justice, mais on m'a assuré qu'il ne faudrait que quelques jours, au plus deux au trois semaines.

M. Francis: Très bien.

M. Howe: Le rapport du Comité sera donc retardé jusqu'à ce que cette revision soit terminée?

M. Hamel: Le travail se ferait pendant la période qui s'écoule entre les délibérations du Comité et la présentation du Bill à la Chambre.

Le président: Le Bill devra être rédigé par le personnel du ministère de la Justice avant d'être déposé à la Chambre, mais notre rapport ne sera pas retardé. Nous ne déposerons pas le nouveau bill avec notre rapport; nous ne déposerons que nos recommandations.

Mr. Duquet: It is a new drafting, Mr. Hamel, in order to better adjust the French and English texts. It will be easier for all to understand the electoral Act.

An hon. Member: Agreed.

Mr. Hamel: Maybe they will not draft it again. A new drafting of the act would be going a little too far. We will not do it, because there is no time.

Mr. Duquet: A revised drafting, if you wish.

Mr. Hamel: The sections that have not been discussed by the Committee will be revised.

Mr. Richard: But not the sections that we have examined.

Mr. Hamel: No.

The Chairman: No.

Adopté?

[Text]

Some hon. Members: Carried.

The Chairman: We now have the minimum age for the electorate, candidates and election officers.

Mr. Benjamin: We will deal with that one now?

The Chairman: Yes.

An hon. Member: Will you entertain a motion now?

The Chairman: Yes.

An hon. Member: What is the section?

Mr. Richard: I move that the age of the electorate be reduced to 18 years of age.

Mr. Hamel: That is about the size of it.

The Chairman: Is there any discussion?

Mr. Benjamin: Is this electors and candidates?

The Chairman: No, age for electors first.

Mr. Richard: I move that the age of electors be reduced from 21 years of age to 18 years of age.

Mr. Benjamin: I second the motion.

The Chairman: All those in favour?

Mr. Trudel: Mr. Chairman?

The Chairman: Yes, Mr. Trudel.

Mr. Trudel: Could we consult the legal officers of the Crown regarding the majority age? Would there be any implications in that respect if we lower the voting age?

The Chairman: We will discuss that point later on. We now are deciding on the age of electors, not candidates nor election officers. We will come to those later on.

A motion has been put by Mr. Richard and seconded by Mr. Benjamin that the age of electors be reduced from 21 to 18.

Mr. Howe: Mr. Chairman, I am not so sure that we have completely and fully discussed that subject within our own caucus as yet, and it does involve a pretty important decision.

An hon. Member: Perhaps it could be deferred, until after lunch.

[Interpretation]

Des voix: Adopté.

Le président: Nous allons maintenant aborder la question de l'âge minimum pour les candidats et pour les officiers d'élection.

M. Benjamin: Nous traitons de cette question maintenant?

Le président: Oui.

Une voix: Présenterez-vous une motion maintenant?

Le président: Oui.

Un voix: Quel est l'article en question?

M. Richard: Je propose que l'âge des électeurs soit réduit à 18 ans.

M. Hamel: C'est à peu près ça.

Le président: Y aura-t-il discussion?

M. Benjamin: Parlez-vous des électeurs et des candidats?

Le président: Non, discutons d'abord de l'âge des électeurs.

M. Richard: Je propose que l'âge des électeurs soit réduit de 21 ans à 18 ans.

M. Benjamin: J'appuie la motion.

Le président: Tous ceux qui sont en faveur?

M. Trudel: Monsieur le président?

Le président: Oui, monsieur Trudel.

M. Trudel: Pourrions-nous consulter les agents juridiques de la Couronne en ce qui a trait à la majorité? Cette question pourrait-elle soulever des problèmes, si nous réduisons l'âge des électeurs?

Le président: Nous en discuterons plus tard. Nous parlons maintenant des électeurs et non des candidats ou des officiers d'élection. Nous reparlerons d'eux plus tard.

M. Richard a proposé une motion qui a été appuyée par M. Benjamin, portant que les électeurs puissent voter à partir de 18 ans et non de 21 ans.

M. Howe: Monsieur le président, je ne suis pas certain que nous ayons suffisamment discuté cette question. Il s'agit là d'une décision de grande importance.

Une voix: Nous pourrions peut-être reporter la question jusqu'après le déjeuner.

[Texte]

Mr. Howe: Yes, I would prefer that the vote on this be taken after lunch.

Mr. Francis: I would be prepared to support that, Mr. Chairman, because it seems a reasonable request.

Mr. Howe: There may be some opinions that we have not heard within our own organization and our own party, and I would like to discuss this with them.

The Chairman: I think that is a reasonable request. Mr. Howe—that the question be put at the next meeting this afternoon, after Orders of the Day.

Since we are not making a decision on the age of electors at this time we will also stand the age for candidates and election officers. We will resume discussion on these this afternoon.

Mr. Howe: Thank you, Mr. Chairman.

The Chairman: Is that agreed?

Some hon. Members: Agreed.

The Chairman: I now would like members of the Committee to discuss amendments relating to right of civil servants abroad having the armed forces special voting rules applied to them.

This matter was agreed upon in principle by members of the Committee when we reviewed the rules of the armed forces. It is still open for discussion.

Mr. Benjamin: Mr. Chairman, I think we did discuss it, but my memory fails me at the moment. Did we go into the point of not only civil servants but any other Canadian citizen, for example an employee of a company abroad, being allowed to vote under these provisions?

The Chairman: In the recommendations already made by the Chief Electoral Officer, Mr. Hamel, he said that it was easy to apply the armed forces rules to the civil servants abroad, at the time of the election, but not to any Canadian citizen abroad. When we discuss the applicability of a proxy system we can touch upon the point you raised. However, I believe the recommendations that were made was that the armed forces rules could easily be applied to civil servants abroad, and

[Interprétation]

M. Howe: Oui, je préférerais que nous nous prononcions après le déjeuner.

M. Francis: J'appuierais la motion monsieur le président parce que je trouve la chose raisonnable.

M. Howe: Certaines opinions n'ont peut-être pas été exprimées au sein de notre organisme et de notre parti et j'aimerais en discuter.

Le président: Je crois qu'il s'agit là d'une demande raisonnable monsieur Howe. Alors, nous traiterons de cette question, à la séance de cet après-midi, après l'ordre du jour, à la Chambre.

Étant donné que nous ne prenons pas de décision sur l'âge des votants, nous allons reporter aussi la question de l'âge des candidats et des officiers d'élection. Nous reprendrons la discussion cet après-midi.

M. Howe: Merci, monsieur le président.

Le président: D'accord?

Des voix: D'accord.

Le président: J'aimerais maintenant que les membres du Comité discutent les amendements se rattachant aux droits des employés de la Fonction publique qui sont à l'extérieur du pays et prennent une décision à ce sujet. Est-ce que les mêmes règlements qui s'appliquent aux forces armées s'appliqueront à eux?

Je crois qu'en principe, les membres du Comité se sont entendus à ce sujet lorsque nous avons révisé les règlements concernant les forces armées. La discussion peut continuer.

M. Benjamin: Monsieur le président, je crois que nous en avons discuté, je ne m'en souviens pas tout à fait. Lorsque nous avons discuté ces dispositions, avons-nous parlé du fait que non seulement les fonctionnaires, mais aussi tous les autres citoyens canadiens, par exemple, un employé d'une société à l'étranger, auraient le droit de vote?

Le président: Dans ses recommandations le Directeur général des élections, M. Hamel, a dit qu'il était facile d'appliquer les règlements concernant les forces armées aux fonctionnaires qui sont à l'étranger, mais non pas à n'importe quel citoyen canadien qui se trouve à l'étranger au moment de l'élection. Lorsque nous étudierons la question du vote par procuration, nous pourrions discuter également la question que vous venez de soulever. Je crois toutefois que les recommandations qui ont été

[Text]

it was felt that it was the best way to give them the franchise.

Mr. Benjamin: I agree with that. I just wondered if we had satisfied ourselves that this really could not be done for other than civil servants. I know it is much more difficult to do it for other than civil servants, but is it impossible?

The Chairman: I believe that Mr. Castonguay, Mr. Hamel and some other witnesses already have told us that to apply the armed forces rules to any Canadian abroad at election time would require a permanent list. We already have, before the issue of writes, a list of civil servants abroad. There is a permanent list for the armed forces and the civil servants, and this is the reason it can easily be applied. But in respect of the point you raised, of other Canadians being abroad at election time, without a permanent list this could be done only through a proxy voting system.

Mr. Benjamin: Some form of absentee balloting. I will not make a big issue out of it.

Mr. Hamel: We already have prepared a project, not as a result of discussion in this Committee but as a result of a motion passed and adopted by the Committee in 1963, extending to public servants abroad the right to vote under the same rules as public servants.

To cover one of your earlier questions, we have looked into this question of extending the same rules to other Canadians abroad, but I am afraid this is next to impossible. It does not mean that you cannot extend the right to vote to other Canadians abroad; it would even be very simple, but then you do not have any control. You lose control completely, if you do not have a list, because if you want to exercise some control and have some safeguards you need a list.

The Canadian Forces Voting rules provide for the establishment of a permanent list, in a sense, and this would equally apply to public servants abroad; but you just cannot extend the same principles to other Canadians abroad.

[Interpretation]

faites portaient que les règlements s'appliquant aux forces armées pourraient facilement être appliqués aux employés de la Fonction publique œuvrant en pays étrangers et nous étions d'avis que c'était la meilleure façon de leur accorder le droit de vote.

M. Benjamin: Je suis d'accord. Je me demandais simplement si nous étions certains de ne pas pouvoir accorder le vote à d'autres qu'aux fonctionnaires. Je sais qu'il est plus difficile d'établir de telles règles pour d'autres que pour des employés de la Fonction publique, mais est-ce impossible?

Le président: Je crois que MM. Castonguay, Hamel et d'autres témoins nous ont déjà dit qu'appliquer les règlements régissant le vote des forces armées à tout Canadien se trouvant à l'étranger au moment des élections exigerait une liste permanente de ces personnes. Nous avons déjà avant l'émission des brefs d'élection une liste des employés de la Fonction publique à l'étranger. Il y a une liste permanente des membres des forces armées et de la Fonction publique. Il est donc facile d'appliquer le règlement. En ce qui concerne les autres Canadiens qui sont à l'étranger au moment de l'élection, s'il n'y a pas de liste permanente, le vote ne pourrait se faire que par procuration.

M. Benjamin: Un genre de vote des absents. Je ne veux pas en faire un problème.

M. Hamel: Nous avons déjà préparé un projet, non pas par suite des discussions du Comité, mais à la suite d'une motion adoptée par le Comité en 1963, donnant aux fonctionnaires à l'étranger les mêmes droits qu'aux fonctionnaires ordinaires.

Pour en revenir à une de vos questions précédentes, nous avons étudié cette question visant l'application des mêmes règlements aux autres Canadiens à l'étranger, mais je crains que ce ne soit presque impossible. Cela ne veut pas dire que vous ne pouvez pas donner ce droit aux autres Canadiens à l'étranger; ce serait très simple, mais il n'y aurait pas de contrôle. Vous perdez complètement ce contrôle, si vous n'avez pas de liste, parce que si vous voulez établir un certain contrôle, établir des mesures de sécurité, vous avez besoin d'une liste. Les règles électorales concernant les forces canadiennes permettent l'établissement d'une liste permanente, et, dans un certain sens, la même chose pourrait s'appliquer aux fonctionnaires à l'étranger, mais, vous ne sauriez appliquer le même principe aux autres Canadiens qui sont à l'étranger.

[Texte]

An hon. Member: In other words, they could register with the consulate abroad or become registered with a Canadian representative.

Mr. Hamel: The problem is to determine their ordinary place of residence. In the Canadian Forces Voting Rules, as in the other rules we have prepared, or in the Act itself, there is a section which gives these people a *de jure* residence since they do not have a *de facto* residence in Canada. In the other case, the problem is to establish where their place of residence is.

Mr. Benjamin: I do not want to make that much of an issue of it. I am not all that sold on a proxy system, but I think we should look at some sort of an absentee or proxy voting for these people.

The Chairman: We will come to this later on. We must make a decision on this, because the Chief Electoral Officer needs to have this decision of the members of the Committee just to prepare himself.

Is it agreed that...

An hon. Member: Agreed.

The Chairman: ...the right to vote...

An hon. Member: For civil servants.

The Chairman: Yes. Abroad.

Some hon. Members: Agreed.

The Chairman: This meeting is adjourned until 3.30 p.m. this afternoon.

AFTERNOON SITTING

• 1545

The Chairman: We are only short one member to reach a quorum, but may be we could decide to come back to what we have left, which is the French terminology of words. If we could start one at a time...

Sommes-nous d'accord pour que «bureau provisoire de votation» devienne «bureau spécial de scrutin», et que «district provisoire de votation» soit remplacé par «district spécial de scrutin», et que «district électoral» s'appelle «circonscription»?

M. Duquet: D'accord.

Le président: Que «arrondissement de votation» s'appelle «section de vote»?

M. Duquet: D'accord, cela veut dire la même chose.

[Interprétation]

Une voix: Autrement dit, ils ne pourraient s'inscrire au consulat ou auprès d'un représentant canadien?

M. Hamel: Le problème est de déterminer leur lieu de résidence. Dans les Règles électorales concernant les forces canadiennes, dans d'autres règlements ou dans la Loi elle-même, un article donne à ces personnes la résidence *de jure* même s'ils ne l'ont pas *de facto*. Le problème serait d'établir où est leur résidence au Canada.

M. Benjamin: Je ne voudrais pas insister. Je ne suis pas tellement en faveur du vote par procuration, mais il faudrait trouver un moyen pour permettre à ces gens de voter.

Le président: Nous y reviendrons plus tard. Nous devons prendre une décision, parce que le directeur général des élections a besoin de la décision des membres pour préparer son document.

Il est décidé que...

Une voix: D'accord.

Le président: ...le droit de vote...

Une voix: ...pour les fonctionnaires.

Le président: Oui... à l'étranger.

Des voix: D'accord.

Le président: La séance est levée jusqu'à quinze heures trente minutes cet après-midi.

SÉANCE DE L'APRÈS-MIDI

Le président: Il nous manque encore un député pour atteindre le quorum. Peut-être pourrions-nous reprendre où nous avons laissé, c'est-à-dire nous attaquer à la terminologie française. Procédons...une modification suivra l'autre...

Are we agreed that "advance poll" will be known as "bureau spécial de scrutin" in French. And the "advance polling district" will be known as "district spécial de scrutin." Electoral district will be named "circonscription" in French.

Mr. Duquet: Agreed.

The Chairman: "Polling division" is "section de vote".

Mr. Duquet: Agreed. It means the same thing.

[Text]

Le président: Que «bureau de votation» s'appelle «bureau de scrutin»?

M. Duquet: D'accord.

Le président: Que «officier reviseur» devienne «reviseur». D'accord?

Une voix: D'accord.

Le président: Que «arrondissement rural de votation» s'appelle «section rurale» et «arrondissement urbain de votation», «section urbaine»

Une voix: D'accord.

Le président: Nous ne toucherons pas au terme «juge senior».

M. Forest: Pourquoi pas «juge doyen», comme le suggère monsieur Richard.

Le président: Non...

M. Richard: Je n'ai pas d'objection à ce terme, à cause du contexte, comme M. Hamel l'a expliqué.

Une voix: Juge senior?

M. Richard: Moi, je n'ai pas d'objection.

Une voix: Pourquoi pas doyen?

Le président: Alors, d'accord pour doyen?

M. Forest: D'accord.

Le président: «Juge senior» deviendra «doyen».

Au sujet des règles...

M. Richard: Oui, mais que devient notre problème de tout à l'heure?

Une voix: Nous y reviendrons à la fin.

Le président: Nous approuvons ce qui doit l'être, et pour le reste, nous aviserons.

Passons maintenant à la terminologie des Règles électorales concernant les Forces canadiennes. «*Chief assistant*» qui était traduit par «adjoint en chef», le sera par «adjoint en chef du président».

M. Hamel: Vous seriez mieux d'attendre, parce que...

Le président: D'accord, passons à autre chose. «District électoral» deviendra «circonscription», et «arrondissement de vote», «section de vote».

M. Duquet: D'accord.

[Interpretation]

The Chairman: "Polling station will be known as "*bureau de scrutin*" in French.

Mr. Duquet: Agreed.

The Chairman: The "revising officer" will be "*reviseur*". Agreed?

An hon. Member: Agreed.

The Chairman: The "rural polling division" will be known as "*section rurale*" and the "urban polling division".

An hon. Member: Agreed.

The Chairman: "*section urbaine*" will be known as the "senior judge" will remain "*juge senior*".

Mr. Forest: Why not accept "*juge doyen*" as suggested by Mr. Richard.

The Chairman: No ..

Mr. Richard: I have no objection to that term, because of the context, as Mr. Hamel explained it.

An hon. Member: Senior judge?

Mr. Richard: I have no objections.

An hon. Member: Why not *doyen*?

The Chairman: Are we agreed to accept *doyen*?

Mr. Forest: Agreed.

The Chairman: The "senior judge" will be known as "doyen".

Now with respect to the rules...

Mr. Richard: What do we do with our earlier problem?

An hon. Member: We shall deal with it at the end.

The Chairman: We approve what must be approved. We will see for the rest. Now with respect to the Canadian Forces Voting Rules, the translation of "chief assistant" by "adjoint en chef" will become "adjoint en chef du président"...

Mr. Hamel: It would be better to wait because...

The Chairman: Agreed. Let us deal with something else. "Electoral district" will be "circonscription" "Polling division" will be "*section de vote*".

Mr. Duquet: Agreed.

[Texte]

Le président: Pour le moment, nous n'étudierons pas le terme «officier rapporteur spécial».

«Lieu de votation» deviendra «lieu de scrutin», et «territoire de la votation» deviendra «territoire de scrutin». D'accord?

Une voix: D'accord.

Le président: Il ne reste donc que les termes «sous-officiers rapporteurs» que vous ne voulez par voir devenir «scrutateurs».

M. Duquet: Monsieur Hamel, je voudrais que ce soit bien clair: le président du comté est-il sous-officier, officier rapporteur ou directeur ou quel est son titre?

M. Hamel: Présentement, il est «officier rapporteur», et il est responsable de l'administration et de la conduite de l'élection à l'intérieur de sa circonscription.

M. Duquet: C'est exact.

M. Hamel: Maintenant, «circonscription» et «comté» n'ont pas le même sens. Le comté est plutôt une juridiction provinciale. Présentement, lors des élections fédérales, son titre est «officier rapporteur», tandis que lors des élections provinciales au Québec, il s'appelle «président d'élection».

M. Duquet: Et ici, on n'en parle pas, on suggère rien quant à ce titre.

M. Hamel: Oui. C'est-à-dire que les traducteurs du ministère de la Justice, quand ils ont préparé les statuts révisés, ils suggéraient qu'on l'appelle «président d'élection», soit la terminologie du Québec.

Une voix: Au niveau du comté?

Le président: C'est-à-dire qu'ils suggéraient que l'officier rapporteur du comté s'appelle «président d'élection». D'accord?

Une voix: D'accord.

Le président: «Officier rapporteur» devient donc «président d'élection», au niveau du comté.

M. Duquet: D'accord.

Le président: Maintenant, passons aux polls.

M. Duquet: Que deviendra le terme «sous-officier rapporteur»?

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M. Major: Vous voulez mettre entre parenthèses...

[Interprétation]

The Chairman: We shall deal with "Special returning officer" later on.

"Voting place" will be "lieu de scrutin", and "voting territory" will be "territoire de scrutin". Agreed?

An hon. Member: Agreed.

The Chairman: So we have now the "deputy returning officer", and we do not agree for "scrutateur" in French.

Mr. Duquet: Mr. Hamel, I would like the following to be quite clear: is the Chairman of the Riding a deputy returning officer or a returning officer, or what is his title?

Mr. Hamel: His title now is returning officer. He is responsible for the administration and for the conduct of the election in his electoral district.

Mr. Duquet: That's right.

Mr. Hamel: "Electoral district" and "riding" is not the same thing. The riding is provincial. At present, during federal elections, the title is "returning officer", whereas during provincial elections in Quebec it is called in French "président d'élection".

Mr. Duquet: And here there is no reference to that title.

Mr. Hamel: Yes. That is to say that when the translators of the Department of Justice prepared the revised statutes of Canada, they suggested "président d'élection" for "returning officer" which is the terminology used in Quebec.

An hon. Member: At the level of the riding?

The Chairman: That is, they suggested that the "returning officer" of a riding be called "président d'élection". Do we agree on that?

An hon. Member: Agreed.

The Chairman: So the former "officier rapporteur" is now "président d'élection", at the level of the riding.

Mr. Duquet: Agreed.

The Chairman: Now let us deal with the polls.

Mr. Duquet: What will the "deputy returning officer" be called?

Mr. Major: Do you want to put between brackets...

[Text]

M. Duquet: «... officier rapporteur»?

Le président: Non, parce que c'est impossible, dans la Loi.

M. Forest: Si nous éliminons le terme «officier rapporteur» il faudra éliminer aussi le terme «sous-officier rapporteur». Selon moi, le terme «scrutateur» ne créerait pas de mélange avec la terminologie des élections provinciales, peut-être avec le terme anglais, mais en français, il n'y a pas de problème.

M. Marceau: Il n'y a pas de problème.

M. Forest: Bien non.

M. Marceau: Au contraire, cela permet une certaine identité entre la loi provinciale et la loi fédérale, que nous souhaitons.

Le président: Donc, nous acceptons le terme «scrutateur»?

M. Forest: D'accord.

Le président: Pour ce qui est de la terminologie concernant les forces armées canadiennes acceptez-vous «adjoint en chef du président»? Alors, comme nous avons approuvé «président», ainsi que «scrutateur», tous sont donc approuvés, sauf...

M. Duquet: Pourquoi accepter «scrutateur»?

Le président: Pardon?

M. Richard: Excepté «scrutateur»?

Le président: Mais non. Nous l'acceptons aussi.

M. Richard: Pardon?

Le président: Il est accepté aussi.

M. Richard: Il n'est pas accepté dans les règlements des forces armées. Je m'y oppose. Si vous voulez mettre la question aux voix, allez-y!

M. Forest: Sur les formules, c'est moins important, le public ne voit pas cela.

Le président: Il a été proposé de changer le terme «officier rapporteur de comté» en celui de «président d'élection». Alors, vous acceptez cela?

M. Lefebvre: Oui, oui.

Le président: Bon, alors c'est très bien. Maintenant il reste «directeur du scrutin» et le «directeur de poll» ou «scrutateur». Quelle terminologie choisissez-vous?

[Interpretation]

Mr. Duquet: ... the term "*officier rapporteur*"?

The Chairman: No, because it would be impossible to do so in the Act.

Mr. Forest: If we eliminate the term "*officier rapporteur*" we shall also have to eliminate the term "*sous-officier rapporteur*". In my opinion, the term "*scrutateur*" will not cause any problems with the provincial terms; it may cause certain problems with the English term, but in French there is no problem.

Mr. Marceau: There is no problem.

Mr. Forest: No problem.

Mr. Marceau: On the contrary, it enables the provincial Act to have a certain identity with the federal Act, which is what we are seeking.

The Chairman: So, we agree to have the term "*scrutateur*" in French?

Mr. Forest: Agreed.

The Chairman: With regard to the Armed Forces terminology, do you agree to accept "*adjoint en chef du président*"? So, as we have agreed to accept "*président*" and also "*scrutateur*", and all these terms are approved except...

Mr. Duquet: Why accept "*scrutateur*"?

The Chairman: I beg your pardon?

Mr. Richard: Except "*scrutateur*"?

The Chairman: No. We have also agreed to accept it.

Mr. Richard: I beg your pardon?

The Chairman: It has also been agreed to.

Mr. Richard: It has not been accepted in the Canadian Forces Voting Rules. I object to it. If you want to call a vote, go ahead!

Mr. Forest: It is less important on the forms. The public does not notice that.

The Chairman: It has been proposed to accept instead of "*officier rapporteur de comté*" the term "*président d'élection*". Do you agree?

Mr. Lefebvre: Yes, certainly.

The Chairman: All right, this is accepted. Now we still have to deal with the terms "*directeur du scrutin*" and "*directeur de poll*". What terminology do you choose?

[Texte]

M. Lefebvre: Est-ce que vous dites «directeur de poll»?

Le président: Ce qu'on appelle communément le sous-officier rapporteur.

M. Lefebvre: Un «scrutateur», pour moi, ce n'est pas un sous-officier rapporteur, ce n'est pas un *Deputy Returning Officer*, non plus.

Le président: C'est un *Clerk*, c'est un greffier.

M. Marceau: C'est la traduction exacte.

M. Duquet: Quelle est la fonction du sous-officier rapporteur, si ce n'est de scruter le vote, quand le bureau de scrutin ferme?

M. Lefebvre: C'est de proclamer le résultat du scrutin dans ce bureau.

M. Duquet: Mais, c'est lui qui dépouille le scrutin.

M. Lefebvre: Non, il fait le rapport aussi, et ce sont ses principales fonctions.

M. Marceau: Je propose que le mot «scrutateur» soit employé.

Le président: C'est-à-dire que le mot «scrutateur» dans la terminologie française désigne «sous-officier rapporteur» à l'avenir.

M. Marceau: C'est cela.

Le président: Ceux qui sont en faveur?

M. Marceau: Procédez donc à la mise aux voix, monsieur le président, tous les gens n'ont pas voté.

The Chairman: There is a suggestion and there is a motion to—Order, please, we want to be serious about this. I would just like to put the motion that has been moved by Mr. Marceau that the French terminology of the word deputy returning officer instead of being «sous-officier rapporteur» be «scrutateur».

M. Duquet: Monsieur le président, peut-on vous proposer un amendement?

Le président: Mais non, la motion est posée, alors...

M. Duquet: Je vais tout de même vous faire une remarque, si vous le permettez. Étant donné qu'il n'y a plus d'officier-rapporteur dans le comté, pourquoi le *Deputy Returning Officer* ne devient-il pas tout simplement l'officier rapporteur? Pourquoi «sous»? Il n'y en a plus d'officier rapporteur, c'est un président.

[Interprétation]

Mr. Lefebvre: Do you say «*directeur de poll*»?

The Chairman: That is the person who is commonly known as the «*sous-officier rapporteur*».

Mr. Lefebvre: For me a «*scrutateur*» is not a «*sous-officier rapporteur*,» and neither is he a Deputy Returning Officer.

The Chairman: He is a clerk.

Mr. Marceau: That is the exact translation.

Mr. Duquet: What are the duties of the Deputy Returning Officer, if not to check the vote, once the polling station is closed?

Mr. Lefebvre: He announces officially the results of the poll at the polling station.

Mr. Duquet: But he is the one who counts the vote.

Mr. Lefebvre: No, he also has to make a report, and these are his main duties.

Mr. Marceau: I move that the term «*scrutateur*» be used.

The Chairman: That is, the word «*scrutateur*» in the French terminology will henceforth designate a «*sous-officier rapporteur*.»

Mr. Marceau: That is right.

The Chairman: Those who agree?

Mr. Marceau: Would you please take a vote, Mr. Chairman. All the members have not voted.

Le président: Il y a une suggestion visant... A l'ordre! s'il vous plaît. Il faut faire preuve d'un peu de sérieux. J'aimerais vous faire part de la motion de M. Marceau portant que la traduction française du mot anglais «*Deputy Returning Officer*», au lieu d'être «*sous-officier rapporteur*,» soit «*scrutateur*.»

Mr. Duquet: Mr. Chairman, may we propose an amendment?

The Chairman: No, the motion has been put, so...

Mr. Duquet: With your permission, I would like to point out something. If there are no more «*officiers rapporteurs*» in a riding, why not name the Deputy Returning Officers simply «*officiers rapporteurs*»? Why use «*Deputy*»? «*Officier rapporteur*» has been replaced by «*président*». So if «*officier rappor-*

[Text]

S'il n'y a pas d'officier rapporteur, pourquoi être sous-officier rapporteur? Personne n'écoute, cela ne sert à rien de parler! Nommons-le «officier rapporteur», il va remplir cette fonction, il sera scrutateur, il fera le dépouillement du scrutin, il va tout faire. Deux personnes sont nommées d'office: il y a un président d'élection et il y aurait des officiers rapporteurs, pas «sous-officiers» «officiers rapporteurs».

M. Lefebvre: D'accord.

M. Marceau: Cela complique la situation.

M. Duquet: C'est bien la fonction.

M. Lefebvre: Cela ne veut pas dire que le Québec a tout le temps raison.

M. Duquet: J'en fais une motion.

M. Lefebvre: Je l'appuie.

Le président: Ne pourrions-nous pas en venir à un compromis: au lieu de l'appeler «officier rapporteur», d'employer le mot «rapporteur»?

M. Duquet: Ce serait encore mieux.

Le président: Il n'est pas nécessaire qu'il soit officier. Mais «officier rapporteur» c'est un terme anglais, ce n'est pas un terme français.

M. Duquet: Rapporteur est français, bien français.

Le président: Rapporteur seulement, le rapporteur du bureau de scrutin. Monsieur Marceau.

M. Marceau: Monsieur le président, nous avons trouvé une terminologie qui est française; je me demande pourquoi nous nous évertuons à créer des complications, alors que nous pouvons, pour une fois, simplifier la situation et employer un terme qui serve à la fois aux élections fédérales et provinciales. Je ne vois pas pourquoi nous cherchons d'autres mots. Pour ma part, j'estime que le mot «scrutateur» même s'il ne rend peut-être pas le sens exactement, a un grand avantage, celui de correspondre au terme employé lors des élections provinciales et cela crée donc moins de confusion.

M. Lefebvre: Ça n'empêche pas les gens de Québec de changer leur terminologie afin qu'elle s'accorde avec la nôtre.

M. Marceau: Ils viennent de la changer.

M. Lefebvre: Ils peuvent changer encore.

[Interpretation]

teur" no longer exists, why use "*sous-officier rapporteur*"?

What's the use of talking when no one is listening! Let's call him "*officier rapporteur*". He will carry out those duties, he will check the vote, he will do everything.

Two persons are appointed *ex officio*: there would be a "*président d'élection*" and also "*officiers rapporteurs*", but no "*sous-officiers rapporteurs*".

Mr. Lefebvre: Agreed.

Mr. Marceau: That complicates the situation.

Mr. Duquet: That is their duty.

Mr. Lefebvre: That does not mean that Quebec is always right.

Mr. Duquet: I am putting the motion to you.

Mr. Lefebvre: I second it.

The Chairman: Could we not reach a compromise: instead of calling him "*officier rapporteur*" how about calling him a "*rapporteur*"?

Mr. Duquet: That would be even better.

The Chairman: "*Officier rapporteur*" is an English term but not a French term.

Mr. Duquet: "*Rapporteur*" is definitely French.

The Chairman: So we will accept "*rapporteur*", that is "*rapporteur du bureau de scrutin*". Mr. Marceau.

Mr. Marceau: Mr. Chairman, we have found new French terms. Why then are we trying to create complications. We now have a chance to simplify the situation by using the same terms for the federal as well as for the provincial elections. Why should we try to find other terms. Even though the term "*scrutateur*" is not the most exact one, it does have the big advantage of corresponding to the term which is used in the provincial elections, and that would create less confusion.

Mr. Lefebvre: That does not prevent Quebecers from changing their terminology to correspond to ours.

Mr. Marceau: They have just changed it.

Mr. Lefebvre: Well, they can change it again.

[Texte]

Le président: Il ne s'agit pas de savoir si c'est Québec ou Ottawa qui fait cela, mais plutôt de savoir si c'est français ou anglais. Le terme «officier-rapporteur» est une expression anglaise traduite littéralement en français; ce mot est un anglicisme, ce n'est pas français.

M. Lefebvre: «Rapporteur» alors.

Le président: Alors, quels sont ceux qui sont en faveur du terme «scrutateur» pour remplacer «officier rapporteur»?

All those in favour of the word «scrutateur»?

All those opposed? It is six and six so I will vote for the word «scrutateur.»

Motion agreed to.

The Chairman: No I wish to come back to what we have left. Order, please. There was a motion put by Mr. Richard, regarding the voting age, that the voting age for electors first, be reduced to 18. Mr. Howard has suggested that he would like to have more consultation. Does anyone want to discuss it? Is there no discussion? Could I put the motion now?

An hon. Member: What was the motion.

The Chairman: The motion put by Mr. Richard was that the voting age for electors be reduced from 21 to 18.

M. Major: Monsieur le président, si la motion est adoptée, est-ce que cela devient Loi?

Le président: Non.

Une voix: Il est possible que ça passe!

M. Major: Je ne suis pas d'accord.

The Chairman: All those in favour of the motion?

Mr. Howard (Skeena): May I ask one question, Mr. Chairman?

The Chairman: I will repeat the question for the third time. The motion put by Mr. Richard was that the voting age for electors be reduced to 18.

Mr. Howard (Skeena): I wanted to ask a question if I could, Mr. Chairman.

The Chairman: I am sorry.

Mr. Howard (Skeena): I would like to ask Mr. Richard whether he is moving this motion on behalf of the government inasmuch

[Interprétation]

The Chairman: It is not a matter of whether Quebec or Ottawa does that, but of whether or not it is a French or an English term. The term «officier rapporteur» is a literal translation from English into French, and it is not a French expression. It is an anglicism.

Mr. Lefebvre: So, what about «rapporteur»?

The Chairman: Those who agree to use «scrutateur» instead of «officier rapporteur»?

Tous ceux qui sont en faveur du mot «scrutateur»? Ceux qui s'y opposent? C'est six contre six. Alors je vais voter en faveur du mot «scrutateur».

La motion est adoptée.

Le président: J'aimerais revenir à la question que nous avons laissée en suspens. A l'ordre! s'il vous plaît. Il y a eu une motion présentée par M. Richard, concernant l'âge des votants, selon laquelle cet âge serait abaissé pour les électeurs d'abord, de 21 à 18 ans. M. Howard a demandé quelques instants de réflexion pour pouvoir consulter son parti. Des observations? Non? Alors dois-je mettre la motion aux voix?

Une voix: Quelle était la motion?

Le président: La motion de M. Richard vise à abaisser de 21 ans à 18 ans l'âge des électeurs.

Mr. Major: Mr. Chairman, if we accept the motion will it become law?

The Chairman: No.

An hon. Member: It may be accepted!

Mr. Major: I do not agree.

Le président: Tous ceux qui sont en faveur de la motion?

M. Howard (Skeena): Puis-je poser une question, monsieur le président?

Le président: Pour la troisième fois, je répète la question. La motion de M. Richard porte que l'âge des votants passe de 21 ans à 18 ans.

M. Howard (Skeena): Je voulais poser une question, monsieur le président.

Le président: Je m'excuse.

M. Howard (Skeena): Je voudrais demander à monsieur Richard s'il propose cette motion au nom du gouvernement, vu que dans le

[Text]

as the government said in the Speech from the Throne that it was going to recommend to the Committee that it do this.

Mr. Richard: No, I move it as a member of the Committee, as a man who has convictions. You know me well enough, Frank, I am not a follower.

Mr. Peddle: Mr. Chairman?

The Chairman: Yes?

Mr. Peddle: Is the complete motion that the voting age be reduced to 18?

Mr. Howard (Skeena): Of electors—

Mr. Peddle: On that this Committee so recommend?

The Chairman: We are studying the recommendations of the Canada Elections Act and we will be tabling our report in the House, but the laws will be passed by the House of Commons.

Mr. Peddle: Mr. Chairman, this motion would instruct our staff to prepare an appropriate amendment to the law to be included in our report; is that it?

The Chairman: Yes.

Mr. Howe: There would have to be legislation enacted on the recommendations of this Committee.

The Chairman: So now can I put the question? All those in favour? All those opposed?

Motion agreed to.

The Chairman: Do we make any change in the voting age of candidates? In some of the provinces where they have lowered the voting age, they have still kept the age at 21 for the candidates. This is the reason why we separated the three questions—they are different. I would like the views of the members on reducing the age to 18. Shall it apply to candidates or do you want to keep the age for candidates at 21? Mr. Howard.

Mr. Howard (Skeena): I move that the age of eligible candidates be lowered from 21 to 18 years.

Mr. Serré: I think we might have complications if we have candidates at 18 because the provincial law states that majority is 21. If he has to be sued or anything else, it might

[Interpretation]

discours du trône, on disait qu'on recommanderait au Comité d'abaisser l'âge des votants.

M. Richard: Non. Je fais cette proposition à titre de membre du Comité et pour suivre mes propres convictions. Vous me connaissez très bien, Frank, je ne suis pas un 'suiveux'.

M. Peddle: M. le président?

Le président: Oui?

M. Peddle: Alors la motion entière est que l'âge soit abaissé à 18 ans?

M. Howard (Skeena): Des électeurs.

M. Peddle: Ou bien que le Comité en fasse la recommandation?

Le président: Nous étudions les recommandations de la Loi électorale du Canada, et nous déposerons notre rapport à la Chambre, mais c'est la Chambre qui adopte les lois.

M. Peddle: M. le président, aux termes de cette motion des directives seraient données à notre personnel pour qu'il rédige un amendement qui conviendrait à la loi et serait comprises dans notre rapport. C'est bien ça?

Le président: Oui.

M. Howe: Il en découlerait une loi adoptée sur les recommandations de notre Comité.

Le président: Alors je mets la motion aux voix? Ceux qui sont en faveur? Ceux qui sont opposés?

La motion est adoptée.

Le président: Allons-nous apporter des modifications à l'âge des candidats? Dans certaines provinces, on a abaissé l'âge des votants, mais on exige encore qu'un candidat ait 21 ans. C'est pourquoi nous avons séparé les trois questions car elles sont distinctes. J'aimerais avoir l'opinion des députés sur la réduction de l'âge à 18 ans. Est-ce que l'âge des candidats doit être réduit à 18 ans, ou bien préférez-vous que l'âge des candidats demeure à 21 ans? M. Howard.

M. Howard (Skeena): Je propose que l'âge des candidats admissibles soit abaissé de 21 ans à 18 ans.

M. Serré: Si l'âge des candidats est réduit à 18 ans, il pourrait en résulter des complications à cause des lois provinciales aux termes desquelles l'âge de la majorité civile est fixé à

[Texte]

create a lot of complications. I think we should leave the candidate's age at 21.

Motion negatived.

Mr. Howard (Skeena): Mr. Chairman, inasmuch as we are still in the area of the eligible age for candidates, and perhaps other factors relating to their eligibility too, it would seem to me that since Parliament on a couple of occasions has determined, for argument's sake, that a person cannot sit on the bench and be a judge beyond the age of 75, and that likewise senators cease to be useful and are no longer eligible to sit in the Senate at that age, it would seem to me somewhat a companion thought that we should consider placing an upper limit on the eligible age of candidates and thus to sit in Parliament. As in the Senate, people who were elected under the present circumstances should retain that right. I am talking about future candidates only.

I move that the upper age limit for candidates for election be set at 75 years.

The Chairman: Mr. Lefebvre.

Mr. Lefebvre: I would like to speak on the motion, Mr. Chairman. I do not agree with it. First of all, senators and judges are appointed officials and I can see reasons for this, but a person in the House of Commons is elected by the citizens of a constituency and it is up to them to choose whom they are sending here. As long as he is of the required minimum age, whether they want to elect a man who is 95 or 42 or 21 is their business and I think should be left in their hands.

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The Chairman: Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, I support the motion. If it is logical that those who are 18 can vote and elect someone under the age of 21, it is equally logical that the maximum of 75 apply in that context. I think it is perfectly in order that any person who reaches the age of 75 be no longer eligible to stand as a candidate. If this Committee is correct in saying that anyone between the ages of 21 and 18 can be a candidate, than I think this is just as logical.

The Chairman: Mr. Comtois.

Mr. Comtois: Il ne faudrait pas oublier que si nous limitons l'âge des candidats à 75 ans, il faudrait peut-être aussi leur enlever le

[Interprétation]

21 ans. S'il y a matière à poursuites ou quelque chose d'identique, il pourra s'ensuivre des complications. Donc, je crois que l'âge des candidats devraient demeurer 21 ans.

La motion est rejetée.

M. Howard (Skeena): Monsieur le président, vu que nous discutons toujours l'âge des candidats et peut-être aussi d'autres facteurs concernant leur admissibilité il me semble que, étant donné que le Parlement a déterminé à quelques reprises, pour le plaisir de discuter, qu'on ne peut plus être juge après avoir atteint 75 ans, et que la même chose vaut pour le Sénat, ce serait suivre cette ligne de pensée que de créer un plafond quant à l'âge d'admissibilité des candidats, soit l'âge que devrait avoir une personne pour pouvoir siéger au Parlement. Comme c'est le cas pour le Sénat, ceux qui ont été élus dans les circonstances actuelles, devraient garder ce privilège. Mes remarques ne s'adressent toutefois qu'aux nouveaux candidats.

Je propose une limite d'âge de 75 ans pour les candidats.

Le président: Monsieur Lefebvre.

M. Lefebvre: J'ai un mot à dire en ce qui concerne la motion, M. le président. Je ne suis pas du tout d'accord avec cette motion. D'abord, les sénateurs et les juges sont nommés officiellement, tandis que le député est élu par les citoyens de sa circonscription et, il incombe aux électeurs d'élire l'homme, de leur choix, peu importe son âge, pourvu qu'il ait l'âge minimum, je crois que la chose devrait être laissée aux électeurs.

Le président: Monsieur Benjamin.

M. Benjamin: J'appuie la motion. S'il est logique que les personnes de 18 ans votent et élisent quelqu'un qui ait moins que 21 ans, il est également logique de supposer que l'âge maximum de 75 ans s'applique dans ce contexte. Je crois qu'il est tout à fait régulier que toute personne qui atteint 75 ans ne soit plus admissible à se présenter comme candidat. Si nous avons raison de dire qu'un individu entre 18 et 21 ans peut être candidat, je crois que ceci est tout aussi logique.

Le président: M. Comtois.

Mr. Comtois: One must not forget that if the age limit of candidates is 75 years, perhaps we should also take away from them

[Text]

droit de vote. Pour le moment, je crois que nous devrions nous opposer à cette motion.

Motion negatived.

The Chairman: Now there is the question of the eligible age of election officers.

Do we keep the age of 21 for the election officers?

Mr. Major: In this respect, Mr. Chairman, if we are going to appoint officials at 18 to run an election, let us spell out their capabilities. In essence, at least let us specify that they have a senior high school education or something of this nature.

The Chairman: Maybe they can be enumerators and exercise some functions. If you are giving the younger people the right to vote, maybe they should also have the opportunity of acting at the polls as officers.

Mr. Major: Are we talking about enumerators or election officers?

Mr. Howe: Mr. Chairman, has there been any discussion with any other departments? I noticed recently an advertisement by the Post Office Department for a contractor and the age was to be 21. I think this is something that we should not take too lightly; that if we adopt the age of 18, then a chap can take a contractor's job with the Post Office at 18, and so on.

M. Duquet: Je pense que M. Howe soulève un point intéressant, mais, parmi les fonctions qu'il mentionne, il a donné comme exemple le bureau de poste, n'importe qui à 18 ans peut travailler au bureau de poste. Deuxièmement, au point de vue de la fonction d'officier d'élection: je pense que nous nous priverions peut-être des services de jeunes étudiants qui, à 18 ans, sont très compétents, peuvent faire d'excellents recenseurs ou scrutateurs, ou exercer n'importe quelle autre fonction dans le bureau de scrutin. Je pense que nous aurions tort de ne pas permettre que des jeunes de 18 ans puissent être officiers d'élection.

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Mr. Richard: A tous les postes?

M. Duquet: Oui, à tous les postes. Ce serait une exception. Mais je pense qu'il faut...

Mr. Forest: Can you propose any difficulty according to their responsibilities, if they were 18, say, and they were enumerators or returning officers?

[Interpretation]

the right to vote. Right now, I think we should oppose the motion.

Le président: Maintenant il s'agit de l'âge admissible des officiers d'élection.

Est-ce qu'on va continuer d'exiger que les officiers d'élection soient âgés de 21 ans.

M. Major: M. le président, si nous nommons des jeunes gens de 18 ans pour diriger une élection, il faudrait préciser leurs qualités. En somme, nous devrions au moins qu'ils aient exigé qu'ils aient une éducation d'école secondaire ou quelque chose de ce genre.

Le président: Ils pourraient être énumérateurs, ou exercer certaines fonctions. Si l'on donne aux jeunes le droit de vote, ils devraient aussi pouvoir assumer les fonctions d'officiers rapporteurs.

M. Major: Parle-t-on d'énumérateurs ou d'officiers d'élection?

M. Howe: M. le président, est-ce qu'on a discuté avec d'autres ministères? J'ai vu que récemment que dans une offre d'emploi de contracteur par le ministère des Postes, l'âge minimum indiqué était de 21 ans. Je crois que c'est quelque chose qu'on ne doit pas prendre trop à la légère. Si l'on abaisse l'âge de vote à 18 ans, il sera loisible pour un jeune homme de 18 ans de remplir les fonctions d'entrepreneur pour le ministère des Postes.

Mr. Duquet: I think Mr. Howe has raised a very interesting point, but in the duties mentioned he referred to the Post Office and anybody of 18 can work at the Post Office. Secondly, as far as the duties of election officers are concerned, I think that we might be losing the services of young students who are 18 years of age who are very competent and who could do very good work as enumerators or as scrutineers or any other duty involved in a polling station. I think we would be wrong in not allowing 18 year olds to act as Election Officers.

Mr. Richard: Does that include all positions?

Mr. Duquet: Oh, yes, all the jobs involved. That would be an exception. But I think that we should...

M. Forest: Pourriez-vous nous indiquer les difficultés auxquelles on pourrait s'attendre, si les énumérateurs et les officiers rapporteurs n'étaient âgés que 18 ans?

[Texte]

Mr. Hamel: Let us put it this way. From a purely administrative point of view there are pros and cons both ways. If the age for election officers were to remain at 21 it would be extremely difficult to control this because in addition to being a qualified elector they would have to take an oath to the effect that they are of the age of 21 or over. So from a purely administrative point of view it would be extremely difficult to control. On the other hand, it may not be a very pleasant task for me to prosecute an 18 or 19 year old person who is guilty of some infraction in the discharge of his functions as an enumerator or a deputy returning officer. Personally I must admit that I do not have any opinion because there are as many problems on the one hand as there are on the other.

The Chairman: Mr. Francis.

Mr. Francis: I think I would support the views of Duquet, on balance. In the course of an election campaign I believe that 18, 19 and 20 year olds can make excellent enumerators, can do a number of tasks in connection with an election and can do them very well. Frequently also if they are students, they are one of the few classes of people who are available and who have the time as well as the competence when you need them.

Mr. Major: May I ask a question?

The Chairman: Mr. Major.

Mr. Major: Is there a legal aspect involved here, Lloyd, that we are missing somewhere?

Mr. Francis: Well, Mr. Hamel referred to the difficulties in prosecuting in the case of an infraction for dereliction of duty. Mr. Hamel, I must confess I am at a little bit of a loss at this point because I just do not see why you cannot prosecute them the same as anyone else. If they do not do their job you could withhold pay; if necessary, if they violated the Act you could prosecute them just the same as anyone else, could you not? What is the particular difficulty?

Mr. Hamel: It is only a question of my being rather repugnant to prosecute an 18 or 19 year old person who may not be as serious as a more mature person.

The Chairman: Oh, yes, but we did consider them serious enough to give them the right to vote.

Mr. Duquet: There is another point, Mr. Chairman, if you would permit me. Each and every existing party tries to get into the universities to form student groups to join political parties. What is the use of trying to

[Interprétation]

M. Hamel: Du côté administratif, il y a du pour et du contre. Si l'on gardait l'âge de 21 ans pour les officiers d'élection, il serait très difficile de le contrôler, car en plus d'être des électeurs qualifiés, il faudrait qu'ils prêtent serment à l'effet qu'ils ont au moins 21 ans. Du point de vue administratif, ce serait extrêmement difficile à contrôler. D'un autre côté, ce ne serait pas une tâche très agréable pour moi de poursuivre un jeune homme de 19 ou 20 ans qui se serait rendu coupable d'une infraction comme énumérateur ou comme scrutateur. Pour ma part, je n'ai pas d'opinion, parce que je vois du pour et du contre des deux côtés de la barrière.

Le président: Monsieur Francis.

M. Francis: J'appuierai le point de vue de M. Duquet, car au cours d'une campagne électorale je suis persuadé que des gens de 18, 19 et 20 ans feraient de très bons énumérateurs, et qu'ils sont capables de bien accomplir les tâches qui existent en temps d'élection. S'il s'agit d'étudiants, voilà une catégorie de gens disponibles et compétents quand on en a besoin.

M. Major: Puis-je poser une question?

Le président: Monsieur Major.

M. Major: Est-ce qu'on ne néglige pas le côté juridique de la question?

M. Francis: M. Hamel a parlé des difficultés qu'il y aurait à engager des poursuites dans le cas d'une infraction pour négligence dans le service. Je vois mal, M. Hamel, pourquoi vous ne pourriez pas poursuivre ces gens. S'ils ne font pas bien leur travail, vous pouvez retenir leur salaire. S'il y avait infraction à la Loi, on pourrait les poursuivre tout comme on le fait pour tout autre individu, ne croyez-vous pas? Où se trouve la difficulté?

M. Hamel: C'est que cela me répugne de poursuivre une personne de 18 ou 19 ans qui n'a peut-être pas le sérieux d'une personne qui a plus de maturité.

Le président: Oui, mais on les juge assez sérieux pour être en mesure de voter.

M. Duquet: Il y a un autre point, monsieur le président.

Tous les partis essaient de former des groupes d'étudiants dans les universités afin d'en faire des noyaux de partis politiques. A quoi

[Text]

get at the youth, even in the labour field, if we are not going to use them? I hope you do not mean me to understand that we are going to work on students and young labourers and then just tell them that we want to group them together to do nothing. If we have to have student associations or student groups in the parties we might as well also understand that we have to use them to their capacity.

Mr. Francis: Mr. Chairman, I would be prepared to make a motion that the age be 18, if necessary.

The Chairman: Mr. Duquet has already made the motion. If there is no further discussion I will put the motion.

Mr. Lefebvre.

Mr. Lefebvre: Would you phrase the motion please.

The Chairman: The motion is that the required age to be capable of fulfilling a charge as an election officer be 18 instead of 21.

Mr. Duquet: Mr. Chairman, I will not insist on this, but I wonder if we could not restrict it just by adding election officers except the charge of president in the riding, or returning officer, whatever you call it.

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Mr. Lefebvre: Except the returning officer for the riding, who would have to be over 21 as is now the case.

Mr. Duquet: They could be anything else as an election officer, but the president or the returning officer of the riding.

Mr. Lefebvre: Yes. I think I am in favour of that. I just wonder whether we should not also make—I do not know if it is in the same category—but how about official agents of the candidate? Under the law they should be 21 also, should they not? We should also look into that part.

Mr. Benjamin: No.

Mr. Lefebvre: Under the laws to take the oath and everything he—

The Chairman: No. There is no qualification required for an agent of a candidate. There is not qualification.

Mr. Duquet: He must be a voter, that is all, just have the right to vote.

[Interpretation]

est-il bon d'attirer les jeunes, même dans le domaine ouvrier, si l'on ne s'en sert pas? J'espère que vous ne voulez pas laisser entendre qu'on va faire appel aux étudiants et aux jeunes ouvriers et leur dire qu'on veut les rassembler pour ne rien faire. Si l'on veut avoir des associations d'étudiants dans les partis, autant vaut qu'on s'en serve en leur donnant du travail qui corresponde à leur talent.

M. Francis: Je suis prêt à proposer qu'on accepte l'âge de 18 ans, si besoin il y a.

Le président: M. Duquet a déjà proposé la motion. Si nous avons fini d'en discuter, je mettrai la motion aux voix.

Monsieur Lefebvre.

M. Lefebvre: Monsieur le président, voulez-vous nous lire la motion?

Le président: Il est proposé que l'âge limite d'un candidat admissible à un poste d'officier d'élection soit de 18 ans au lieu de 21 ans.

M. Duquet: Monsieur le président, je n'insiste pas là-dessus, mais je me demande si l'on ne pourrait pas restreindre la portée de cette motion en ajoutant après officiers d'élection, sauf le poste de président d'élection.

M. Lefebvre: Sauf le poste de président d'élection du comité, qui doit être âgé de plus de 21 ans comme c'est le cas actuellement.

M. Duquet: Comme officiers d'élection, ils pourraient assumer n'importe quelle fonction, sauf celle de président d'élection du comité.

M. Lefebvre: Oui, je crois que je serais en faveur de cette motion, mais je me demande si l'on ne pourrait pas appliquer ce critère aux agents officiels du candidat, je ne sais pas si c'est dans la même catégorie. En vertu de la Loi ils doivent avoir plus de 21 ans n'est-ce pas? Il faudrait aussi examiner cet aspect de l'affaire.

M. Benjamin: Non.

M. Lefebvre: En vertu de la Loi, ils doivent prêter serment et...

Le président: Non. Il n'y a aucune compétence voulue pour être agent d'un candidat.

M. Duquet: Il faut qu'il soit électeur, c'est tout.

[Texte]

Mr. Lefebvre: Yes, but before the voting age was 21—

The Chairman: You can have anyone as an agent, anyone...

M. Lefebvre: Il n'est pas nécessaire d'être votant?

The Chairman: It is not even necessary to be on the list to be an agent of a candidate.

Mr. Lefebvre: He does not even have to be a Canadian citizen then. There is something we should look into, I think.

The Chairman: It is up to you to decide if you want to, Mr. Marceau.

M. Marceau: Monsieur le président, nous avons accepté tout à l'heure le principe du droit de vote à 18 ans mais le vote, c'est une expression d'opinion. Il s'agit de savoir si on va confier des tâches, donner des responsabilités à des gens responsables.

Je crois que, au point de vue de la loi, si on choisit des représentants de moins de 21 ans, même s'ils ont la compétence voulue à 18 ans, ce n'est pas là qu'est le problème. Et je pense que cela peut nous occasionner des problèmes légaux assez graves, dans nos circonscriptions, parce qu'au sens de la loi, les mineurs peuvent invoquer la lésion et bien d'autres arguments pour ne pas remplir leurs obligations.

Je ne voudrais pas donner l'impression que je suis contre les jeunes, j'ai d'ailleurs voté pour le droit de vote des jeunes; mais dans le cas présent, vu les complications que cela peut comporter, je ne suis pas favorable à ce que l'âge des officiers d'élection soit abaissé.

D'ailleurs j'ai remarqué que mon confrère et ami Gérard Duquet a voté contre le droit de vote à 18 ans et que maintenant il veut qu'on accepte les officiers d'élection à l'âge de 18 ans.

M. Duquet: Parce que vous leur avez donné le droit de vote à 18 ans.

M. Marceau: Oui, mais vous étiez contre ce fait.

M. Duquet: Oui, mais c'est la décision du Comité, et je lui demande d'être logique avec elle.

The Chairman: Order, order, please. Mr. Lefebvre.

M. Lefebvre: Afin d'éclairer la lanterne des membres du Comité, pourrions-nous connaître ce qui est arrivé dans les provinces où on a

[Interprétation]

M. Lefebvre: Oui, mais auparavant l'âge admissible pour exercer son droit de vote était 21 ans...

Le président: On peut prendre qui l'on veut comme agent...

Mr. Lefebvre: It is not necessary to be a voter?

Le président: On n'a même pas besoin d'être sur la liste des votants pour être l'agent d'un candidat.

M. Lefebvre: Il n'a même pas besoin d'être citoyen canadien. Voilà une chose qu'il faudrait bien examiner de plus près.

Le président: C'est à vous d'en décider. M. Marceau.

Mr. Marceau: Mr. Chairman, we agreed a while ago to the principle of setting the voting age at 18. But the vote is an expression of opinion. Now it is a matter of whether we are going to give certain tasks and responsibilities to responsible people.

I think that legally, if we choose representatives who are less than 21, even if they have the required qualifications at 18, that is not the problem. We may run into rather serious legal problems in our districts, because under the Act, minors can get out of their obligations by using the argument that theirs is a burdensome contract and also a good many others.

I do not want to give the impression that I am against young people. I voted to give them the right to vote. But in the present case, because of the legal complications this could create, I am not in favour of lowering the age for election officers.

Besides, I noticed that my colleague and friend Mr. Gérard Duquet, voted against the right to vote at 18, and now he wants us to lower the age for election officers to 18.

Mr. Duquet: Because you gave them the right to vote at 18.

Mr. Marceau: Yes, but you were against that.

Mr. Duquet: It is the Committee's decision and I am merely asking it to be consequential.

Le président: A l'ordre s'il vous plaît. M. Lefebvre.

Mr. Lefebvre: In order to enlighten the members of the Committee, could you tell us what the results are in those provinces where

[Text]

abaissé l'âge des votants à 18 ans? Peut-on y choisir des officiers d'élection de moins de 21 ans?

Le président: Au Québec la limite est de 21 ans.

M. Lefebvre: Et dans les autres provinces?

Le président: En Ontario c'est encore 21 ans, comme en Nouvelle-Écosse aussi.

M. Lefebvre: Monsieur Hamel savez-vous pourquoi les provinces qui ont accepté le droit de vote à 18 ans n'ont pas abaissé la limite de 21 ans pour les officiers d'élection?

M. Hamel: A ma connaissance, je peux me tromper, seul Québec, tout en abaissant l'âge où on a droit de vote, a maintenu à 21 ans l'âge minimum requis pour être officier d'élection.

Je suis convaincu qu'en Saskatchewan et en Alberta l'âge minimum requis pour être officier d'élection est le même que celui nécessaire pour être électeur et même candidat. Les deux seules provinces dont je ne suis pas certain sont l'île du Prince-Édouard et Terre-Neuve qui ont abaissé l'âge minimum des votants mais pas celui pour être candidat; et très souvent, la décision concernant l'âge des officiers d'élection suit la décision concernant l'âge des candidats.

The Chairman: Mr. Benjamin.

Mr. Benjamin: I think I understood Mr. Hamel correctly when he referred to Saskatchewan. I know they not only lowered the voting age to 18, but candidates could run at the age of 18 and they did not worry about the age of majority or legal age. I think election officials could be 18, but, I do not know of any case where a returning officer was ever appointed under the age of 21. In many cases election clerks, DROs, enumerators, as well as scrutineers, were under the age of 21, and there were no problems that I am aware of, and that has been for 20 some years.

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Mr. Lefebvre: Well, if that is the case, I think any election official could be 18 years old.

The Chairman: Are you ready for decision?

M. Duquet: Mon amendement au sujet de la fonction de président est-il acceptable?

[Interpretation]

they brought the age of voters down to 18? Can election officers in those provinces be under 21?

The Chairman: In Quebec, it is 21 years of age.

Mr. Lefebvre: What about the other provinces?

The Chairman: In Ontario it is 21, and also in Nova Scotia.

Mr. Lefebvre: Mr. Hamel, do you know why the provinces which have brought the voting age down to 18, have kept the 21-year limit for election officers?

Mr. Hamel: To my knowledge, and I may be wrong, only Quebec has lowered the voting age to 18 but maintained the 21-year limit for election officers.

I am convinced that in Saskatchewan and in Alberta, the required age to be an election officer is the same as that required to be eligible to vote or to be a candidate. The only provinces about which I am not sure are Prince Edward Island and Newfoundland. They have lowered the voting age, but I do not know whether they have done the same thing with regard to eligibility to be a candidate. Quite frequently, the decision concerning the age of election officers is based on the decision concerning the age of candidates.

Le président: Monsieur Benjamin.

M. Benjamin: Je crois avoir bien compris M. Hamel quand il a parlé de la Saskatchewan. Je sais qu'on n'y a pas seulement abaissé l'âge minimum des électeurs à 18 ans, mais que les candidats peuvent se présenter à l'âge de 18 ans et personne ne s'en fait à propos de la majorité civile. Je crois que les officiers d'élection peuvent avoir 18 ans, mais je ne connais pas de cas où l'officier rapporteur nommé eût moins de 21 ans. Il y a eu beaucoup de cas où les greffiers, les sous-officiers rapporteurs, les énumérateurs, ainsi que les scrutateurs n'avaient pas 21 ans, et je n'ai jamais entendu parler de problèmes. Il y a 20 ans que cette situation dure.

M. Lefebvre: Alors, si c'est le cas, tout officier d'élections pourrait être âgé de 18 ans?

Le président: Alors, messieurs, êtes-vous prêts à vous prononcer?

Mr. Duquet: Is my amendment concerning the position of chairman acceptable?

[Texte]

If I except the returning officer's function.

The Chairman: There is a motion moved by Mr. Duquet.

Mr. Duquet: I move that the Committee recommend to the House that the age for election officials, except for official returning officers, be lowered from 21 to 18 years.

The Chairman: Mr. Richard.

Mr. Richard: Mr. Chairman, I am not so sure about the whole thing. I know that there are boys of 18 and 19, and girls too, who are much more able than some of the people who have been appointed at 30 and 35. I was only worried at one stage as to the legal responsibility, because there are legal responsibilities in the Act, in the Province of Quebec particularly in which, I do not know the law of the Province of Quebec but Mr. Marceau explained it, there is a defence as I understood him to say of rights of a minor which can be invoked under your Civil Code. I do not know much about that. I am not worried much about the rest of the provinces, being from Ontario, but I can understand that it is a very ticklish proposition to chase a boy of 18, or a girl of 18 who could plead youth, and minority, and ignorance, et cetera. I suppose it might apply much more in the Province of Quebec, where they have special provisions in their Code, than it might apply here.

The Chairman: But the law is going to be applicable to the whole of Canada. I would like to ask Mr. Duquet if it is precisely necessary to put it as an amendment in the Act, because in Quebec anyone who is under 21 cannot sign a contract. The returning officer has to sign leases and contracts, and take responsibilities for which he has to answer, but he could not legally do it, if he is not 21 years old. So why should we make it in the law that "except returning officers".

Mr. Duquet: That is probably why...

The Chairman: It is not necessary, in a sense.

Mr. Duquet: So it is covered. It is specified in your law...

The Chairman: Mr. Peddle.

Mr. Duquet: ... that he cannot be a returning officer unless he is 21.

[Interprétation]

Si je fais exception du poste de président d'élection?

Le président: Nous avons ici une motion proposée par M. Duquet.

M. Duquet: Je propose que le Comité recommande à la Chambre que l'on abaisse de 21 à 18 ans, l'âge requis pour être officier d'élections, sauf dans le cas des présidents d'élection.

Le président: Monsieur Richard.

M. Richard: Monsieur le président, j'ai des doutes à ce sujet. Je sais qu'il a des garçons et même des jeunes filles de 18 et 19 ans qui en savent plus long que bien des personnes de 30 et 35 ans. Je me préoccupe surtout du problème de la responsabilité juridique, car cette responsabilité est bien définie dans la loi au Québec en particulier. Je ne connais pas très bien les lois du Québec, mais comme l'a dit M. Marceau, il y a possibilité pour les mineurs de faire valoir leurs droits en se servant du Code civil. Je ne m'y connais pas beaucoup dans ce domaine. Je ne sais pas quelle est la situation ailleurs au Canada, car je viens moi-même de l'Ontario. Je sais toutefois qu'il est parfois délicat de poursuivre en justice un jeune garçon ou une jeune fille de 18 ans, car ils peuvent invoquer comme défense, leur jeunesse, leur statut de mineur, l'ignorance des lois etc. Cette situation s'applique bien plus au Québec qu'ailleurs, car le Code civil comprend des dispositions spéciales à ce sujet.

Le président: La Loi devra cependant s'appliquer à tout le Canada. Je devrais peut-être demander à M. Duquet s'il est nécessaire d'inscrire à ce sujet une disposition spéciale dans la Loi, car il faut avoir 21 ans au Québec pour signer un contrat. Le président d'élections doit avoir la capacité de signer des baux et des contrats et d'assumer certaines responsabilités, ce qu'il ne pourrait faire légalement à moins d'être âgé de 21 ans. Alors pourquoi devrions-nous modifier la Loi pour y inscrire le texte suivant: «sauf dans le cas des présidents d'élection».

M. Duquet: C'est probablement pourquoi...

Le président: Dans un sens, cette modification est inutile.

M. Duquet: On précise donc dans le texte de loi...

Le président: Monsieur Peddle.

M. Duquet: ... qu'on ne saurait exercer les fonctions de président d'élection, à moins d'avoir atteint ses 21 ans.

[Text]

Mr. Lefebvre: No. It is just that none was ever appointed.

Mr. Duquet: Oh! I see.

Mr. Benjamin: It is very unlikely that the Chief Electoral Officer, or the Governor in Council, whatever appointment...

Mr. Duquet: Well I do not think one of us here...

Mr. Benjamin: Why worry about it?

Mr. Duquet: ...would suggest an 18, 19 or 20 year old boy as a returning officer, and Mr. Hamel may very well not accept one. This is not up to us.

Mr. Benjamin: No matter what their age, Mr. Hamel has to be satisfied as to the competence and ability to carry out the job, no matter how old they are.

Mr. Hamel: I have never asked the question.

Mr. Peddle: Mr. Chairman, I feel obliged to make a point of order. First when I came in, I asked the question about the business of, moved that such and such, you know, that the voting age for instance be lowered to 18. Now I have had some experience and I know that a motion passed to that effect here does not become law, I am well aware of that. But there is a point there that I want to make. In view of the ridiculous suggestion in the Throne Speech, that the government would recommend to this Committee that the voting age be lowered to 18, I think it is very important that each motion that we pass here be prefaced with the words that "this Committee recommends", or words to that effect.

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And I have another reason for that. I read in the newspaper following the Throne Speech those very words, which is confusing to the public. Now the proceedings of this meeting are being recorded and we will have motions made here which will also be confusing to the public, and possibly reported in the press. I do not know if I am making myself clear. I think it is vitally important that each motion that is passed here be prefaced and appear in the report as being a recommendation of this Committee, so that at least we can put the thing in the right perspective for the

[Interpretation]

M. Lefebvre: Non, ce n'est pas juste. Le fait est que personne jusqu'à maintenant n'a été dans ce cas.

M. Duquet: Ah, je comprends.

M. Benjamin: Il est probable que directeur général des élections ou le gouverneur en conseil, quelle que soit la nomination...

M. Duquet: Je crois que personne d'entre nous ici...

M. Benjamin: Pourquoi se faire du souci à ce sujet?

M. Duquet: ...proposerait la nomination d'un jeune homme de 18, 19 ou 20 ans, comme président d'élection et il se peut d'ailleurs que M. Hamel soit opposé à cette proposition. Cette décision ne relève pas de notre compétence.

M. Benjamin: Quel que soit l'âge des jeunes en question, M. Hamel doit d'abord s'assurer que ces jeunes ont la compétence et les aptitudes voulues pour exercer les fonctions de président d'élection.

M. Hamel: Je n'ai jamais eu à me poser la question.

M. Peddle: Monsieur le président, je crois nécessaire d'invoquer le Règlement. J'ai proposé déjà et j'étais d'accord pour demander que l'âge des votants soit abaissé de 21 à 18 ans. Je me rends bien compte qu'une motion adoptée ici n'a pas nécessairement force de loi, mais j'aimerais signaler ce qui suit. Compte tenu de la proposition ridicule que renferme le discours du trône à savoir que le gouvernement recommande à notre Comité que le droit de vote soit accordé aux jeunes à compter de 18 ans, il est très important que chacune des motions que nous adoptons en Comité soit précédée d'un avertissement ainsi conçu: «ce Comité recommande» ou quelque expression de ce genre.

Il y a une autre raison qui vient confirmer ma proposition. J'ai lu dans les journaux, le lendemain du discours du trône, ces mêmes mots qui semblent jeter la confusion dans l'esprit du public. Maintenant que les délibérations de notre séance sont enregistrées sur ruban, il se peut que nous adoptions des motions qui pourraient jeter encore plus de désarroi dans l'esprit du public et faire l'objet d'articles de journaux. Je ne sais si je me fais bien comprendre. Je voudrais que chacune des motions adoptée ici soit précédée d'un avertissement et soit inscrit dans le compte

[Texte]

public. These documents will go out to interested people. Am I making myself clear?

The Chairman: Yes.

Mr. Peddle: And people reading that this Committee moved and accepted a certain proposition will be led to believe that that is law. I do not think we should contribute any further to...

The Chairman: Well at this time, since you have raised this point of order, I would have to ask any of the members present if they do act on their own. I believe that the members of this Committee are free to make their decisions. There have been some motions duly put, we do not even need a seconder, but as soon as there is a motion put, and the question is put to the members, it is up to the members to decide. After there has been a decision, it has to be recorded as a decision of the majority of the members of the Committee. Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, à propos of what Mr. Peddle says, I think maybe we should look at something that occurred in the past because he does have a very valid point. I believe it was in 1964, in any event following the 1963 election, the Privileges and Elections Committee examined the Canada Elections Act and went through it, bit by piece, clause by clause. At the time the end of that session came along the Committee had not completed its consideration of the Canada Elections Act, but because the session was coming to an end, it had to make a report.

One of the decisions made by that Committee was to lower the voting age to 18 years of age, a unanimous decision of the Committee. This was contained in a report to the House, along with the companion report that, because the Committee had not concluded its hearings, it be re-established again at the earliest possible moment in the next session. And that all this material come back again, you know, the referral contained the Canada Elections Act and the like. That did not occur.

The next session came and went and there was no referral, and the next session came and went and there was no referral, and the matter died, as you probably know. But when we entered the 1965 election, people at home in my constituency, and I gather this from talking with other candidates and other mem-

[Interprétation]

rendu comme étant une recommandation de notre Comité, de sorte que le public du moins sache à quoi s'en tenir. Ces documents seront remis aux intéressés. Est-ce que vous me comprenez bien?

Le président: Oui.

M. Peddle: Les gens qui liront le compte rendu de ces délibérations verront que c'est le Comité qui a proposé et adopté une certaine disposition seront portés à croire que cette proposition du Comité a force de loi.

Le président: Puisque vous avez soulevé cet appel au Règlement, je devrai demander à l'un ou l'autre des députés présents s'ils agissent vraiment de leur propre chef. Je crois que les membres du Comité sont libres, de prendre leurs propres décisions. Nous avons eu des motions et nous n'avons pas toujours eu besoin de quelqu'un pour les appuyer, mais dès que la motion est proposée et mise aux voix, c'est aux membres du Comité de prendre une décision. Dès que la décision est prise, elle doit être inscrite aux procès-verbaux comme étant une décision prise par la majorité des membres du Comité. Monsieur Howard.

M. Howard (Skeena): Monsieur le président, à propos du point que M. Peddle a soulevé, il faudrait peut-être regarder ce qui est survenu dans le passé, car le point de M. Peddle est très valable. Je crois que c'est en 1964, en tout cas à la suite de l'élection de 1963 que le Comité des privilèges et élections a étudié la Loi électorale du Canada, article par article. Lorsque la session a pris fin, le Comité n'avait pas terminé l'étude de la Loi électorale du Canada, mais comme la fin de la session approchait, le Comité a dû présenter un rapport.

Le Comité a donc fixé à 18 ans l'âge des votants, par décision unanime qui a été comprise dans un rapport fait à la Chambre. De plus dans un rapport joint à ce dernier, et comme le Comité n'avait pas terminé ces séances, on demandait que cette question fut étudiée le plus tôt possible à la session suivante, mais rien ne s'est produit.

Lors des deux sessions suivantes, on n'a pas étudié cette question et la question a été renvoyée aux oubliettes, comme vous le savez. Lorsque nous avons entrepris l'élection de 1965, les gens de ma circonscription—c'est aussi l'opinion d'autres candidats—étaient convaincus que l'âge des votants était mainte-

[Text]

bers, were absolutely convinced that the voting age was set at 18 years of age because this Committee unanimously reported that and made that recommendation.

The political parties who were then in Parliament and who participated in the Committee also took the occasion, each to say, following the Committee proceedings, publicly that "Yes, we supported the lowering of the voting age" and the like. And as a consequence we got a tremendous amount of misinformation out to the general public. I think this is what Mr. Peddle is getting at, that we do not want to contribute to the same sort of confusion.

The Chairman: I fully agree with this, but I believe that this request should be directed to the press instead of to me, as Chairman of the Committee. But it would be made clear that the decisions of the members of the Committee are recommendations, but not the law.

Mr. Howard (Skeena): The decisions before were recommendations too, but the Liberal Party took upon itself to promote the idea throughout the country that it was the champion of lowering the voting age, and it did not have the courage to follow it through by following it up the following session.

The Chairman: Order please. I do not think, Mr. Howard, we will achieve much going into the .

Mr. Howard (Skeena): You may object to that, Mr. Chairman, but that is a fact. All you have to do is ask former Prime Minister Pearson why he did not have the courage to do it. And you will find the answer in your own Province of Quebec.

The Chairman: So we come back to the...

Mr. Howard (Skeena): This is what we were told...

Mr. Duquet: Mr. Chairman...

The Chairman: Just a minute. Mr. Howard has the floor.

Mr. Howard (Skeena): This is what we were told by members of the Liberal Party. Am I not to believe them?

Mr. Badanai: Well...

An hon. Member: It all depends on which members of the Liberal party you are talking about...

Mr. Howard (Skeena): Well, you know the bad guys are gone.

[Interpretation]

nant de 18 ans, parce que le Comité avait fait une telle recommandation à l'unanimité à la Chambre.

Les partis politiques qui étaient au Parlement à cette époque et qui participaient au travail de ce Comité avait profité de l'occasion, à la suite des séances du Comité qu'ils étaient d'accord avec le fait d'abaisser l'âge des votants, et par conséquent, le public a été mal informé. Je crois que c'est la question que soulève M. Peddle. Nous ne voulons pas contribuer au même genre de confusion.

Le président: Je suis parfaitement d'accord. Je crois que cette requête doit être dirigée vers les journalistes, plutôt que vers moi-même comme président du Comité. Mais il est clair que la décision des membres du Comité est une recommandation et n'a pas force de loi.

M. Howard (Skeena): Autrefois, les décisions étaient également des recommandations, mais le parti libéral s'est fait le champion de l'idée d'abaisser l'âge des votants par tout le pays, mais il n'a pas eu le courage de mettre cette idée en pratique en l'étudiant à nouveau à la session suivante.

Le président: A l'ordre, s'il vous plaît! Je ne pense pas, monsieur Howard, qu'on doive s'étendre sur le sujet...

M. Howard (Skeena): Ce que je vous donne ce sont des faits. Vous n'avez qu'à demander à M. Pearson pourquoi il n'a pas eu le courage de le faire et vous trouverez la réponse dans votre propre province de Québec.

Le président: Nous en revenons donc à...

M. Howard (Skeena): Voilà ce qu'on nous a dit...

M. Duquet: Monsieur le président.

Le président: Une minute, M. Howard a la parole.

M. Howard (Skeena): C'est ce que nous ont dit les membres du parti libéral. Ne sont-ils pas dignes de foi?

M. Badanai: Eh bien...

Une voix: Tout dépend de quel député du parti libéral vous voulez parler...

M. Howard (Skeena): Mais vous savez bien qu'il n'y a plus de «villains» parmi nous.

[Texte]

Mr. Duquet: Mr. Chairman, I have been here five years now, it is not a very long period, but it has been long enough for me to know, at least, that any decision made by a Committee becomes a recommendation to the House, and that the House is not tied up by the recommendations of a Committee any more than it is tied up with the recommendation of a Commission that has been formed. So it is *prima facie* understood that any decision made here becomes a recommendation to the House of Commons, which is not tied up and which does not necessarily have to accept the decision.

The Chairman: I think the point raised by Mr. Howard is a very valuable one and if we want to avoid confusion, it is up to the mass media of information to state precisely what is going on. Mr. Lefebvre.

Mr. Lefebvre: The report of this Committee is no different from that of any other committee. We have committee reports tabled in the House of Commons almost every day of the week, and they are all recommendations to the House. I do not see what your objections are, Mr. Peddle.

Mr. Peddle: I will try to clarify, Mr. Chairman. I am not talking about the report. I appreciate that it will be in the form of recommended, recommended, recommended. I am talking about the report that will be printed of the proceedings of this meeting here today. That will go out, for all intents and purposes, as a public document. I send some out myself to interested people. When the people on the street get this, and read that this Committee moved, seconded and unanimously carried that such an action be adopted, then I say it is adding to confusion and it is not necessary.

I suggest, Mr. Chairman, that you as Chairman, in your position as Chairman, can insist that any motion that does not have those three words preceding it would be out of order. You are the Chairman.

The Chairman: We act within the capacity of the terms of reference from the House, so we are studying the law within a committee of the House and we have to report back to the House. We are not legislating here. We are making recommendations.

Mr. Lefebvre: The minutes and ther record of the proceedings of any committee have motions and votes every day of the week, and this committee is no different.

[Interprétation]

M. Duquet: Je suis ici depuis 5 ans maintenant. Ce n'est peut-être pas très long, mais il m'a été donné de m'apercevoir que toute décision prise par un Comité devient une recommandation à la Chambre, et que pourtant la Chambre n'est pas liée par une recommandation du Comité pas plus qu'elle ne l'est par les recommandations des commissions instituées par la Chambre. Il est admis de prime abord que toute décision prise par le Comité devient une recommandation faite à la Chambre des communes qui n'est pas obligée de l'accepter.

Le président: Je crois que le point soulevé par M. Howard est très valable et que si nous voulons éviter la confusion il incombe aux journalistes et aux média d'information de donner un compte rendu exact. Monsieur Lefebvre.

M. Lefebvre: Le rapport de notre Comité ne diffère pas des rapports des autres comités. Des rapports de comités sont déposés chaque jour ou presque à la Chambre des communes et ces rapports sont tous des recommandations faites à la Chambre. Je ne comprends pas votre objection, monsieur Peddle.

M. Peddle: Je tenterai de préciser. Je ne parle pas du rapport, je comprends qu'il sera fait sous forme de recommandations. Je parle du rapport qui sera fait de la séance d'aujourd'hui. A toutes fins utiles, il s'agira d'un document public. J'en envoie moi-même des exemplaires aux gens intéressés. Lorsque l'homme de la rue reçoit son exemplaire, il peut lire les propositions faites, appuyées et adoptées à l'unanimité par le Comité. Je dis que cette situation ajoute à la confusion et qu'elle n'est pas nécessaire. Je propose, monsieur le président, que vous, à titre de président, insistiez pour que toute motion qui n'est pas précédée de ces trois mots soit rejetée. Vous êtes le président.

Le président: Nous agissons conformément au mandat que nous accorde la Chambre. C'est à titre de Comité de la Chambre que nous étudions la Loi et que nous lui faisons rapport. Nous ne faisons pas les lois. Nous faisons des recommandations.

M. Lefebvre: Les procès-verbaux témoignages des Comités renferment des motions et des votes chaque jour de la semaine. Notre comité ne fait pas exception.

[Text]

The Chairman: So I believe we could go back to the question before us regarding the age of the election officers. Are you ready for a decision on it. Mr. Trudel?

An hon. Member: What motion is before us now?

The Chairman: Just a minute. Mr. Trudel.

Mr. Trudel: Mr. Chairman, may I refer to the Election Act, to which I believe you did refer before? I was looking at Article 21 of the Quebec Election Act, and it says that no minors can be elected as officers.

The Chairman: Yes.

Mr. Trudel: I believe Mr. Marceau raised that question, and I think we should keep that in mind in making our decision.

The Chairman: Are you putting the motion?

Mr. Trudel: No, I am only saying this. There was a motion, but I think it is specified in the law that no minors can hold office.

Mr. Benjamin: We had a motion.

The Chairman: The first motion that was put was one by Mr. Duquet. The precise motion made by Mr. Duquet was that the age of election officers be reduced from 21 to 18 years, except for the official returning officers.

Mr. Peddle: Will you accept an amendment to that motion, Mr. Chairman?

The Chairman: It is in order for you to put in an amendment.

Mr. Peddle: The amendment would be that the motion would be preceded by the words "in the opinion of this Committee".

The Chairman: It will be. I think the motion is quite acceptable. The motion put by Mr. Duquet is that, in the opinion of this Committee, the age of the election officials be lowered from 21 to 18 years.

Mr. Peddle: Mr. Chairman, could I change that, and say "the Committee recommends"?

Mr. Comtois: That is not necessary.

Mr. Lefebvre: That is not the motion; that is the amendment.

The Chairman: It is not an amendment. It is put in the main motion now.

[Interpretation]

Le président: Nous devrions revenir à la question à l'étude, celle qui concerne l'âge des officiers d'élection. Etes-vous prêts pour la mise aux voix? Monsieur Trudel.

Une voix: Quelle est la motion.

Le président: Un moment. Monsieur Trudel.

M. Trudel: Monsieur le président, puis-je me reporter à la Loi électorale à laquelle vous avez fait allusion? Je consultais la Loi électorale du Québec, à l'article 21 où l'on dit que les mineurs ne peuvent être élus au poste d'officier.

Le président: Oui.

M. Trudel: Je crois que M. Marceau a soulevé la question et que nous devrions en tenir compte lorsque nous prendrons la décision.

Le président: Proposez-vous la motion?

M. Trudel: Non, je dis simplement qu'il y a eu motion, mais que la loi précise que les mineurs ne peuvent exercer les fonctions.

M. Benjamin: Nous avions une motion.

Le président: La première motion a été proposée par M. Duquet. Il proposait que l'âge des officiers d'élection soit abaissé de 21 à 18 ans, sauf dans le cas des présidents d'élection.

M. Peddle: Acceptez-vous un amendement à cette motion, monsieur le président?

Le président: Le Règlement vous permet de présenter un amendement.

M. Peddle: D'après cet amendement, la motion serait précédée des mots «De l'avis des membres du Comité».

Le président: Il en sera ainsi. Je trouve que la motion est très acceptable. La motion présentée par M. Duquet est celle-ci:

De l'avis des membres du Comité, que l'âge des officiers d'élection soit réduit de 21 à 18 ans.

M. Peddle: Monsieur le président, pourrais-je changer cette expression et dire «Le Comité recommande»?

M. Comtois: Ce n'est pas nécessaire.

M. Lefebvre: Il ne s'agit pas ici de la motion, mais de l'amendement.

Le président: Ce n'est pas un amendement. C'est ajouté à la motion principale maintenant.

[Texte]

Mr. Duquet: It is all right; it does not change anything.

The Chairman: I will call all those in favour of the motion. Mr. Benjamin.

Mr. Benjamin: I would like to move an amendment that the words that read "except returning officers" be deleted from the main motion.

The Chairman: Then we will put the amendment first. The amendment to the motion put by Mr. Duquet is that the words "except for official returning officers" be deleted in the main motion.

Mr. Lefebvre: We are voting on the amendment, are we?

The Chairman: Yes. Is the question clear now? We are voting on the amendment put by Mr. Benjamin to the motion moved by Mr. Duquet. I will read again the motion put by Mr. Duquet:

That the Committee recommend that the age of election officials be reduced from 21 to 18 years, except for official returning officers.

Then there is the amendment put by Mr. Benjamin:

that the words "official returning officers" be deleted.

Now the question is put on the amendment. Amendment negated.

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The Chairman: Are you ready for the main motion?

Motion agreed to.

The Chairman: We made a decision this morning regarding the right of civil servants abroad to vote. We have as witnesses here, Mr. L. M. Berry of the Department of External Affairs, Mr. Neville of the Public Service Commission, and Col. J. P. Dewis who is Deputy Judge Advocate General of the Canadian Armed Forces.

I think this would be appropriate, if you want to get information as to what the words "civil servants" mean regarding the right to vote within the rules applicable to the Armed Forces.

We would like first to distribute the copies of the rules applicable to the Armed Forces. We have made a decision to make these rules applicable to the civil servants abroad, and Mr. Neville is here to answer any questions about what people are concerned with when

[Interprétation]

M. Duquet: C'est très bien. Cela ne change rien.

Le président: Ceux qui sont en faveur de la motion? Monsieur Benjamin.

M. Benjamin: Je voudrais proposer un amendement à savoir que les mots «sauf les présidents d'élection» soient retranchés de la motion principale.

Le président: Nous allons donc voter sur l'amendement présenté par M. Benjamin.

M. Lefebvre: Nous votons sur l'amendement, n'est-ce pas?

Le président: Oui. Est-ce que tout est clair maintenant? Nous votons sur l'amendement présenté par M. Benjamin, concernant la motion de M. Duquet. Je relis la motion de M. Duquet.

Que le Comité recommande que l'âge des officiers d'élection soit réduit de 21 à 18 ans, sauf dans le cas des présidents officiels d'élection.

Nous avons ensuite l'amendement de M. Benjamin:

Que les mots «présidents officiels d'élection» soient retranchés.

L'amendement est maintenant mis aux voix. L'amendement est rejeté.

Le président: Êtes-vous prêt maintenant à vous prononcer concernant la motion principale?

La motion est adoptée.

Le président: Nous avons pris une décision ce matin concernant le droit de vote des fonctionnaires œuvrant à l'étranger. Nous avons comme témoins, M. L.M. Berry du ministère des Affaires extérieures, M. Neville, de la Commission de la Fonction publique et le colonel J. P. Dewis, juge avocat général adjoint des Forces armées canadiennes.

Le moment est tout indiqué pour se renseigner sur la signification du mot «Employé de la Fonction publique», relativement au droit de vote en vertu des Règles électorales concernant les forces armées.

Je veux d'abord distribuer des exemplaires de Règles électorales concernant les forces canadiennes. Nous avons décidé d'appliquer ces règles aux fonctionnaires œuvrant à l'étranger et M. Neville est présent ici pour répondre à toutes les questions concernant

[Text]

we say that the civil servants abroad will be eligible to vote.

Mr. Neville, would you come forward and make a statement about the people concerned?

Mr. J. R. Neville (Public Service Commission): In the committee which examined this subject, we had to come to some decision as to what we were talking about in the Public Service, and if I could wear my Public Service Commission hat for a moment, under the Public Service Employment Act there are a number of government departments and agencies which come under the Public Service Employment Act for appointing purposes. However, that does not include all the agencies of government that are commonly included in the public service.

This led us to look at the Public Service Staff Relations Act, which has a broader terminology and application than does the Public Service Employment Act, to give an example, in the Public Service Employment Act the Public Service Commission is responsible for appointing to some 25 departments of government and to some 31 other departments of government.

In other words, totally we appoint to 56 departments and agencies, whereas the Public Service Staff Relations Act includes the 25 departments plus some 46 other agencies, and then in Part II of the Schedule attached to the Staff Relations Act, there are in addition some 11 separate employers.

To give you an example of what those separate employers are—this may clarify the issue—the separate employers under the Staff Relations Act which this terminology we are proposing would include are the Atomic Energy Control Board, the Centennial Commission which of course is now pretty well cleared up, the Defence Research Board, the Economic Council of Canada, the Fisheries Research Board, the National Film Board, the National Research Council, the Northern Canada Power Commission, the Medical Research Council, the Council of Canada, and the Public Service Staff Relations Board itself.

When the Public Service, Staff Relations Act was passed it came under the Treasury Board as the employer. There was an Order in Council passed in 1968 taking the Public Services Staff Relations Act. The definition of the Treasury Board as employer and it became a separate employer under the Public

[Interpretation]

cette possibilité d'appliquer aux fonctionnaires les règles concernant les forces armées.

M. Neville, avez-vous quelque chose à dire au sujet des personnes intéressées?

M. J. R. Neville (Commission de la Fonction publique): Le Comité qui a étudié la question a dû prendre une décision à ce sujet. Si vous me permettez de parler en qualité de membre de la Commission de la Fonction publique, il existe bon nombre d'agences gouvernementales qui relèvent de la Loi sur l'emploi dans la Fonction publique, en ce qui concerne les nominations. Toutefois, toutes les agences gouvernementales de la Fonction publiques ne sont pas comprises.

Nous avons donc été amenés à consulter la Loi sur les relations de travail dans la Fonction publique dont la terminologie et l'application sont plus vastes que celles de la Loi sur l'emploi dans la Fonction publique. Question de vous donner un exemple, dans la Loi sur l'emploi dans la Fonction publique, la Commission de la Fonction publique se charge de la nomination dans 25 ministères du gouvernement et dans 31 autres bureaux du gouvernement.

Autrement dit, au total, nous nous occupons de la nomination de fonctionnaires dans 56 ministères et organismes tandis que la Loi sur les relations de travail dans la Fonction publique 25 ministères plus 46 autres organismes. Dans la partie II de l'Annexe jointe à la Loi sur les relations de travail figurent 11 autres employeurs séparés.

Pour vous donner en exemple d'employeur séparé ce qui apportera peut-être quelques précisions—on compte parmi les employeurs séparés en vertu de la Loi sur les relations de travail qui figureraient aussi dans la terminologie que nous proposons, la Commission du contrôle de l'énergie atomique, la Commission du Centenaire, le Conseil de recherches pour la défense, le Conseil économique du Canada, l'Office des recherches sur les pêcheries du Canada, l'Office national du Film, le Conseil national de recherches, la Commission d'énergie du Nord canadien, le Conseil des recherches médicales, le Conseil des sciences du Canada et la Commission des relations de travail dans la Fonction publique elle-même.

Lorsque la Loi sur les relations de travail dans la Fonction publique a été adoptée, elle était sous la régie du Conseil du Trésor en tant qu'employeur, mais un Décret adopté en 1968 a soustrait cette Commission de la régie du Conseil du Trésor et elle est devenue un employeur séparé en vertu de la Loi sur les

[Texte]

Service Staff Relations Act. The definition of public servant would include therefore all those departments of government and agencies that are now included in Schedule A, Parts 1 and 2 of the Public Service Staff Relations Act. That is a broader terminology than if we just talked about those agencies under the Public Service Employment Act.

The Chairman: Mr. Benjamin.

Mr. Benjamin: May I ask, Mr. Chairman, do the 46 or so different government agencies include Air Canada and Canadian National?

Mr. Neville: No. I could give you some of them. I do not know whether this is a complete statement: The Bank of Canada would be excluded, the Canada Council, the Canadian Arsenal, the Canadian Broadcasting Corporation, the Canadian Commercial Corporation, the Canadian Dairy Commission, Canadian Patents and Development Limited, Cape Breton Development Corporation, Central Mortgage and Housing Corporation, the Company of Young Canadians, Crown Assets Disposal, Defence Construction, the Economic Council of Canada, Eldorado Aviation and Eldorado Nuclear Limited, Farm Credit Corporation, Industrial Development Bank, National Harbours Board, St. Lawrence Seaway, and the CNR. Those would not come under the definition of public servant that is proposed.

Mr. Benjamin: Air Canada was not in your list.

Mr. Neville: No, Air Canada is one of them.

Mr. Benjamin: For the purposes of voting, I gather you have a permanent list, similar to the armed forces list, which is readily available of overseas personnel in all these government departments and so forth.

Mr. Neville: We felt that in the case of the agencies I have just listed which you will recognize are really Crown corporations that it is very difficult in our judgment to compile a list of electors. The other agencies that come under the Public Service Staff Relations Act just by their very content are by and large agencies that have people pretty well on a permanent basis in postings either in the States or abroad. The other agencies are not.

Mr. Benjamin: Mr. Chairman, it would seem to me that some of these Crown corporations which is pretty well what all the list

[Interprétation]

relations de travail dans la Fonction publique. La définition du fonctionnaire groupe donc les employés de tous les ministères et organismes figurant dans l'annexe Parties 1 et 2 de la Loi sur les relations de travail dans la Fonction publique. C'est une terminologie plus vaste que celle de la Loi sur l'emploi dans la Fonction publique.

Le président: Monsieur Benjamin.

M. Benjamin: Puis-je demander, monsieur le président, si les 46 organismes gouvernementaux comprennent Air Canada et le National Canadien?

M. Neville: Non. Je pourrais en énumérer quelques uns, mais je ne sais pas si la liste est complète. Sont exclues, la Banque du Canada, le Conseil des arts du Canada, la *Canadian Arsenal*, Radio-Canada, la Corporation commerciale canadienne, la Commission canadienne du lait, la *Canadian Patents and Development Limited*, la Société de développement du Cap Breton, la Société centrale d'hypothèques et de logement, la Compagnie des jeunes Canadiens, la Corporation de disposition des biens de la Couronne, la *Defence Construction*, le Conseil économique du Canada, la *Eldorado Aviation* et *Eldorado Nuclear Limited*, la Société du crédit agricole, la Banque d'expansion industrielles, le Conseil des ports nationaux, l'Administration de la voie maritime du Saint-Laurent et le National Canadien. Voilà autant d'organismes qui ne sont pas compris dans la définition du fonctionnaire qui a été proposée.

M. Benjamin: Air Canada ne figure pas dans votre liste.

M. Neville: Non. Air Canada est du nombre.

M. Benjamin: Aux fins du vote, je crois que vous avez une liste permanente semblable à celle dont disposent les Forces armées que l'on peut obtenir du personnel en poste outremer pour tous les ministères et ainsi de suite.

M. Neville: Dans le cas des organismes mentionnés, qui sont réellement des sociétés de la Couronne, il est assez difficile, à notre avis, d'établir une liste d'électeurs. Les autres organismes, ceux qui relèvent de la Loi sur les relations de travail dans la Fonction publique sont de par leur nature des organismes ayant à leur service des personnes en poste permanent, soit aux États-Unis ou à l'étranger. Ce n'est pas le cas des autres organismes.

M. Benjamin: Monsieur le président, il me semble que certaines sociétés de la Couronne—la liste comprend surtout des sociétés de

[Text]

is, some of them at least will have a fair number of permanent employees overseas particularly Air Canada and CN. Some of the others may have a few. Surely there would be no problem in maintaining a list of those names the same as you would for government departments and government agencies. I would like to see us make provision for these employees of Crown corporations who are Canadian citizens and are relatively speaking permanently stationed overseas. I would like to have those eligible to cast ballots included under the armed forces regulations. Would Mr. Hamel or the witness see any problem here administratively?

Mr. Hamel: I see pretty serious administrative problems because these corporations do not come under the Treasury Board or under the standard rules. I doubt if we would have access to their files as we have in the case of government employees or employees of the agencies listed in Schedule A of the Public Service Staff Relations Act. In this case we need a co-ordinating department and this function has been accepted by External Affairs. I am not too sure whether it would be possible to exercise the same control. Perhaps that is a strong expression but I mean to be aware of the people who are being posted abroad and who are coming back so that their name could be added or taken off the list. I am afraid it would create a pretty serious problem.

• 1635

Mr. Benjamin: Mr. Chairman, Mr. Hamel, if the Elections Act provided for these people do you not then have the authority—it would be automatic surely—to get Canadian National and Air Canada, those two in particular, to provide you or whoever is in charge of the armed forces voting rules with the names of permanent employees overseas. Surely the onus is on the employer in that case, at least in these Crown corporations. The provision in the electoral law gives you the authority to obtain those names.

Mr. Hamel: But with employees in the so-called public service, we have a second control in a sense through the Treasury Board because these people all get some extra allowance and we can find out from the board the movement of these people, something which

[Interpretation]

la Couronne—ont, au moins un certain nombre d'entre elles, plusieurs employés en poste permanent outre-mer surtout Air Canada et le National Canadien. D'autres organismes en ont quelques-uns également. Il ne devrait pas être difficile de faire une liste de tous ces noms, comme dans le cas des ministères et des organismes du gouvernement. J'aimerais que nous prenions des dispositions concernant les employés des sociétés de la Couronne qui sont des citoyens canadiens et sont à titre plus ou moins permanent en poste outre-mer. J'aimerais qu'ils puissent voter en vertu des Règles concernant les forces armées canadiennes. M. Hamel ou le témoin y verraient-ils une objection sur le plan administratif?

M. Hamel: Je vois des problèmes administratifs assez sérieux, parce que ces sociétés ne relèvent pas du Conseil du Trésor ou ne sont pas régies par les règlements normaux. Je doute que nous pourrions avoir accès à leurs dossiers comme dans le cas des employés du gouvernement ou des employés d'organismes figurant à l'Annexe A de la Loi sur les relations de travail dans la Fonction publique. Dans ce cas particulier, nous avons besoin d'un organe de coordination et la chose a été acceptée par le ministère des Affaires extérieures. Je ne suis pas certain qu'il serait possible d'exercer le même contrôle. L'expression est peut-être un peu forte. Je veux dire qu'il faut être au courant des gens qui sont en poste à l'étranger et qui reviennent afin que leur nom soit ajouté à la liste ou qu'il en soit retranché. Je crains que ceci crée de sérieux problèmes.

M. Benjamin: Monsieur Hamel, si la Loi électorale comportait des dispositions touchant ces personnes, n'avez-vous pas alors l'autorité—cela irait de soi certainement—d'obtenir du National Canadien ou d'Air Canada, ces deux sociétés en particulier, une liste des employés permanents en poste outre-mer. La liste vous parviendrait, à vous ou à quiconque s'occupe des Règles électorales concernant les forces armées. Dans ce cas, la responsabilité incombe certainement à l'employeur au moins en ce qui concerne les sociétés de la Couronne. Les dispositions de la Loi électorale vous confèrent l'autorité voulue pour obtenir ces noms.

M. Hamel: Dans le cas des employés de la Fonction publique nous avons un deuxième moyen de contrôle, c'est-à-dire par l'entremise du Conseil du Trésor. Tous ces employés, en effet, reçoivent une allocation supplémentaire et nous pouvons être mis au courant des

[Texte]

would be just impossible to find out in the case of employees of Crown corporations or boards.

Mr. Benjamin: We could be eliminating a fair number of people here, Mr. Chairman. I know they are not strictly employees of the government but they are employees of the Crown. It seems to me we have some responsibility here to give them the same right as we do employees of government departments and agencies. I suspect that probably most of all the Canadian National and Air Canada passenger offices in Europe have Canadians who are permanent employees, posted for two, three or five years at a time, stationed in places like London, Paris, Berlin and so forth, in charge of offices that have citizens of those countries on their staff. I would not be surprised if there are not several hundred employees, particularly of Air Canada and Canadian National, stationed overseas. It might be 2,000 or 3,000 who are Canadian citizens and are there on a relatively permanent basis.

Mr. Hamel: You are quite right in terms of numbers. I would even venture to say that they probably outnumber the number of people who are in the Public Service overseas. On the other hand, if we do that for employees of these corporations, I really do not see how we can exclude CPA a company which has employees abroad. We get into this business of permanent lists.

Mr. Benjamin: It seems to me the fact that it is a Crown corporation is the essential difference between it and a private corporation. The Crown corporation is responsible to Parliament, the same as any government department or government agency. In that context the maintaining of a permanent list is surely not that much of a problem and can be provided to the election officials. I do not see that this would automatically mean that we would then move into the area of private corporations. I do not follow that at all.

Mr. Hamel: If I may just add one final thing. The document which was just distributed was prepared quite a few months ago in the light of the instructions we got from the Committee in 1963 at which time the terms of reference of the Committee were to restrict the application of the so-called Canadian forces voting rules only to public servants. Now I am afraid that if we had to look into extending it beyond that to include

[Interprétation]

divers déplacements, ce que nous ne pourrions absolument pas faire dans le cas des employés des sociétés de la Couronne ou des Commissions.

M. Benjamin: Nous éliminons ici un nombre considérable d'employés, monsieur le président. Je sais qu'ils ne sont pas des employés de l'État dans le sens strict du mot, mais ce sont des employés de la Couronne. Il me semble que nous nous devons de leur accorder le même droit qu'aux employés des ministères et des organismes de l'État. Je dirais que probablement la plupart des bureaux de passagers d'Air Canada en Europe ont des employés permanents canadiens, postés pour deux, trois ou cinq ans dans des villes comme Londres, Paris ou Berlin. Ils s'occupent de bureaux qui emploient des citoyens des pays en question. Je ne serais pas surpris si plusieurs centaines d'employés, surtout des employés d'Air Canada et du National Canadien étaient postés outre-mer. Il s'agirait de 2,000 ou 3,000 citoyens canadiens qui occupent des postes relativement permanents.

M. Hamel: Vous avez le nombre à peu près exact. Je dirais même qu'ils sont peut-être plus nombreux que les employés de la fonction publique en poste outre-mer. Par ailleurs, si nous prenons des mesures concernant les employés de ces sociétés, je ne vois vraiment pas comment nous pourrions exclure le Pacifique Canadien qui emploient des gens à l'étranger. Nous touchons alors à la question des listes permanentes.

M. Benjamin: Il me semble que le fait qu'il s'agisse d'une société de la Couronne constitue la différence essentielle entre cette société et une société privée. La société de la Couronne répond de ses actions au Parlement, au même titre que n'importe quel ministère ou organisme du gouvernement. Dans ce contexte, la liste permanente ne constitue certainement pas un problème aussi important et on peut la faire parvenir aux officiers d'élection. Je ne trouve pas que cela voudrait dire qu'automatiquement, nous pouvons résoudre le problème des sociétés privées. Je ne vois vraiment pas.

M. Hamel: Permettez-moi d'ajouter quelque chose. Le document qui vient d'être distribué a été rédigé il y a quelques mois à la lumière des directives données par le Comité en 1963. A cette époque, le mandat du Comité limitait l'application des prétendues Règles électorales concernant les forces armées aux fonctionnaires. Je crains que si nous voulons appliquer les règlements aux sociétés de la Couronne, il nous faudrait consulter de nouveau les socié-

[Text]

Crown corporations, we would need further consultation with these corporations and we certainly could not come with such a project to this Committee within a few months, a few weeks at least.

Colonel J. P. Dewis (Deputy Judge Advocate General, Department of National Defence): Mr. Chairman.

The Chairman: Yes, Captain Dewis.

Col. Dewis: These interdepartmental meetings to which Mr. Neville referred to went on before December. I, of course, was at them because I have been with the Canadian forces voting rules for a number of years. We now have over in Europe about 350 to 400 school teachers. They are right in our camps. For a number of years we have thought—"Why should they not vote with the service people because they are right there, and we could easily handle them." When the talk began about letting public servants vote outside Canada, it seemed natural to us to include our school teachers. They are right in the camp, et cetera. But the whole question comes up, where are you going to draw the line?

These public corporations, or Crown corporations, are left out, by definition, like CBC and CNR. They could be added to the list. Our school teachers could be added to the list. It would not be very difficult. However, if you are going to add those, then it would be quite easy to deal with provincial Crown corporations, and if you deal with them—that could be done too. As you say, if they do not want to vote, they do not have to send in the forms.

• 1650

In all the meetings it came down to the fact that we had to draw the line somewhere, and to get as close as possible to what you might call a pure public servant, on the basis that we would not include Crown corporations, because they are private entities. They do not come directly under any department or any direct government agency. They are left out.

In so far as National Defence is concerned, he said, "Well, all right, we will not press for our school teachers, because they can see the administrative problems of where you cut these people off."

There are all kinds of other people. We have the Colombo Plan. We have civilians giving out technical service. This is a very difficult problem. Where do you draw the line? It is a very strict line. You certainly cannot say that we could not add Crown corporations on to the special voting rules.

[Interpretation]

tés en question. Nous ne pourrions certainement pas présenter le programme au Comité avant quelques mois, ou du moins quelques semaines.

Colonel J. P. Dewis (Juge avocat général adjoint, ministère de la Défense nationale): Monsieur le président.

Le président: Oui, capitaine Dewis.

M. Dewis: Les réunions interministérielles dont M. Neville a parlé ont eu lieu avant le mois de décembre. Naturellement j'y ai participé, parce que je m'occupe depuis des années des Règles électorales concernant les forces armées. Nous avons en Europe de 350 à 400 enseignants qui travaillent dans nos camps. Depuis des années nous nous demandons pourquoi ils ne pourraient pas voter avec les militaires, parce qu'ils sont sur les lieux et il n'y aurait pas de problème. Lorsqu'on a commencé à parler du vote des fonctionnaires en poste à l'étranger, il nous semblait naturel d'inclure nos instituteurs. Ils sont sur les lieux et ainsi de suite. Mais où allez-vous tirer la ligne?

Ces compagnies de la Couronne, CN, Radio-Canada, sont exclues par définition. Elles pourraient être rajoutées à la liste, comme nos professeurs d'ailleurs. Il serait facile de le faire. Mais alors, il serait également facile d'englober les sociétés de la Couronne provinciales. Si leurs employés ne veulent pas voter, ils ne sont pas tenus de renvoyer la formule.

Notre souci a été le même au cours de toutes les séances, serrer d'aussi près que possible la notion pure de «fonctionnaire». Et c'est pourquoi nous n'y incluons pas les sociétés de la Couronne, qui sont des entités privées. Elles ne relèvent pas directement d'un ministère ou d'un office gouvernemental. Elles sont donc exclues.

Quant au ministère de la Défense nationale, il a dit: «très bien, nous n'insisterons pas pour nos instituteurs. Nous comprenons qu'il est compliqué, administrativement, de déterminer la limite où ils sont exclus.»

Mais il y a toutes sortes d'autres gens: ceux du Plan de Colombo; les civils qui fournissent des services techniques. C'est un réel problème que de fixer la limite. Assurément, rien nous empêche d'englober les sociétés de la Couronne en vertu de règles électorales spéciales.

[Texte]

I would like to go on record by saying that if the Committee feels that we should bring in these independent Crown corporations, then I think as far as National Defence is concerned, that we would have to make further representations to bring in our school teachers.

Mr. Benjamin: Are they not under contract as to length of service or are they in effect salaried people of the Department of National Defence?

Col. Dewis: Our school teachers are hired on a tri-party contract. Our Minister makes a contract with the appropriate school board, and with the teacher and the Minister of the third party. They are paid by the school board, but National Defence reimburses the school board while they are teaching.

In the DND school we run them, but technically they are not employees of the Crown. They do not come under the Government Employees Compensation Act. Nevertheless, they are right in our camp, and they are teaching our children, and we have always felt that they should vote. We have had a number of complaints from them.

Mr. Benjamin: I have had some letters from a couple of them.

Col. Dewis: The only reason that we have agreed to leave them out was because we do recognize the problem. Where do you draw the line? If you bring in these independent Crown corporations that are not directly under the government, are they public servants? They could be brought in physically. There is not too much of a problem there.

Mr. Benjamin: I suppose the teachers would be more easily kept track of if it was your own Armed Forces who were dealing with them.

Col. Dewis: They could easily bring them in, but we have agreed not to bring them in because if you bring them in, then why do we not bring in Crown corporations?

We said, all right. We see your problem, and we think they should vote, and we have complaints from them. But we will not press that point.

Mr. Benjamin: Mr. Chairman, I do not accept the matter of provincial Crown corporations. We are dealing with federal law, and we can get the provinces to pass amendments to their electoral laws regarding overseas employees of provincial Crown corporations.

[Interprétation]

Selon moi, et prenez-en note, je vous prie, si on englobe les sociétés de la Couronne, il nous faudra, nous du ministère de la Défense nationale, faire d'autres représentations pour que nos professeurs d'école soient inclus.

M. Benjamin: Ces professeurs sont-ils des salariés du ministère de la Défense nationale ou s'ils y sont liés par un contrat de service?

M. Dewis: Nos instituteurs sont embauchés en vertu d'un contrat tripartite. Notre ministre signe un contrat avec la commission scolaire, avec l'instituteur et avec le ministre de la tierce partie. Les instituteurs sont rémunérés par la commission scolaire et cette dernière est remboursée par le ministère de la Défense nationale.

Dans le ministère, ils sont sous notre gouverne, mais, strictement, ils ne sont pas des employés de la Couronne. Ils ne profitent pas de la Loi concernant l'indemnisation des employés de l'État. Ils n'en sont pas moins dans notre camp où ils enseignent à nos enfants et il nous a toujours semblé qu'ils devraient voter. Nous avons reçu nombre de plaintes à ce sujet.

M. Benjamin: J'en ai moi-même reçues quelques-unes.

M. Dewis: La seule raison que nous aurions de les exclure, c'est que leur inclusion soulève des problèmes. Où fixer la limite? Mais si vous englobez ces sociétés de la Couronne qui ne relèvent pas directement du gouvernement, considérez-vous leur personnel comme des fonctionnaires? Physiquement, il est facile d'inclure les professeurs.

M. Benjamin: Il serait probablement plus facile de surveiller les professeurs, si vos propres forces armées s'en chargeaient.

M. Dewis: Ils pourraient aisément le faire, mais alors, pourquoi exclure les sociétés de la Couronne?

Nous avons dit: Très bien. Nous voyons là la difficulté, nous pensons qu'ils devraient voter et ils s'en sont plaints. Mais nous n'insisterons pas.

M. Benjamin: Je rejette cette question de sociétés provinciales de la Couronne. Il s'agit ici d'une loi fédérale et nous pouvons demander aux provinces de modifier leur loi électorale à l'égard des employés des sociétés provinciales de la Couronne qui sont en poste outre-mer.

[Text]

I would like to move that this Committee include in its recommendations the inclusion of provincial government employees in over-those of employees of the government departments and branches being eligible to vote, under the Armed Forces Regulations. Maybe I have made that longer than I need to.

The Chairman: No, I have taken the essence of your motion, but before putting it in, Mr. Howe has requested the floor.

Mr. Howe: Mr. Chairman, on the question of provincial government employees in overseas offices, Mr. Benjamin mentioned that he did not care whether they are provincial Crown corporations. But they are employees of provincial governments running agencies overseas, and it would not be only the provincial governments that would have to do with those. We would have to make a decision here with regard to those, if we were going to vote in a federal election.

Mr. Benjamin: That is where I prefer to draw the line.

Mr. Lefebvre: The laws we pass here, or the recommendations that we pass here, are supposed to affect all Canadians. If we give an employee of the federal government the right to vote in England, an employee of the Ontario government or the Quebec government should also have the same privilege, I think.

Mr. Benjamin: I was prepared to draw the line a little further out than what Colonel Dewis mentioned. Not as far out.

The Chairman: The point you have raised, Mr. Benjamin, like the employees of the CNR abroad—why not then go on to the CPR?

Mr. Benjamin: That is a private corporation.

The Chairman: They are Canadians too.

Mr. Benjamin: They are not responsible to Parliament. They do not report to Parliament. The CNR does. They claim the Minister of Transport.

• 1655

The Chairman: I believe that the idea of having Mr. Neville here was to raise this point. However, since we did make a decision in principle to accept the civil servants abroad, would you agree that these civil servants be those as defined in Schedule A to the Public Staff Relations Act? Do you agree to this?

[Interpretation]

J'aimerais proposer que nous recommandions entre autres l'inclusion des employés des sociétés de la Couronne, avec les employés des ministères et directions du gouvernement, habilités à voter en vertu du Règlement sur les forces armées. J'ai peut-être été plus long que de raison.

Le président: Non. J'ai saisi l'essentiel de votre motion, mais avant de la présenter, écoutons M. Howe, qui a demandé la parole.

M. Howe: Pour ce qui est des employés provinciaux en poste outre-mer, il importe peu à M. Benjamin qu'il s'agisse de sociétés de la Couronne provinciales. Mais ils sont employés par un gouvernement qui maintient un office outre-mer et ce n'est pas à ce gouvernement seul de régler ce problème, nous aurons aussi à prendre une décision en ce qui concerne le vote de ces personnes.

M. Benjamin: C'est ici que je préfère fixer la limite.

M. Lefebvre: Les lois que nous adoptons ici, ou les recommandations que nous soumettons, sont censées concerner tous les Canadiens. Si l'employé du gouvernement fédéral peut voter en Angleterre, il doit en être ainsi de celui du gouvernement de l'Ontario ou du Québec.

M. Benjamin: J'étais disposé à fixer la limite un peu plus loin que le colonel Dewis. Mais pas aussi loin.

Le président: Vous avez mentionné, monsieur Benjamin, les employés du CN qui sont en poste outre-mer et ceux du CP, alors?

M. Benjamin: Il s'agit d'une compagnie privée.

Le président: Ils sont aussi citoyens canadiens.

M. Benjamin: Le CP ne relève pas du gouvernement. Le CN toutefois tombe sous la régie du ministre des Transports plus précisément.

Le président: M. Neville était ici précisément pour soulever ce point. Mais puisque nous avons convenu en principe, d'englober tous les fonctionnaires qui se trouvent à l'étranger. Voulez-vous que nous nous en remettions à la liste publiée à l'Annexe A de la Loi sur les relations de travail dans la Fonction publique?

[Texte]

Some hon. Members: Agreed.

The Chairman: This covers all the people in the list of Canadian agencies mentioned in the schedule which has been circulated to you. I can listen now to any requests or motions that could be put to add something to this. I will put the motions. Mr. Lefebvre.

Mr. Lefebvre: How will they be enumerated? No matter where they are, Timbuctu or Paris or London why cannot the same privilege be extended to other Canadians who happen to be working in other countries, no matter for whom they are working?

Mr. Duquet: Is that not what Mr. Hamel said would necessitate a permanent list? How could you reach those people? You would have to go to various government agencies and ask them if they have someone overseas somewhere, and get the names and things like that. It is almost impossible.

Mr. Lefebvre: You can write to the Department of Industry, Trade and Commerce and ask for a list of employees. You can write to the Ontario and Quebec governments and ask them the same thing. What is the difference?

The Chairman: Is there any more discussion on this?

There is no motion. The motion has just been passed that the civil servants covered by schedule A are those included in the Elections Act and are able to vote within the rules applicable to the Armed Forces. Schedule A has already been approved as the civil servants interested concerned. Mr. Benjamin.

Mr. Benjamin: We have gone that far. Before we go any further into this matter of employees of Crown corporations or of any other Canadian citizens, may I ask Mr. Hamel a question? He may have gone over some of this when I was absent. I am sorry if I am asking for some repetition.

What is to prevent you as the chief electoral officer at any Canadian embassy or consulate, or any other place you might pick under the advice of the people in countries overseas, from appointing an enumerator and appointing a DRO or establishing a polling station or whatever? Any Canadian citizen overseas on a permanent basis who came in to be enumerated and was enumerated would then be eligible to vote overseas, and if he did not come in to be enumerated then he is out of luck.

Mr. Lefebvre: I agree with that.

[Interprétation]

Des voix: D'accord.

Le président: Cette liste comprend tous les employés des organismes canadiens énumérés dans l'annexe qui nous a été remise. Je suis disposé à entendre toute demande ou motion visant à la modifier par voie d'addition. Monsieur Lefebvre.

M. Lefebvre: Comment va-t-on les énumérer? Qu'ils soient à Timbuctu, à Paris ou Londres, pourquoi ce même privilège ne peut-il être accordé aux Canadiens qui travaillent dans les autres pays, quel que soit leur employeur.

M. Duquet: Monsieur Hamel n'a-t-il pas dit qu'il faudrait à ces fins, dresser une liste permanente. Comment les atteindre? Il faudrait s'enquérir auprès des divers organismes gouvernementaux et tâcher de dresser une liste de leurs employés en poste outre-mer. C'est pratiquement impossible.

M. Lefebvre: On peut demander au ministre de l'Industrie et du Commerce la liste de ses employés. On peut faire de même pour les gouvernements du Québec ou de l'Ontario. Quelle est la différence?

Le président: Avez-vous quelque chose à ajouter?

Il n'y a pas de motion. On vient d'adopter une motion visant à inclure les fonctionnaires figurant dans l'Annexe A. Ils deviennent assujettis à la Loi électorale et peuvent voter en vertu des règles qui s'appliquent aux forces armées. Monsieur Benjamin.

M. Benjamin: Nous en sommes là. Avant de pousser plus loin cette question des employés des sociétés de la Couronne ou de tous autres citoyens canadiens, puis-je poser une question à M. Hamel?

A titre de directeur général des élections, qui vous empêche de nommer un énumérateur et un scrutateur, ou d'établir un bureau de scrutin dans un consulat ou une ambassade canadienne, ou en tout autre endroit que vous déterminerez à l'aide des conseils des gens résidant à l'étranger? Tout citoyen canadien employé en permanence à l'étranger qui figurera dans l'énumération pourra voter à l'étranger.

M. Lefebvre: Je suis en faveur d'une telle mesure.

[Text]

Mr. Hamel: The problem is not to get the vote. The problem is to apply the vote to the appropriate electoral district. How are you going to determine which electoral district the vote is going to be applied to?

To take perhaps an absurd example, you do not have absentee voting in Canada, so it means that the businessman from Montreal on business in Windsor could not vote in Windsor. But if he crosses the border to Detroit, he could go to the Consulate General there, and by taking on oath he could vote.

Mr. Lefebvre: So?

Mr. Hamel: So how about the other one who is in Toronto?

Mr. Benjamin: I would like to see the other one, but I have not been able to get anybody here to agree with me. I think he should be able to walk into any poll in Canada and take the oath to vote on an absentee ballot.

Mr. Francis: Suppose you are from Montreal or Toronto. How do you know which constituency you are in? Which one do you vote in?

Mr. Hamel: This is the gist of the problem. You can identify the individual with his port or with his driving licence. But the problem is to find out which electoral district his vote must be applied to, unless you are satisfied to rely on an affidavit or a notice.

• 1700

Mr. Benjamin: All right, Mr. Chairman, at this point I will ..

Mr. Jerome: Should we not stand this motion, Mr. Chairman, and then go on or has it been passed, by the way?

The Chairman: It has been passed.

Mr. Benjamin: I will rephrase my motion, Mr. Chairman, because I agree for the moment that I might be asking too much. I would like to move that we add to the list "the employees of federal Crown corporations". I am just trying to extend it a little bit farther than we have it now.

Mr. Francis: Other than the ones enumerated because we are taking some federal Crown corporations.

The Chairman: There is a motion by Mr. Benjamin that to Schedule A of the list be added all the federal Crown corporations.

Motion negatived.

[Interpretation]

M. Hamel: Le problème n'est pas d'obtenir le suffrage, mais de l'affecter au district électoral pertinent. Comment le déterminer?

Prenons un exemple un peu absurde: au Canada, les absents ne peuvent voter. Aussi, l'homme d'affaires de Montréal qui se trouve à Windsor ne peut pas voter. Mais s'il se trouve au-delà de la frontière, à Détroit, il peut se rendre au consulat général, se faire assermenter, et voter.

M. Lefebvre: Et alors?

M. Hamel: Et alors, que dire de cet autre qui se trouve à Toronto?

M. Benjamin: Je voudrais bien voir cette autre personne, mais pour le moment, je n'ai pu rallier qui que ce soit à ma façon de penser. Le citoyen canadien devrait être libre de voter dans n'importe quel bureau de scrutin du Canada, après avoir prêté serment.

M. Francis: Disons que vous venez de Montréal ou de Toronto, comment savez-vous dans quelle circonscription vous votez?

M. Hamel: C'est là le nœud du problème. La personne peut établir son identité au moyen de son passeport ou de son permis de conduire. Mais quel est son district électoral? A moins qu'une déposition ou un avis assermenté vous suffise.

M. Benjamin: Très bien, monsieur le président, je vais ici...

M. Jerome: Ne pourrions-nous pas réserver cette motion et poursuivre. L'avons-nous déjà adoptée?

Le président: Oui.

M. Benjamin: Je vais alors formuler ma motion d'une autre manière. Je voudrais qu'on ajoute à la liste les employés des sociétés de la Couronne fédérales.

M. Francis: En plus de celles qui y figurent déjà, car l'Annexe en mentionne un certain nombre.

Le président: Il y a une motion de monsieur Benjamin visant à ajouter à l'Annexe la liste de toutes les sociétés de la Couronne.

La motion est défaite.

[Texte]

The Chairman: If you will turn back to Section 14(1) of the Canada Elections Act, relating to the rights of British subjects to vote and everyone...

The Chairman: If you have the book, Mr. Duquet, it is on page 162.

This relates to the Qualifications and Disqualifications of Electors.

Mr. Benjamin: What page is that, Mr. Chairman?

The Chairman: It is page 162, Section 14.

Mr. Benjamin: Are we dealing with the whole Section?

The Chairman: Of the Act.

The qualifications for electors read as follows:

(a) is of the full age of twenty-one years...

which may become 18 years of age.

(b) is a Canadian citizen or other British subject;

This as you will recall, was the subject of a discussion with the members of the Ontario select Committee and I will give you a resume of that discussion. It consisted of having the idea for the future that the main requirement to be eligible to vote would be to be a Canadian citizen because there were some complaints received that all immigrants other than British subjects considered they were being discriminated against because of the fact that some British subjects could stay here for one year and be eligible to vote while other people having been here for the last three or four years could not vote. So we thought of doing away with what we could consider in French as "droits acquis" of these British subjects who have already used this privilege and that for the future it would apply to Canadian citizenship only. I think this was the essence of the discussion we had on this. The problem has been put and now it is up to you to decide on it.

An hon. Member: What is the suggestion you are making, Mr. Chairman?

The Chairman: The view which was expressed was that in Section 14 where it reads:

(b) is a Canadian citizen or other British subject;

that the words "or other British subject" be deleted with the provision that this will not be applied to the person having exercised the right in the past. If I express myself well, it is not to discriminate, not to give away the

[Interprétation]

Le président: Si vous vous en reportez à l'article 14(1) de la Loi électorale du Canada, sur les droits des sujets britanniques...

Le président: Si vous avez la loi, monsieur Duquet, c'est à la page 170.

Il s'agit des Conditions et privation du droit de vote.

M. Benjamin: Quelle page?

Le président: Page 170, article 14.

M. Benjamin: Traitons-nous tout l'article?

Le président: De la Loi. Les conditions requises des électeurs se lisent comme suit:

a) Si elle est âgée de vingt et un ans révolus...

limite d'âge qui deviendra peut-être 18 ans.

b) Si elle est citoyen canadien ou autre sujet britannique;

Ce point, vous vous souviendrez, a fait l'objet d'une discussion avec le Comité spécial d'Ontario. En voici l'essentiel. A l'avenir, la seule condition de vote serait la citoyenneté canadienne, car les immigrants, autres que les sujets britanniques, se sont plaints d'être désavantagés, vu que les sujets britanniques pouvaient voter après une année de résidence, alors que les autres, qui étaient ici depuis 3 ou 4 ans, ne le pouvaient pas encore. Nous avons donc pensé que nous pourrions supprimer ce passage qui a trait à ce qu'on appelle en français «les droits acquis» de ces sujets britanniques, qui ont déjà utilisé ce privilège et qu'à l'avenir il ne s'agirait que de citoyenneté canadienne. La question est posée, c'est à vous de la trancher.

Une voix: Que proposez-vous, monsieur le président.

Le président: Les opinions exprimées visaient à ce que, dans l'article 14 qui se lit:

b) Si elle est citoyen canadien ou autre sujet britannique les mots «ou autre sujet britannique» soient supprimés, à condition que cette disposition ne s'applique pas à la personne qui a exercé ce droit par le passé.

Cette disposition vaudra à l'avenir, depuis la

[Text]

rights exercised by the people who are in Canada and who have used this privilege in the past, but for the future or since the last general election. This will apply to any immigrant coming to Canada, without giving any privilege to any immigrant coming from...

Mr. Peddle: Could I ask Mr. Hamel a question?

The Chairman: Yes, please.

Mr. Peddle: What problem of administration would that present in determining who exercised it before and who did not?

Mr. Hamel: Well, off-hand, I do not see very serious problems, at least no more serious than at the present time because, as you know, there are people in Canada who might have come to Canada 15 or 20 years ago from some non-British country who had never taken out citizenship. Technically they are not eligible to vote, so this presents a problem. It may depend on how it is worded in the Act, because if I understood, Mr. Chairman, the gist of the motion would be to maintain this so-called vested right of British subjects who had the right to vote in the past, but for the future to treat everyone on the same basis and to insist on Canadian citizenship. So it seems to me that if it were put in the Act, or if it were geared to a specific date, in other words, to be eligible to vote in 1968, any British subject had to be an ordinary resident of Canada on June 25, 1967. So if it were geared to a date like that—it could be January 1, 1970, or it could be July 1, 1970—this would probably ease the application of this section of the Act.

The Chairman: You mean that the date could be fixed one year before the last general election, say...

Mr. Hamel: That is correct.

The Chairman: ...June 25, 1967. I mean starting at June 25, 1967...

An hon. Member: He would have the right.

The Chairman: ...everyone will be on the same level. There will not be any privileges to special subjects.

Mr. Benjamin: Anyone who cast their ballot in the 1968 general election who was eligible as a British subject.

The Chairman: Yes.

Mr. Benjamin: And anything prior to that they would still continue to be eligible.

The Chairman: Right.

[Interpretation]

dernière élection générale, et s'appliquera à tout immigrant au Canada, sans accorder de privilèges à l'émigrant venant...

M. Peddle: Puis-je poser une question à M. Hamel?

Le président: Je vous en prie.

M. Peddle: Quels problèmes administratifs la détermination de ceux qui se sont déjà prévalus de ce droit soulève-t-elle?

M. Hamel: Au premier abord, je n'entrevois pas de difficultés. Pas plus qu'il n'en existe actuellement, en tout cas; car nous avons au Canada des gens qui sont arrivés il y a 15 ou 20 ans d'un pays non britannique, et qui ne sont pas encore citoyens canadiens. En principe, ils n'ont pas le droit de voter, et cette particularité soulève un problème. Tout dépend du libellé de la loi. Le nœud de la question est, si je comprends bien le président, de conserver les droits des sujets britanniques qui avaient autrefois le droit de voter. A l'avenir, tout le monde serait traité sur un pied d'égalité en exigeant la citoyenneté canadienne. Si la loi portait une date précise, par exemple, avoir le droit de voter en 1968,—tout sujet britannique devrait, le 25 juin 1967, être un résident ordinaire du Canada. Si la loi stipulait une date—1^{er} janvier 1970, 1^{er} juillet 1970—l'application de cet article s'en trouverait facilitée d'autant.

Le président: Cette date pourrait, par exemple, remonter à un an avant la date de la dernière élection générale, disons...

M. Hamel: C'est exact.

Le président: ...le 25 juin 1967. A compter du 25 juin 1967...

Une voix: Il aurait le droit.

Le président: Tous seront sur un pied d'égalité. Nul ne jouira de privilèges particuliers.

M. Benjamin: Toute personne qui a déposé son bulletin à l'élection de 1968..., et qui était admissible à titre de sujet britannique.

Le président: Oui.

M. Benjamin: Et les privilèges antérieurs seraient maintenus.

Le président: Oui.

[Texte]

Mr. Trudel: Is the date 1967 or 1968, Mr. Chairman?

Mr. Benjamin: The effective date is June 25, 1967.

The Chairman: June 25, 1967.

Mr. Benjamin: They have to be here for one year.

Amendment agreed to.

The Chairman: There will be a draft submitted by the law officers of the Crown and the firm motion will be put later on to put this in a clear way. Would you apply the same thing to the armed forces, too?

An hon. Member: I think anyone who wears the uniform of the country should be eligible to vote.

Mr. Francis: Anyone in the armed forces.

Mr. Benjamin: Anyone in the armed forces should be allowed to vote.

Mr. Francis: I think so.

Col. Dewis: Mr. Chairman, I would like to add one thing to that. We only recruit, nowadays, Canadian citizens, in any event. We do have some from the U.K., but this transfer is practically off now. So this would be just another little gimmick that we would have to look after and there could not be more than a handful involved. It would just add another little complication and I would be very appreciative if the Committee did not see fit to pass that.

An hon. Member: Leave it as it is.

Mr. Jerome: You mean you would prefer to have it confined to Canadian citizens or just leave it—

Col. Dewis: Exclude the armed services, because there cannot be more than the number I could count on my right hand. It would be another little gimmick that we would have to keep our eyes on.

The Chairman: Is this agreeable to members?

• 1710

Some hon. Members: Agreed.

The Chairman: Do you feel we should sit at 8 tonight or adjourn until next Tuesday?

Mr. Jerome: Could we have two meetings scheduled for Thursday Mr. Chairman?

The Chairman: We cannot sit this Thursday because of the moving of the committee staff.

[Interprétation]

M. Trudel: 1967, ou 1968?

M. Benjamin: La date d'entrée en vigueur est le 25 juin 1967.

Le président: Le 25 juin 1967.

M. Benjamin: Ils doivent avoir une année de résidence.

La modification est adoptée.

Le président: Les conseillers juridiques de la Couronne rédigeront un libellé dans les formes et la modification sera présentée dans sa forme définitive. Ces dispositions valent-elles également pour les forces armées?

Une voix: Ceux qui portent l'uniforme de leur pays doivent selon moi, avoir le droit de voter.

M. Francis: Tout membre des forces armées.

M. Benjamin: Tout membre des forces armées doit avoir le droit de voter.

M. Francis: C'est mon opinion.

M. Dewis: Permettez-moi d'ajouter, monsieur le président, que nous ne recrutons aujourd'hui que des citoyens canadiens. Nous avons quelques sujets du Royaume-Uni, mais il n'y en aura pas d'autres. Cette disposition ne ferait qu'ajouter à nos préoccupations et je vous serais reconnaissant de ne pas l'adopter.

Une voix: Laissez le texte comme il est.

M. Jerome: Vous préférez qu'on s'en tienne à la citoyenneté canadienne, sans plus, ou laisser tout simplement...

M. Dewis: Excluez les forces canadiennes. Je puis compter les cas pertinents sur les cinq doigts de ma main. Ce serait ajouter à nos préoccupations.

Le président: Êtes-vous d'accord?

Des voix: D'accord.

Le président: Voulez-vous siéger ce soir à 20 heures ou ajourner jusqu'à jeudi prochain?

M. Jerome: Pouvons-nous avoir deux séances, jeudi?

Le président: Nous ne pouvons pas siéger jeudi: le personnel des comités déménage.

[Text]

Mr. Jerome: Well, we cannot meet on Thursday night?

The Chairman: We cannot meet on Thursday.

Mr. Howe: Generally, how are we progressing? How many more days do you see us sitting?

The Chairman: If you want me to enumerate the major problems left, there are the questions of students, which you raised Mr. Benjamin, but this is in connection with the proxy voting system, the format or the form of ballots, which has already been agreed upon in principle.

Mr. Richard: Mr. Chairman on the proxy system, does Mr. Hamel have ready his rules? He said that he would produce some sort of criteria?

Mr. Benjamin: We have finished Mr. Hamel's, have we?

The Chairman: Yes.

Mr. Benjamin: Do we still have the Armed Forces one to go through?

The Chairman: Yes.

Mr. Benjamin: Plus the other ones you have enumerated?

The Chairman: Yes.

Mr. Benjamin: So we have another month's work yet, I suppose?

The Chairman: Well, I expect we could terminate this by the end of February at the most.

Mr. Benjamin: Perhaps we had better start thinking about holding extra meetings. I would be agreeable to meeting tonight.

The Chairman: A meeting was scheduled for tonight at 8 o'clock but if we do not have a quorum it is useless to sit.

Mr. Howe: Could we have a little discussion on enumerators, rural and urban?

The Chairman: We are just reaching that.

Mr. Howe: I see.

The Chairman: We could sit for another 15 minutes maybe and just reach this point. Mr. Howe made the suggestion earlier that we appoint two enumerators in rural districts.

[Interpretation]

M. Jerome: Jeudi soir, alors.

Le président: Nous ne pouvons pas siéger jeudi.

M. Howe: Allons-nous bon train. Combien nous reste-t-il de séances?

Le président: Les principales questions en suspens sont celles des étudiants que M. Benjamin a soulevée et qui se rattache au vote par procuration, et celle de la forme des bulletins de vote, dont nous avons convenu en principe.

M. Richard: M. Hamel a-t-il rédigé ses règles au sujet du vote par procuration? Il nous avait promis certains critères.

M. Benjamin: Nous avons terminé l'étude de cette question de M. Hamel, n'est-ce pas?

Le président: Oui.

M. Benjamin: Il nous faut étudier la question des forces armées?

Le président: Oui.

Mr. Benjamin: En sus des autres questions que vous avez mentionnées.

Le président: Oui.

M. Benjamin: Nous avons donc un mois de travail devant nous.

Le président: J'espère que nous aurons terminé à la fin de février, au plus tard.

M. Benjamin: Il faudrait peut-être penser à tenir des séances supplémentaires. Je suis prêt à siéger ce soir.

Le président: Une séance est prévue pour ce soir, à 20 heures, mais si nous n'avons pas quorum, il est inutile de siéger.

M. Howe: Pouvons-nous parler un peu des énumérateurs, urbains et ruraux?

Le président: Nous y arrivons.

M. Howe: Je vois.

Le président: Peut-être pourrions-nous poursuivre encore 15 minutes et arriver à cette question. M. Howe a proposé plus tôt de nommer deux énumérateurs dans les districts ruraux.

[Texte]

Mr. Howe: Mr. Chairman, I realize the difficulty that Mr. Hamel has mentioned in connection with some of the northern areas where it would be difficult to get even one enumerator to travel all over the country, but the reason I brought this up is because there are so many combination ridings today, part rural and part urban and cities. Also, all over the nation people are moving more than they did and the question of the fact that in the rural ridings everybody knew everybody else and could accept an affidavit that so and so was John Jones, I do not think holds true as it did even ten years ago. I think there are more people moving around. I would like to hear Mr. Hamel's comments on this.

The Chairman: Mr. Hamel.

Mr. Hamel: Mr. Howe, there is this problem of course of the electoral district in the hinterland, but I also visualize another problem. If you have two enumerators it means that both will act as revising officers because in rural areas the enumerator is also the revising officer. I am afraid of the problems that might arise in the case of the two enumerators not agreeing on certain cases. Who would be the referee? The returning officer has no authority whatsoever to decide whether a name should or should not be on the list. I do not have that authority either.

Mr. Lefebvre: How do you do it in the city?

Mr. Hamel: In the city there is a revising officer who is a judge, or a person appointed by a judge. It seems to me, if I may make a suggestion, that perhaps you could achieve the same purpose by reducing the minimum population required to declare an area urban. At the moment, the minimum population required is 5,000 and it is based on the most recent available statistics.

The Chairman: If we declare an area urban, then we prevent these people who are not on the list from being able to vote on election day?

Mr. Lefebvre: Better go easy on that.

The Chairman: In urban areas they do not vote if they are not on the lists, while in rural areas they can vote.

Mr. Comtois: You could reduce the population to 2,000, that is the size of a city; with a 2,000 population a town can become a city under the law.

Mr. Benjamin: In some provinces.

[Interprétation]

M. Howe: Je me rends compte que M. Hamel éprouve de la difficulté à trouver dans les régions septentrionales un seul énumérateur qui consente à se rendre partout dans la région, car il y a aujourd'hui tant de circonscriptions semi-rurales et semi-urbaines. En outre, les gens déménagent beaucoup plus qu'autrefois et il n'est plus vrai aujourd'hui que, dans les circonscriptions rurales, les gens se connaissaient assez bien pour accepter une déclaration assermentée établissant l'identité de Jos Boisvert. Qu'en pense monsieur Hamel?

Le président: Monsieur Hamel.

M. Hamel: Cette question soulève le problème des districts électoraux dans les régions reculées, mais j'en vois un autre. Si vous avez deux énumérateurs, les deux agiront à titre de réviseurs, parce que, dans les régions rurales, l'énumérateur est aussi le réviseur. Si les énumérateurs ne sont pas d'accord, qui sera l'arbitre? Le président d'élection n'est aucunement autorisé à dire si un nom, doit ou non, figurer sur la liste. Je ne saurais le faire, non plus.

M. Lefebvre: Comment procédez-vous dans les villes?

M. Hamel: Dans les villes, il y a un officier réviseur qui est juge ou nommé par un juge. Si vous me permettez une suggestion, vous pouvez atteindre le même but en réduisant la population au minimum requis pour déclarer une région urbaine soit, présentement, 5,000 âmes, basé sur le recensement le plus récent.

Le président: Si nous déclarons une région urbaine, nous empêchons les gens qui ne sont pas sur la liste de voter le jour du scrutin.

M. Lefebvre: Alors, allez-y en douce.

Le président: Dans les régions urbaines, les personnes dont le nom ne figure pas sur la liste, ne votent pas, mais elles le peuvent dans les régions rurales.

M. Comtois: On pourrait réduire la population à 2,000, soit les dimensions d'une ville; en vertu de la loi, une ville de 2,000 âmes peut devenir cité.

M. Benjamin: Dans certaines provinces.

[Text]

[Interpretation]

• 1715

Mr. Lefebvre: No, a village can become a town.

The Chairman: Is there any objection to appointing two enumerators for rural areas?

Mr. Francis: Well, it seems to raise a number of complications, Mr. Chairman. With due respect to Mr. Howe I think there is machinery for the rural polls and you are creating the kind of problem Mr. Hamel referred to on revision. You have to change the whole revision machinery. You have to make a number of other consequential amendments to the Act it seems to me.

Mr. Lefebvre: Mr. Hamel have you had very many complaints from rural constituencies such as mine about the lack of two enumerators?

Mr. Hamel: No, not that I can recall, although if I may make a suggestion, I believe that we should be very careful in reducing this privilege rural voters have of being sworn in because we had over 50,000 voters at the last election who voted while not on the list and while being vouched for. If you work with closed lists it means that in many areas many people are going to be sadly disappointed.

Mr. Howe: This also brings up a point that in the rural areas they are probably not as efficient in getting people on the lists as they are in the urban areas because there is only one.

The Chairman: I agree.

Mr. Francis: It also raises the possibility of abuse because the possibility of someone getting the right to vote who should not have that right is that much greater. The larger the number of people going on at the last minute, the harder it is to control.

Mr. Duquet: I think if we do alter this section, Mr. Howe we are looking into deeper trouble. At least right now they can be sworn in and vote. As Mr. Hamel explained, even if we reduce it to 2,500 anyone who is not on the list just will simply not vote. We are looking forward to having as many people as possible vote so we should not take away the chance of the rural people to vote.

Mr. Francis: I would like to ask Mr. Hamel if it is not the policy generally in the areas surrounding metropolitan cities to declare the polls urban now? I had the experience of

M. Lefebvre: Non: un village peut devenir ville.

Le président: Quelqu'un s'objecte-t-il à ce que nous nommions deux énumérateurs dans les régions rurales.

M. Francis: Il semble qu'on soulèverait de ce fait nombre de problèmes. Sauf le respect que je dois à M. Howe, il existe des rouages pour les bureaux de scrutin ruraux; nous allons créer des problèmes de révision; monsieur rHamel nous l'a signalé. Il va nous falloir modifier la technique de cette révision et apporter à la loi une foule de modifications qui en découleront par voie de conséquence.

M. Lefebvre: Monsieur Hamel, y a-t-il beaucoup de circonscriptions électorales comme la mienne qui se sont plaintes de ne pas savoir deux énumérateurs?

M. Hamel: Non, pas que je sache. Si vous me permettez une suggestion: gardons-nous de réduire ce privilège des votants ruraux. À la dernière élection, 50,000 d'entre eux s'en sont prévalus. Si vous adoptez le régime de la liste définitive, vous allez décevoir nombre de gens des régions rurales.

M. Howe: On peut aussi penser que, si les listes rurales ne sont pas aussi complètes que les listes urbaines, c'est qu'un seul énumérateur ne suffit pas à la tâche.

Le président: J'en conviens.

M. Francis: Peut-être, aussi, encourageons-nous les abus; car on risque plus, là qu'ailleurs, d'accorder le droit de vote à mauvais escient. Plus il y a de gens qui se présentent à la dernière minute, plus le contrôle est difficile.

M. Duquet: Je crois vraiment, monsieur Howe, que modifier cet article nous amènerait des complications. Présentement, en tout cas, ils peuvent être assermentés et voter. Même en réduisant à 2,500 âmes, ceux dont le nom ne figure pas sur la liste, monsieur Hamel l'a dit, ne pourront pas voter. Or nous voulons que le plus grand nombre possible de personnes votent. Il n'est donc pas question de réduire ces chances dans les régions rurales.

M. Francis: Est-il de règle, aujourd'hui, de déclarer bureaux urbains les bureaux de scrutin situés dans le pourtour des villes? Je connais des bureaux de scrutin qui étaient

[Texte]

polls that were urban in the 1962 election being declared rural in the 1963 election, which was a bit of a shock to us, but I think this would be a rather rare thing. I think at the discretion which a returning officer should have to declare anything surrounding a metropolitan area urban that good common sense is the best way to handle this kind of thing.

Mr. Hamel: This is an amendment which the Committee adopted at one of its previous meetings. The authority to declare urban is with the Chief Electoral Officer but he will never declare an area urban unless he receives representations from the local population or political organizations and these are usually around large metropolitan areas.

Mr. Francis: I hope he would be very careful in going gack on that. If he once declared an area urban, it creates all kinds of problems to reverse the field on it.

The Chairman: Mr. Comtois.

M. Comtois: Monsieur le président, j'avais suggéré lors d'une assemblée précédente d'étudier le moyen d'envoyer les listes électorales dans les milieux ruraux. Ce processus réglerait peut-être le problème de la vérification de l'éligibilité des gens à voter, surtout dans les régions où il y a beaucoup de touristes qui passent les mois d'été ou d'hiver et dont le nom apparaît souvent sur les listes.

M. Hamel: J'ai étudié la question, monsieur Comtois. Cependant...

An hon. Member: Mr. Chairman, the English translation is out. We have not had it for quite a while now.

Mr. Hamel: Well, can I switch to English? I have studied the question Mr. Comtois and I am afraid it might create a few other problems. First of all, at the moment we have problems getting the list on time from the enumerator to the office of the returning officer and then it has to be printed.

• 1720

In rural areas the printers are not always equipped as in the cities, so by the time the lists are printed we may be darn close to polling day, or even to the advance poll. I am afraid that most of these lists would get to the electors too late to be useful during the revision process. I would also be concerned that in those cases we could be accused of just wasting money because they would not serve any useful purpose.

[Interprétation]

urbains, lors des élections de 1962, qui sont devenus ruraux en 1963. C'est un revirement plutôt exceptionnel. Compte tenu de la discrétion qui revient à l'officier rapporteur de décréter que le pourtour d'une ville devient région urbaine, c'est encore le bon sens qui préside à cette décision.

M. Hamel: Voilà une modification que le Comité a adoptée à une séance antérieure. C'est au directeur général des élections qu'il revient de déclarer une région urbaine, mais il ne le fera jamais à moins d'avoir reçu, à cet effet, des représentations de la part de la population régionale ou des organisations politiques, ce qui se produit habituellement autour des régions métropolitaines.

M. Francis: Il lui faudrait se garder de faire volte-face. Changer à nouveau une région qu'on vient de déclarer urbaine pose toutes sortes de problèmes.

Le président: Monsieur Comtois.

Mr. Comtois: I had suggested at a previous meeting that we study means of sending electoral lists in the rural areas. This may contribute to the solution of the revision problem whereby names of those eligible to vote are checked. This is especially true of areas where there are many tourists who come for the summer or winter periods and whose names are repeatedly seen on the lists.

Mr. Hamel: I have studied this problem, Mr. Comtois. However...

Une voix: Il n'y a pas d'interprétation vers l'anglais—il n'y en a pas depuis un moment déjà.

M. Hamel: Je vais donc parler en anglais. J'ai étudié la question, monsieur Comtois, et je crains qu'elle ne nous vaille d'autres problèmes. D'abord, à l'heure actuelle, nous éprouvons déjà des difficultés à obtenir de l'énumérateur qu'il envoie les listes à temps au président d'élection. Il faut ensuite imprimer ces listes.

Dans les régions rurales, les imprimeurs ne sont pas aussi bien équipés que dans les villes. Quand les listes sont imprimées, nous sommes donc près du jour du scrutin ou du vote du bureau provisoire de votation. Je crains que ces listes ne parviennent trop tard aux électeurs pour qu'elles soient utiles pendant la révision. Dans ces cas, on pourrait nous accuser de gaspiller des fonds, car notre travail serait inutile.

[Text]

In urban areas the preliminary lists are sent not only to help in the revision process, but also they include all kinds of information: where to go for the revision; where the poll is going to be located; furthermore, I believe one of the main reasons it was introduced in 1938 was the fact that it was to be used as a deterrent against padding the lists. This was one of the main factors. I do not think you find the same conditions in rural areas as you find in large cities.

The Chairman: I think we should adjourn until 8 o'clock tonight.

Mr. Lefebvre: Yes.

The Chairman: Mr. Francis.

Mr. Francis: I have a last question. Are we going to have the amendment which I have raised on previous occasions dealing with the right of a candidate to have a scrutineer in the returning officer's...

The Chairman: We will discuss that at 8 o'clock, Mr. Francis.

Mr. Francis: Thank you.

The Chairman: This meeting is adjourned until 8 p.m.

EVENING SITTING

• 2015

The Chairman: Order, please. While we are still waiting for a full quorum to pass motions I again would invite members to address yourselves to the Chair before speaking. It is very difficult for those on the console to ascertain who has spoken when three speak at the same time. Please wait until you are recognized.

Before dealing with specific motions may I say for the benefit of those who complained about the service vote coming in late that we did advance the nomination date up one week, making nomination day the twenty-first day before polling day instead of the fourteenth day. This was the only way to solve this problem. If anyone has a comment to make in this connection I am quite ready to recognize them.

Mr. Duquet: Mr. Chairman, it just means that the results will be known the same night as everywhere else?

[Interpretation.]

Dans les régions urbaines, la liste préliminaire des électeurs est envoyée, non seulement dans le but d'aider au processus de révision, mais comprend également tous genres de renseignements: elle indique où l'on doit se rendre pour la révision et où seront situés les bureaux de scrutin. Si nous l'avons introduite en 1938, c'est que nous devons l'utiliser comme procédé visant à empêcher la possibilité de fausser les listes électorales. Il faut toutefois noter que les conditions qui prédominent dans les régions rurales ne sont pas les mêmes que dans les grandes villes.

Le président: Nous allons maintenant ajourner jusqu'à 20 heures.

M. Lefebvre: Oui.

Le président: Monsieur Francis.

M. Francis: Allons-nous adopter l'amendement concernant le droit du candidat à la présence d'un scrutateur au bureau du président d'élection.

Le président: Nous en discuterons ce soir, à 20 heures.

M. Francis: Merci.

Le président: La séance est ajournée jusqu'à 20 heures.

SÉANCE DU SOIR

Le président: A l'ordre, s'il vous plaît. La séance est ouverte. Nous attendons toujours l'arrivée des députés pour obtenir quorum, mais je voudrais vous inviter à demander la parole au président parce qu'il devient très difficile pour le service de la traduction et de la transcription de déterminer qui sont les interlocuteurs lorsque plusieurs voix se font entendre en même temps. Alors, s'il vous plaît, veuillez attendre que je vous donne la parole et ne parler qu'un à la fois.

Avant de traiter de motions particulières et en réponse à ceux qui se sont plaints que le vote des forces armées est arrivé en retard, j'annonce que nous avons avancé d'une semaine la date du jour de la présentation; celui-ci a lieu le vingt-et-unième jour avant le jour du scrutin au lieu du quatorzième jour. C'était la seule façon de résoudre le problème. Si vous avez des observations à formuler à ce sujet, vous êtes les bienvenus.

M. Duquet: Les résultats seront-ils connus partout le même soir?

[Texte]

The Chairman: Yes, but to do this we had to advance nomination day to the twenty-first day before polling day instead of the fourteenth day.

Mr. Benjamin: And in the case of those 15 northern ridings, 28 days ahead? Is that correct?

The Chairman: Twenty-eight...

Mr. Benjamin: Can we arrive at something in between that?

The Chairman: Both Captain Dewis and Mr. Hamel have said that it cannot be reduced further, that if we want to be sure of having the votes of the armed forces on time we would have to advance nomination date to the twenty-first day before polling day.

Mr. Benjamin: And how far in advance of election day would their voting occur?

Mr. Hamel: If you agree, we only propose to advance every operation more or less by one week. We prepared a draft on the basis of the discussion the Committee had before, I was hoping to have the final draft tonight but, unfortunately, it has not come back yet. I do hope to have it very shortly. The gist of the whole thing is to advance everything by one week, the only exception being that we may save a few days after the election for the official edition. It will not be necessary to wait a full week following polling day to proceed with the official edition. We could probably have it Thursday following polling day instead of the following Monday.

Mr. Benjamin: I know I suggested this before and I do not know whether I persuaded you, but would it not help, Mr. Hamel, to increase the number of places at which the armed forces ballot is counted rather than two in Canada and one in England, or whatever number you had before.

Mr. Hamel: We went into this before and a study revealed that the problem is not in the counting itself, because that could be done quickly by adding extra scrutineers or extra clerical help; it is mainly in the transmission of the votes from the polling place to the office of the special returning officer.

Mr. Benjamin: But by having a greater number of places would you not decrease distances and thereby the time of transmission of these ballots?

[Interprétation]

Le président: Oui, mais pour ce faire nous avons porté la date de la présentation du quatorzième jour précédant le scrutin au vingt-et-unième jour avant le scrutin.

M. Benjamin: Ne serait-il pas souhaitable d'atteindre vingt-huit jours dans les quinze circonscriptions électorales du Nord?

Le président: Vingt-huit jours?

M. Benjamin: Pouvons-nous trouver une solution mitoyenne?

Le président: A la dernière séance, le capitaine Lewis et M. Hamel ont déclaré que ce n'était pas possible. Si nous voulons que le résultat du vote des forces armées soit connu le même soir que les autres résultats, il faut porter la date de la présentation au vingt-et-unième jour précédant le scrutin.

M. Benjamin: Le vote aura lieu combien de temps à l'avance?

M. Hamel: Si vous êtes d'accord, nous ne nous proposons d'avancer chacune des opérations que d'une semaine. Nous avons élaboré un projet fondé sur les discussions qui ont déjà eu lieu en Comité. J'aurais aimé avoir ce document en mains ce soir, mais je ne l'ai pas. J'espère en disposer bientôt. L'essentiel de ce document consiste à avancer les opérations d'une semaine, mais nous pouvons attendre à quelques jours après l'élection pour l'édition officielle. Nous pourrions peut-être l'avoir le jeudi après le scrutin au lieu du lundi suivant.

M. Benjamin: J'ai déjà fait cette proposition, mais il ne semble pas que je vous aie convaincus. Ne devrait-il pas y avoir un plus grand nombre d'endroits où le vote des forces armées serait compté, au lieu de deux endroits au Canada et d'un endroit en Angleterre? Ne devrait-on pas accroître le nombre de bureaux de comptage?

M. Hamel: Des études nous ont révélé que le problème n'est pas au niveau du comptage, parce que cela peut s'effectuer rapidement en engageant des scrutateurs supplémentaires. Ce qui fait perdre du temps, c'est surtout la transmission des votes à partir du bureau de scrutin jusqu'au bureau de président d'élection où ils seront comptés.

M. Benjamin: Voilà où je veux en venir. S'il y avait un plus grand nombre de bureaux vous diminueriez à la fois les distances et le temps de transmission.

[Text]

The Chairman: Could we ask Captain Dewis to comment.

Col. Dewis: I am sorry, Mr. Chairman, but I did not hear Mr. Benjamin's question.

The Chairman: Could you repeat your question, please?

Mr. Benjamin: I thought that if we were to increase the number of places to which ballots were transmitted for tallying that you would thereby to some degree decrease the length of time required for transmission.

Col. Dewis: As you know, at the present moment there are the four headquarters and if you had eight I do not think this would speed it up very much.

The one question I wanted to ask, Mr. Chairman, is this. Concurrent with moving up nomination day to the twenty-first day and all the operations one week ahead does that mean the counting of the service votes will be done the week before voting day?

Mr. Hamel: Yes.

Col. Dewis: As far as I can see that fixes everything because with the present organization people lost about four days or four and a half. I really do not see any advantage in setting up say another two, three, four central headquarters to count the ballots. The delay is not really because we have the four headquarters, it is just the physical fact that we cannot count the ballots until after the civilian polls close and because nomination day is not far enough in advance. That scheme is one of the schemes that the Department of National Defence has wanted for a number of years. I think this is about as far as you can go to merge the vote and to avoid the delays without having permanent lists for all civilians. I think it is very acceptable to the department.

The Chairman: Thank you very much Col. Dewis. Any more discussion on this? Now we have to wait until we get a quorum. But as soon as we have a quorum we will pass a motion on this.

Would you agree now to discuss the format of ballots. I would ask our Clerk to circulate some of the formats used. There are two types. As we have earlier discussed, we have to take into consideration the fact that if we

[Interpretation]

Le président: Pouvons-nous demander l'opinion de M. Dewis à ce sujet?

M. Dewis: Je regrette, mais je n'ai pas compris la question de M. Benjamin.

Le président: Pourriez-vous répéter votre question, s'il vous plaît?

M. Benjamin: Si nous accroissions le nombre d'endroits où les bulletins de vote sont envoyés pour être comptés, le temps nécessaire pour la transmission des données ou des bulletins de vote n'en serait-il pas diminué?

M. Dewis: Il y a quatre quartiers généraux qui s'occupent de cette question et, à mon avis, le rendement n'en serait pas meilleur.

Si nous faisons passer le jour de la présentation du 14^e au 21^e jour et avançons les opérations générales d'une semaine, comptons-nous le vote des forces armées une semaine avant le jour du scrutin?

M. Hamel: Oui.

M. Dewis: Cette situation est excellente parce que sous le régime actuel la population perd quatre jours et demi environ. A mon avis, il n'y a aucun avantage à mettre sur pied d'autres quartiers généraux pour le comptage des votes. La raison en est que nous ne pouvons pas compter les votes avant la fermeture des bureaux de scrutin des civils et parce qu'on a pas tellement avancé le jour de la présentation. Ce projet est l'un de ceux que le ministère de la Défense nationale a souhaité avec le plus vif intérêt depuis plusieurs années. A vrai dire, sans ces listes permanentes distribuées à la population civile, nous ne pouvons faire davantage pour éviter les retards et le Ministère est d'accord avec notre façon de procéder.

Le président: Merci beaucoup, M. Dewis. Voulez-vous examiner cette question plus à fond? Nous ne pouvons poursuivre tant que nous n'avons pas le quorum. Dès que le quorum sera atteint, nous pourrions adopter une motion à ce sujet.

Sommes-nous d'accord pour étudier le format des bulletins de vote? Je vais demander au greffier de faire distribuer deux genres de bulletins de vote courants. Nous avons déjà discuté cette question: allons-nous indi-

[Texte]

are going to put the party affiliation on the ballots we must think about scratching out the occupation of candidates, because in some constituencies there will be bilingual ballots and if we do put all this on the ballot it would be about two or three feet long.

We did have the opportunity to look at the ballots in Ontario and in Quebec and some other provinces where there is no occupation put on the ballots. Some of the members had earlier discussed and recommended that we do put the party affiliation on but not the occupation of the candidates.

Mr. Lefebvre: Did we vote on the party affiliation on the ballot yet?

The Chairman: We did not yet, no.

Mr. Forest: I guess there was no disagreement.

The Chairman: Not that I remember.

Mr. Duquet: The same discussion applied to the form of the ballot, Mr. Chairman. I think there was a general agreement on the round one here, any mark, any normal mark in the round part.

The Chairman: I would like to avoid the mixing of subjects. First, I would like to reach an agreement on the form of a ballot. After that we will decide the way to indicate the vote, either with a cross or an "X" or

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other form. The discussions will be open on this. I am waiting for your recommendations for the ballots.

Mr. Forest: On the format?

The Chairman: On the format, yes.

Mr. Forest: Well I would agree to the circle which is on the green exhibit which we have before us.

Mr. Duquet: So would I, Mr. Chairman.

The Chairman: Agreed on this? Now that we have a quorum I think we should explain the previous discussion to Mr. Comtois and Mr. Jerome. We had earlier discussed the acceptance of having nomination day 21 days before polling day to meet the requirement of the armed forces so that they could give their results the same day. Is it agreed?

[Interprétation]

quer l'appartenance au parti sur le bulletin de vote, ou nous faut-il éliminer la profession ou l'occupation du candidat? La raison en est que dans certaines circonscriptions, où les bulletins sont bilingues, si vous y inscrivez tous ces renseignements le bulletin serait beaucoup trop chargé.

Nous avons examiné les bulletins de vote de l'Ontario et du Québec de même que ceux d'autres provinces. En aucun endroit, on indique la profession ou l'occupation du candidat. Certains membres du Comité avaient déjà étudié la question et avaient recommandé que nous indiquions le parti du candidat mais non la profession ou son occupation.

M. Lefebvre: Ce point a-t-il été mis aux voix?

Le président: Non, pas encore.

M. Forest: Il n'y a pas eu d'accord.

Le président: Pas que je me rappelle.

M. Duquet: La même discussion a eu trait à la forme du bulletin de vote. On a préconisé la forme circulaire sur laquelle on peut inscrire un signe normal.

Le président: Ne mêlons pas les sujets. Je voudrais d'abord que nous nous mettions d'accord sur le format du bulletin de vote et sur le signe à mettre dans le cercle. Nous en discuterons donc plus tard. Avez-vous des

recommandations à faire au sujet des bulletins de vote?

M. Forest: A propos du format?

Le président: C'est juste.

M. Forest: J'approuve le cercle sur la formule verte que nous avons sous les yeux.

M. Duquet: Moi de même, monsieur le président.

Le président: Sommes-nous d'accord sur ce point?

Maintenant que nous avons atteint le quorum, il serait opportun d'expliquer à MM. Comtois et Jerome ce qui a fait l'objet d'une étude antérieure. Il s'agit de l'acceptation du 21^e jour avant le jour du scrutin comme jour de la présentation. Nous avons proposé cet amendement pour répondre aux besoins des forces canadiennes de façon à pouvoir obtenir les résultats du vote des forces armées le même jour que les autres résultats du pays. D'accord?

[Text]

Some hon. Members: Agreed.

Mr. Francis: I think we have a quorum.

The Chairman: Yes. Now we are discussing the form of a ballot. This form has been suggested by Mr. Duquet, Mr. Forest, Mr. Marceau and Mr. Francis.

Is it agreed that we will accept this form of ballot?

M. Marceau: Celui-là me semble plus approprié, compte tenu de toutes les circonstances.

Une voix: Monsieur le président, je serais d'accord.

Mr. Benjamin: Yes it is agreed to accept this form but not necessarily this size.

The Chairman: No, no, we cannot talk about the size unless we know the names and the number of candidates.

Mr. Benjamin: Would somebody tell me what is better about a circle than a square to put your mark in? Is there some good reason for that, not that it matters all that much.

The Chairman: Some of the members in the Ontario group who had accepted the idea of a circle did want to go along with the Belgium ballot where the circle is much smaller. The way to vote is not to make an "X" or something like that, but just to blacken the small circle.

Mr. Benjamin: That would not be our purpose, though.

The Chairman: They have decided that to have to blacken a very small circle for the first time would be too much a change for the electorate but that they would start with this circle.

Mr. Benjamin: And you would make an "X" in that circle?

The Chairman: Well we will discuss that after we have accepted the form of ballot.

Mr. Benjamin: Oh, I see.

The Chairman: We will go along with the way to register the vote.

Mr. Benjamin: One purpose of the circle would be to end up with a much smaller circle and just fill it in?

An hon. Member: Yes.

[Interpretation]

Des voix: D'accord.

M. Francis: Nous avons maintenant le quorum.

Le président: Nous en sommes maintenant à la forme du bulletin de vote. MM. Duquet, Forest, Marceau et Francis ont proposé le bulletin que voici. Est-on d'accord pour l'accepter?

Mr. Marceau: This bulletin seems more adequate and takes care of all possible circumstances.

An hon. Member: I would also agree, Mr. President.

M. Benjamin: Ce bulletin me va, mais pas nécessairement le format.

Le président: Il nous est impossible de parler de format avant de connaître les noms et le nombre des candidats.

M. Benjamin: Pourriez-vous m'expliquer l'avantage qu'il y a à choisir le cercle plutôt que le carré pour y inscrire le signe convenu? Y a-t-il une raison majeure pour justifier ce choix?

Le président: Les membres du groupe de l'Ontario qui ont accepté le cercle se sont fondés sur le bulletin de vote belge. Il s'agit d'un cercle plus petit que l'on noircit en guise de signe, le jour du vote, au lieu d'y faire un X.

M. Benjamin: Ce n'est pas ce que nous nous proposons de faire.

Le président: Si l'on adoptait la formule belge, le changement serait trop grand pour les électeurs. Le grand cercle fait très bien l'affaire.

M. Benjamin: Vous inscrivez un X dans le cercle?

Le président: Nous passerons à cette question après que nous aurons accepté la forme du bulletin.

M. Benjamin: Je vois.

Le président: Nous approuvons la méthode d'enregistrement du vote.

M. Benjamin: En viendrez-vous au petit cercle qu'il faut noircir?

Une voix: Oui.

[Texte]

Mr. Benjamin: Are there any grounds to think that this method would make it even more difficult to have ballots that could be identified? Or is there any other reason for the circle?

The Chairman: The idea of having a circle instead of a square may be in the view of reducing the size of this circle later on maybe, but it does not matter much if it is a circle or a square. If I recall correctly, Quebec decided like that to keep the square instead of the circle which had been recommended to them.

Mr. Benjamin: But the view would be to start out with this size and then over a period of years reduce the size of that circle, is that the idea?

The Chairman: These have been the views expressed by the members of the Ontario group when we were there. They would have accepted the Belgium circle which is very small. They did change their mind and decid-

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ed to have a larger circle so as not to make too much of a change for the electorate from one election to another.

Mr. Benjamin: No problem.

The Chairman: Is it accepted in this form with a circle?

Some hon. Members: Agreed.

The Chairman: I would like you to register some views about the way to indicate the choice. Would it be with an "X" or what are we going to accept? If you look back to the jurisprudence of the decisions by the courts you will find out that there are as many different decisions as there are simply decisions. Perhaps we could give indications in the act of the intention of the electorate and prevent the rejection of a ballot. Mr. Jerome.

Mr. Jerome: Mr. Chairman, my experience from having been through a recount, which is really the only way you get to examine closely all of the ballots in an election, and in preparing for that in reviewing the law on different cases, deciding whether a ballot has been spoiled or not, there seems to me to be a tremendous desire on the part of the judges who have decided these cases to do what they really should, which is to give effect to the desire of the voter wherever possible.

In some cases, although the use of a ball-point pen is something so clearly prohibited by the statute as to be really not open to any

[Interprétation]

M. Benjamin: A-t-on raison de croire qu'il sera plus difficile d'identifier les bulletins de vote? Y a-t-il une autre raison pour l'adoption d'un tel procédé?

Le président: Pourquoi un cercle plutôt qu'un carré? Il se peut qu'à l'avenir on veuille réduire la dimension du cercle. Il importe peu qu'il s'agisse d'un carré ou d'un cercle. Si je me souviens bien, on a décidé à Québec de conserver le carré au lieu d'utiliser le cercle qui leur avait été proposé.

M. Benjamin: Le cercle aura d'abord cette dimension qui diminuera au cours des ans. C'est le but qu'on se propose?

Le président: C'est ce que le groupe de l'Ontario a préconisé. Ils auraient accepté le cercle belge mais, après réflexion, ils ont préféré le plus grand cercle pour ne pas effectuer un changement trop radical.

M. Benjamin: Il n'y a pas de problèmes.

Le président: Convient-on du cercle dans le bulletin?

Des voix: D'accord.

Le président: J'aimerais maintenant que nous parlions de la façon d'indiquer notre choix. Devrait-on inscrire un X ou un autre symbole? Les tribunaux ont pris plusieurs décisions à ce sujet et peut-être devrions-nous donner des directives dans la loi quant à la façon d'indiquer notre choix pour éviter que le bulletin ne soit rejeté. Monsieur Jerome.

M. Jerome: Je sais par expérience ce qu'est un recomptage judiciaire; c'est la seule façon d'examiner tous les bulletins de vote dans votre circonscription au cours d'une élection. Quand je m'apprêtais à réviser la loi établissant la validité des bulletins, il m'a semblé que les juges n'avaient qu'un seul désir qui était de donner une grande liberté aux votants.

Dans certains cas, bien que l'utilisation d'un stylo à bille soit si clairement interdite le tribunal a demandé l'opinion des gens qui

[Text]

question whatsoever, the court has asked the position of the people in the recount on the question of a ballpoint pen, and with some good reason, indicating, if all of the people involved on both sides or several sides of the recount are agreed. What ballpoint pen marked ballots should be accepted. It is an indication that the court would be prepared to go along with it. I think it is an indication of the spirit involved in these decisions. It is not a technical spirit and the court seems to be prepared to go along wherever possible to give vent to the expressed intention of the voter so long as there does not seem to be a total contravention of the Act in the spoiling of the ballot. So long as there is one candidate who has obviously been designated and perhaps with one other condition, that is, so long as there does not seem to have been an effort on the part of the voter to mark his ballot in such a way so that he can subsequently identify it to some kind of a political organizer.

That third possibility in every way is so totally remote as to be in my opinion a consideration that should be put somewhat into the background, because that opportunity is not even going to arise unless you get into a recount. The only way that a paid person could ever prove his vote to an organizer is if one gets into a recount.

Of course you have the scrutineer in the poll who counts the ballots, so it could be done that way.

Even reconsidering that point and realizing that there are scrutineers for each candidate in the poll who count the ballots at the end of the day and who would be able to keep track if a certain kind of marking was made—bearing that in mind and subject only to that condition, I would say that we should accept virtually any kind of a mark that appears in that circle. We should try to frame our definition as widely as possible so that any kind of an individual mark that appears someplace in that circle would result in the vote being counted.

You can take a cross, any two lines, or a single line drawn through the circle. One of the advantages of making the definition very wide, although specific but very wide, is that it makes identification of the ballot very difficult. Whereas, I think if you narrow it, that makes it work sometimes the opposite way. If you say that any line drawn through the circle will be all right, will be eligible, any single line drawn through the circle it makes it very difficult for somebody to mark their ballot in such a way as to identify it and if they do try to do that it should be easily discernible.

[Interpretation]

étaient préposés au recomptage et leur a demandé ce qu'il pensaient du stylo à bille. Si les parties sont tous d'accord, le tribunal peut alors l'accepter pour l'inscription du signe sur le bulletin de vote. Ce n'est donc pas l'aspect technique qui triomphe; les tribunaux sont prêts à permettre au votant de faire ce qu'il entend aussi longtemps qu'il n'y a pas de preuve ou d'évidence qu'on a voulu gaspiller un bulletin de vote ou l'annuler, ou encore que le votant n'ait pas tenté de faire connaître l'identité du bulletin auprès d'un organisateur d'un parti quelconque.

Cette troisième possibilité est tellement éloignée qu'on ne doit vraiment pas en tenir compte, sauf si l'on a la possibilité d'assister à un recomptage. Ce n'est qu'en demandant un recomptage qu'une personne payée pour voter puisse faire preuve de fidélité au parti. Il faudra, à ce moment-là que le scrutateur soit sur les lieux au moment où l'on fait le comptage des bulletins. D'accord, un certain nombre de scrutateurs qui surveillent ce recomptage pourraient reconnaître telle marque faite sur les bulletins; mais je crois que nous devrions accepter tous genres de marques ou d'indications qui paraissent dans un cercle, à condition qu'un candidat soit bien identifié. Il faudrait englober dans notre définition toute marque dans le cercle, quelle qu'en soit la forme.

Qu'il s'agisse d'une ligne, d'une croix, d'un X, il faudrait l'accepter. Tout en précisant la définition, il y a avantage à l'élargir; cette méthode rend l'identification du bulletin de vote presque impossible. Si l'on précise que toute ligne unique traversant le cercle est valide, il est donc très difficile pour une personne de marquer son bulletin de façon à le faire reconnaître.

[Texte]

There should be a lot of suggestions made on this and so on, but that is my view. We should be as wide as possible to give every possible chance for the ballot to be counted provided it does not designate more than one candidate and is, therefore, spoiled that way, or provided it is not an obvious attempt at identity by writing the name of the voter in the spot or something of that sort.

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The Chairman: Thank you, Mr. Jerome. Mr. Benjamin?

Mr. Benjamin: Mr. Chairman, I agree. The experience in my province has been that not only the courts in the cases of recounts and controverts have given the widest possible interpretation, particularly when there was agreement amongst the parties involved.

In more recent years, probably the last dozen years, the Canada Elections Act specifies that even though an "x" is supposed to be made, if the voter made some other mark, as long as the intent of that voter was clear as to who he was voting for the ballot was accepted. Ballots were counted with a No. 1 beside them or a zero beside it as long as there was no doubt about the intent of that voter.

I think while we might say in the Act, "Shall mark with an "x)". I do not think anywhere else we should say that if they use a mark other than the "x" it would be an invalid ballot. Leave it clear for any other mark as long as the intent is clear. Similarly with ballpoint pens and pencils, I suppose if somebody went in with a really off-coloured pen you could wonder if an attempt at identification were being made, but really pencils and ballpoint pens are such common things that again identification I do not think is a problem.

Mr. Jerome: It would become a problem if it is permissible. If people can use ballpoint pens there would be so many of them marked that way that it would be a problem.

The Chairman: Could I read to you some sections of the Elections Act in Manitoba that I think is going to touch on the point raised by Mr. Jerome and maybe meet some consensus among the members. The limitation consists of this:

"(2a) No ballot paper shall be rejected pursuant to subsection (2)...

Which is the way the ballots are rejected.

"(2a) No ballot paper shall be rejected pursuant to subsection (2) by reason only that

[Interprétation]

Je voudrais écouter toutes les propositions qu'on fera à ce sujet, mais à mon avis, il faudrait élargir les dispositions le plus possible afin qu'on puisse compter le vote à moins qu'il y ait une tentative claire de faire connaître le bulletin.

Le président: Merci, monsieur Jerome. M. Benjamin.

M. Benjamin: Dans ma province, les tribunaux ont donné l'interprétation la plus large dans le cas du recomptage.

Plus récemment, depuis les douze dernières années, la Loi électorale du Canada a précisé que bien que la marque X soit de rigueur, tout autre signe peut être accepté, à conditions que l'intention du votant soit claire. On comptait les bulletins à condition qu'il n'y ait pas de doute.

Bien qu'on dise dans la loi que l'X est de rigueur on ne doit pas exclure les autres signes. Il doit être clair que tout autre signe est valide, à condition que l'intention soit bien claire. Si quelqu'un évidemment apportait—dans la cabine de votation un stylo à bille à couleur peut ordinaire, il y aurait donc lieu de croire qu'il a voulu se faire reconnaître.

M. Jerome: Si l'on a le droit de se servir d'un stylo à bille n'en ferait-on pas un abus?

Le président: Permettez-moi de lire un article de la Loi électorale du Manitoba qui touche à la question soulevée par M. Jerome; on pourra atteindre un certain consensus si l'on dit:

2(a) qu'aucun bulletin ne sera rejeté en vertu du paragraphe (2)

Cet article énonce la procédure en vigueur touchant le sujet des bulletins.

(2a) Aucun bulletin ne sera rejeté en vertu du paragraphe parce que:

[Text]

(a) it has on it any writing, number or returning officer; or

(b) it has been marked with a writing instrument other than a black lead pencil or with a check mark instead of a cross, if the mark does not constitute identification of the elector."

You can go further than that if you wish.

Mr. Forest: Mr. Chairman, I agree that the vote be valid either by ballpoint or by pencil, provided we furnish in the poll booth both a pencil and a ballpoint pen. We could do that behind the curtain so that both would be available to anyone who comes; it would not be a big expense.

On the question of the mark, I think I could go along with the suggestion that we put in the law that the ballot be marked by an "x" but that we put somewhere else if it is a check or any mark which is not easily identifiable with a voter that it would be valid. As you said Mr. Jerome it could be if you put a "w" with a bar inbetween or something that could be identified by the agent or the candidate there might be some cases of that. However, I think there were more interested in trying to get everybody to express their opinion.

Mr. Jerome: Yes.

Mr. Forest: I go along with the suggestion that an "x" would be the regular voting procedure, but we would admit a check or any mark which could not be identifiable.

Mr. Lefebvre: I do not think it would be in order for the polling booth to be provided with both a pencil and a ballpoint pen. What happens with ballpoint pens being used now is that the lady or the gentleman is so accustomed to using a ballpoint pen for everything they sign or do, they just take it out of their pocket or purse and use it. I think the polling booth should continue to be provided with a pencil, but if somebody uses their own ballpoint pen it be accepted. If you provide one ballpoint pen and somebody uses another colour from that you are still going to get into trouble. I think the pencil should be left there, but any colour of ballpoint pen or pencil should be accepted.

An hon. Member: Any colour?

Mr. Lefebvre: Any colour.

Mr. Jerome: Red?

Mr. Lefebvre: Any colour. Anything you happen to have in your pocket.

Mr. Comtois: Why not.

[Interpretation]

a) il porte une marque faite par un scrutateur ou

b) qu'il est marqué par un crayon ordinaire ou un autre signe que la croix à condition que cette marque ne relève pas l'identité de l'électeur.

On peut aller plus loin, si l'on veut, mais...

Mr. Forest: A condition qu'on fournisse les deux; il n'y aura pas de problème, si le crayon et le stylo à bille sont disponibles à tout votant. Il n'en coûterait pas énormément.

Pour ce qui est du signe, on pourrait prévoir l'admission de tout autre symbole qui n'est pas facilement identifiable. Comme M. Jerome l'a dit, si l'on mettait un «w» traversé d'une barre voilà qui permettrait de faire reconnaître un votant. Il peut se rencontrer des cas de ce genre. L'essentiel est de permettre à tous d'exprimer leur opinion.

Mr. Jerome: Oui.

Mr. Forest: J'accepte la proposition portant que l'X soit le signe valide, mais aussi qu'on admette toute marque qui permet pas de reconnaître un votant.

Mr. Lefebvre: Il n'est pas nécessaire que l'isoloir soit muni à la fois de stylos à bille et de crayons. On est tellement habitué en effet, à se servir du stylo à bille que les votants sortent le stylo et s'en servent sans s'en rendre compte. Il faut continuer de fournir un crayon, mais si le votant se sert de son stylo il faut l'accepter quelle en soit la couleur.

Une voix: N'importe quelle couleur?

Mr. Lefebvre: Pourquoi pas.

Mr. Jerome: Rouge?

Mr. Lefebvre: Celui que nous avons dans les poches.

Mr. Comtois: Pourquoi pas.

[Texte]

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Mr. Lefebvre: The only other thing you could do is mark down in the election law what colours will not be legal. If you happen to have a blue pencil on you, okay, but if you happen to have a green one you are out of luck.

The Chairman: Mr. Francis.

Mr. Francis: Mr. Chairman, I was just going to raise the point which Mr. Lefebvre has raised. It does seem to me that if a voter used a soft pen or a very exotically coloured ink, that this is really opening the way to identification of a vote. I would personally be prepared to accept a pencil or a usual blue or blue-black ball-point pen.

Mr. Comtois: No colour.

Mr Francis: Here you have got to specify certain prohibited colours, because it seems to me that if someone comes in with a green felt pen that is an identified vote.

Mr. Lefebvre: There is only one.

Mr. Francis: Well...

Mr. Lefebvre: How do you know?

The Chairman: Mr. Jerome.

Mr. Jerome: I think Mr. Forest's point, if I understand it correctly, is that if we are going to permit a ballot to be marked either by ball-point pen or pencil then, by providing both instruments in the polling booth, we will see that there were so many ballots marked with one or the other that it becomes more difficult for anybody to identify their ballot. However, if we permit a ballot to be accepted if it is marked with a red pen...

An hon. Member: Or green or violet or...

Mr. Jerome: ...or any other colour, I really do think that we are opening the way for a candidate, or his agent, to say to all of the people who are supporters of theirs, I want you to use a certain colour of pen and it becomes identifiable at the end of the day. It is an abuse that we should avoid.

The Chairman: This is the problem. If you leave the door open to any mark inside the circle someone could say, "Okay I will vote for you. I will put a..."

Mr. Jerome: On that point, Mr. Chairman, if I may, since I raised it, it was not my intention to suggest that we permit any mark. I think we should permit certain marks to be made and we should outline them specifically.

[Interprétation]

M. Lefebvre: La loi électorale devrait proscrire l'emploi des stylos de couleur. Seule la couleur bleue serait permise.

Le président: Monsieur Francis.

M. Francis: Il me semble que si le votant se sert d'un stylo peu ordinaire, cela permet de reconnaître le votant. Je préférerais qu'on utilise un crayon ou un stylo ordinaire qui soit bleu ou bleu foncé.

M. Comtois: Incolore.

M. Francis: Certaines couleurs doivent être interdites, car si quelqu'un se présente avec un stylo feutre de couleur vert, voilà qui pourrait le faire reconnaître.

M. Lefebvre: Il n'y en a qu'un.

M. Francis: Bien...

M. Lefebvre: Comment le savez-vous?

Le président: Monsieur Jerome.

M. Jerome: Si l'on permettait l'utilisation d'un crayon ou d'un stylo à bille, il serait beaucoup plus difficile de reconnaître le votant. Si l'on accepte un bulletin marqué en rouge...

Une voix: En vert ou en violet ou...

M. Jerome: ...ou en toute autre couleur, nous permettons à un candidat de dire à ses partisans de se servir d'un stylo d'une telle couleur, ce qui permettrait de reconnaître les bulletins à la fin de la journée. C'est un abus qu'il faut éviter.

Le président: Voilà le problème. Si l'on permet de faire toute marque dans le cercle, ça peut...

M. Jerome: Je n'ai pas l'intention de suggérer une marque quelconque. Je crois qu'on devrait permettre une certaine marque et qu'il faut préciser quelles marques sont permises. Toute ligne droite qui traverse le

[Text]

I think we should say that any two lines that cross, any one line that crosses through the circle, and that alone, that will permit a check mark because it is a single line going through the circle. It would permit an "X" or a cross, or anything of that nature any two lines that cross in the circle, the way we now require that the two lines cross opposite the candidate's name; and let it go at that.

Mr. Francis: Mr Chairman.

The Chairman: Yes, Mr. Francis.

Mr. Francis: Could we get the opinion of Mr Hamel on this point.

The Chairman: Mr. Hamel.

Mr. Hamel: I quite agree with Mr. Jerome. Following practically every judicial recount, I had views expressed by the judge suggesting that the law be slightly enlarged on this because I understand they have pretty stiff decisions to take at times. What Mr. Chairman just read is an adaptation of the Manitoba legislation where in the instructions to the electors, they tell the elector to use the black lead pencil and the "X" and the whole thing. But this is only in the instructions to the deputy returning officers and the judges at a recount: if the ballot is marked otherwise than with the black lead pencil, or whether there is a check mark instead of the cross, the ballot shall not be rejected for that reason alone if there is no other mark that could constitute an identification of the elector. In essence what is allowed is the cross, or the "X", or the check mark, but nothing else; not only with the black lead pencil but with any kind of writing instrument.

Mr. Jerome: Would it not be better, Mr. Hamel, if that is what we are going to do, that we should say so in the Act rather than say one thing in the Act and yet permit something else in the enforcements?

The Chairman: Mr. Duquet.

Mr. Duquet: Mr. Chairman, I think in my humble opinion, we want to do such a good

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job that we are having a lot of discussion for nothing. So far, we have never had any trouble with the lead pencil in the voting booth. It has been in the law for years and years. We have never had trouble. I do not see why we should change this. We should leave it as it is so far as the instructions are concerned, but I think we should go as far as Mr. Hamel suggests, that there is a provision in the law that this does not necessarily mean

[Interpretation]

cercle devrait être admise. Une croix ou un X à l'intérieur du cercle devrait être également de mise. Ce serait suffisant.

M. Francis: Monsieur le président.

Le président: Oui, monsieur Francis.

M. Francis: Pourrions-nous connaître l'opinion de M. Hamel sur ce point?

Le président: Monsieur Hamel.

M. Hamel: Je suis tout à fait d'accord avec M. Jerome. Après chaque recomptage, les juges demandent que la loi soit élargie sur ce point, car ils ont souvent des décisions très difficiles à prendre. Ce que le président nous a présenté est une adaptation de la loi du Manitoba où les électeurs sont tenus de se servir du crayon noir et de faire un X. Ces instructions ne s'adressent qu'au scrutateur et au juge qui s'occupent du recomptage. Si le bulletin de vote est marqué autrement qu'avec un crayon noir, dans ce cas-là, le bulletin ne sera pas annulé pour autant, à moins qu'il ne porte une marque qui permette de faire reconnaître l'électeur. En somme, tout ce qui est permis est une croix, un X ou une coche, rien de plus, quel que soit le crayon ou le stylo employé.

M. Jerome: Monsieur Hamel, dans ce cas, ne vaudrait-il pas mieux le préciser dans la loi? Il ne faut pas dire une chose dans la loi et permettre une autre méthode de procéder dans l'application de cette loi.

Le président: Monsieur Duquet.

M. Duquet: Monsieur le président, à mon humble avis, on s'efforce tellement de bien

faire qu'on discute. Jusqu'à présent, on n'a jamais eu de difficulté avec le crayon noir. C'est inscrit dans la loi depuis des années et nous n'avons jamais eu d'ennuis. Je ne vois pas pourquoi nous devrions changer, mais comme M. Hamel l'a proposé, nous devrions insérer une disposition dans la loi à l'effet que le bulletin ne soit pas rejeté dans un recomptage parce que le votant ne s'est pas conformé à la règle. Si l'on n'a qu'un crayon noir et que

[Texte]

rejection of the ballot if it comes to a recount. I think we should put it in the law; that is what has been suggested.

What difference does it make if we have only a lead pencil? It is in the law that they should use that pencil; everybody has been used to that, they have been doing it for years and years. I repeat, we have never had any trouble with this. Why should we put ball-points there? If you put a ball-point in the booth, even if there is a rope tied to it, the first thing you know you will need three dozen ball-points in the poll because they will run away with it. To me it looks so simple. We have the law, we have used a lead pencil for a long time and everybody knows about that. Why should we try to make something new when it is not necessary to do so? Why do we not have that provision, which Mr. Hamel has been reading and is in the Manitoba legislation, which protects the votes and everything like that? I do not see why you should discuss it that long and make changes on this.

The Chairman: Mr. Major.

Mr. Major: One reason is that in my constituency the instructions went around where the opposition were picking up the pencils and doing away with them. They would go in and vote early, put the pencils in their pocket and disappear, until there were no more pencils.

Mr. Duquet: The returning officer puts them out.

Mr. Major: They did not have any more at one time. There were none around.

Mr. Duquet: I still think this is an exception.

Mr. Major: This is a fact. I am not kidding.

The Chairman: Order, please. I think we should...

Mr. Major: If we allowed different types of instruments, normal writing instruments, I think it would suit me fine.

The Chairman: Mr. Marceau.

M. Marceau: Monsieur le président, il s'agit principalement de permettre aux gens que leur expression d'opinion soit acceptée. Mais, il ne faut pas leur donner l'impression qu'ils peuvent faire n'importe quel signe, n'importe quand et n'importe comment. La Loi contient des instructions assez sévères pour que les gens sachent qu'ils ont certaines conditions à remplir. Je crois que c'est un aspect qui doit

[Interprétation]

les votants sont tenus de s'en servir, ça ira très bien parce qu'on le fait depuis des années. On a jamais eu le moindre ennui avec cette façon de procéder, alors pourquoi est-ce qu'on permettrait l'usage des stylos à bille? Si l'on se sert de stylos, il faudra fournir une bonne douzaine de stylos à bille dans le bureau de votation. Ça me paraît si simple et nous avons une loi qui prévoit l'utilisation d'un crayon noir. Pourquoi est-ce qu'on essaierait de faire quelque chose de nouveau quand ce n'est pas strictement nécessaire? A part d'accepter la disposition proposée par M. Hamel, proposition qui se trouve déjà dans la Loi du Manitoba, je ne vois pas l'intérêt de ce changement.

Le président: Monsieur Major.

M. Major: Dans ma circonscription, on fait disparaître les crayons à mine jusqu'à ce qu'il n'y en ait plus.

M. Duquet: C'est le président d'élection qui les distribue.

M. Major: Il n'y avait plus de crayon, ils en ont manqués.

M. Duquet: Je crois que c'est là une exception.

M. Major: C'est un fait, je suis sérieux.

Le président: A l'ordre, s'il vous plaît!

M. Major: Si l'on permet l'utilisation d'instruments ordinaires pour écrire, je suis tout à fait d'accord.

Le président: Monsieur Marceau.

Mr. Marceau: Mr. Chairman, what we are mainly concerned with is to allow people to express their opinions. We must not give them the impression that they can do it any old way. If you look at the Act, the instructions are severe enough at present for people to know that they have certain conditions to fulfill. I think it should be respected. On the other hand, it is obvious that we have to do

[Text]

être respecté. D'autre part, il est évident qu'il faut chercher par tous les moyens à ce que les expressions d'opinions, qui n'ont pas été données conformément à la Loi, soient respectées. Je suis d'avis qu'on doit garder un signe conventionnel, un crayon conventionnel. Mais, lorsque deux lignes se rencontrent ou quelle que soit la forme acceptable, ceux qui font le dépouillement du scrutin devraient avoir comme instructions de donner la chance au votant et d'accepter le bulletin.

Mr. Jerome: Mr. Chairman, I would venture to say that in every general election in this country at least 15 to 20 votes on an average per poll, and you can multiply that by the number of people and the number of seats across the country, at least that many would be marked with a ball-point pen. This is being done by people who have no desire to have their vote identified, who really just want to vote for somebody and express that intention. If we want to give respect to that intention on the part of the voter, then we should say so. If we want to permit people to mark a ballot with a ball-point pen, then we should say so. If we do not, we should say so. But I think all of us are agreed that we want to permit people to use a blue ball-point pen and to have it allowed; if we do that, I think we should say so.

The Chairman: Order, please. The translators will have problems if the members continue speaking among themselves. To come to the point raised by Mr. Jerome, I believe that you should bear in mind that these matters do occur when there is a recount. With regard to the number of votes that had been rejected at the last election, it was 1.2 per cent of the country, so that makes it about 3 to 5 per poll.

Mr. Jerome: It still leaves me open to sit as a scrutineer for a candidate in a poll and reject every ball-point pen ballot. I can do it under the existing law, if I want to, and that is ridiculous because we all agree that we should accept those ballots. If I want to instruct all my scrutineers in the next campaign to say, all ball-point pen ballots, either do not touch them, or do touch them, or

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reject them, you can change the situation from one constituency to the next. When we all agree that people who mark with a ball-point pen should be entitled to have their ballot counted, why not say so?

Mr. Duquet: Mr. Chairman, if we are going to do that, I would go as far as limiting the count.

[Interpretation]

everything possible to respect the opinion expressed even if it is inconsistent with the law. I feel that we should keep a conventional sign made by a conventional pencil and the instructions should be given to those who count the votes that if two lines meet or whatever the acceptable form is, we should give the voters a chance and accept his vote.

M. Jerome: Monsieur le président, j'ose dire qu'à chaque élection générale tenue dans ce pays, il y a au moins de 15 à 20 votes par bureau de scrutin qui sont marqués par un stylo à bille. Ce ne sont pas des gens qui veulent faire reconnaître leur vote, mais qui veulent simplement voter pour un candidat et exprimer cette intention. Si l'on veut permettre aux gens de marquer leur bulletin avec un stylo à bille, il faut le dire. Sinon, il faut le dire aussi. Je crois que nous sommes tous d'accord pour permettre l'utilisation d'un stylo à bille à encre bleue et nous devons le spécifier.

Le président: A l'ordre, s'il vous plaît! Les interprètes ne pourront pas nous suivre si vous parlez entre nous. Je crois qu'il faut tenir compte du fait que ces problèmes se présentent lorsqu'il y a un recomptage. Quant au nombre de votes qui ont été rejetés à la dernière élection, c'était 1.2 p. 100 du vote global, ce qui fait environ de 3 à 5 par bureau.

M. Jerome: Par conséquent, si j'étais scrutateur pour un candidat, je pourrais rejeter tous les bulletins qui sont marqués par un stylo à bille. C'est ridicule, car selon la loi actuelle, je peux le faire et pourtant nous sommes tous d'accord pour que ce soit accepté. Selon les instructions que le scrutateur donnera à la prochaine élection, la situation sera bien différente d'une circonscription à l'autre.

Puisque nous sommes d'accord pour accepter le stylo à bille, pourquoi ne pas le dire dans la loi?

M. Duquet: Dans ces conditions, je limiterais le recomptage.

[Texte]

Mr. Jerome: So would I.

The Chairman: Mr. Benjamin.

Mr. Benjamin: What you and Mr. Hamel read off, Mr. Chairman, is sort of a version of the Manitoba act. I do not see much point in having both a pencil and a ballpoint pen in the booth. I think I agree that the pens will not last long. It is really something extra which is not needed. I think I agree that the lead pencil or the blue-black ballpoint pen should be the limit. I do not know that it is necessary to say in the Act that if you use a ballpoint pen, even though one is not provided, or if you make a mark other than an "X", your ballot will still be counted. I do not see why we need to say that in the Act. In the instructions to scrutineers and returning officers...

The Chairman: Would you agree if we said "no ballot paper shall be rejected" and the first thing would be if "it has on it any writing, number or mark placed thereon by any deputy returning officer".

Mr. Jerome: No problem there.

The Chairman: There is no problem with this?

Mr. Benjamin: Or wait for him to identify the ballot.

Mr. Jerome: That is right.

Mr. Benjamin: So that is out.

The Chairman: If it has on it any writing by the deputy returning officer.

Mr. Benjamin: They will not be rejected.

The Chairman: First, they will not be rejected. Second, "it has been marked with a writing instrument other than a black lead pencil", or if you want to put a check mark, or something, it is all right provided the mark does not constitute identification of the elector, and if there is a recount the judge can decide if a mark has been made in such a way that it constitutes identification of the elector.

Mr. Francis: I think I would add "or a blue-black ballpoint pen" following the reference to a pencil.

The Chairman: Then you would end up with precisely what is in the Manitoba Act.

Mr. Lefebvre: Would you mind, Mr. Chairman, reading the Manitoba act?

The Chairman: Do we have copies that can be circulated? Mr. Comtois.

[Interprétation]

M. Jerome: Moi aussi.

Le président: Monsieur Benjamin.

M. Benjamin: Ce que vous et M. Hamel lisez, c'est une version de la loi du Manitoba. Je ne vois pas l'utilité d'avoir un crayon et un stylo à bille dans l'isoloir. Il est sûr que les stylos ne dureront pas longtemps. Ce serait superflu. Un crayon ou un stylo devrait suffire. Je ne crois pas que la Loi devrait préciser que le bulletin sera invalidé, si l'on se sert d'un instrument autre que celui qui est fourni. Dans les instructions données au président d'élection et aux scrutateurs...

Le président: Seriez-vous d'accord si nous disions «qu'aucun bulletin de vote ne sera rejeté s'il porte une marque inscrite par un scrutateur».

M. Jerome: Aucun problème.

Le président: Il n'y a pas de problème?

M. Benjamin: Ou l'attendre pour reconnaître le bulletin de vote.

M. Jerome: C'est exact.

M. Benjamin: Il n'en est pas question.

Le président: Si le scrutateur y a inscrit quelque chose.

M. Benjamin: Ils ne seront pas rejetés.

Le président: Premièrement, les bulletins de vote ne seront pas rejetés. Deuxièmement, ils seront acceptés même s'ils sont marqués avec un instrument autre qu'un crayon à mine noire, à condition que la marque ne permette pas la reconnaissance de l'électeur.

M. Francis: Il faudrait ajouter, après la mention du crayon, «ou un stylo à bille bleu foncé».

Le président: Alors, c'est exactement la même chose que dans la Loi du Manitoba.

M. Lefebvre: Pourriez-vous nous lire la Loi du Manitoba?

Le président: Monsieur Comtois, avons-nous des textes de cette loi?

[Text]

M. Comtois: Monsieur le président, tout à l'heure, nous avons accepté le bulletin avec un cercle. Dans le centre de celui-ci, on dessine un zéro. Si nous acceptons le cercle comme format, ne devrions-nous pas aussi l'adopter pour indiquer le vote? Je crois que ce serait tout à fait logique, car souvent, les gens sont portés à répéter le cercle à l'intérieur.

Le président: Monsieur Marceau.

M. Marceau: Monsieur le président, à mon avis, nous devrions quand même spécifier que c'est la croix et donner des instructions dans la Loi des lois; celle-ci doit mentionner que même si ce n'est pas une croix, même si le cercle est rempli...

M. Comtois: Dans la Loi électorale.

M. Marceau: Oui, mais sans trop l'élargir afin que les gens ne s'imaginent pas qu'on peut faire n'importe quel signe n'importe quand car, alors, cela peut créer de la confusion plutôt que permettre la libre expression d'une opinion valide.

An hon. Member: Are we on this?

The Chairman: We are on this. I am waiting for either suggestions or motions.

Mr. Benjamin: It includes the kind of marks that would be permissible.

The Chairman: Yes.

Mr. Benjamin: Whether or not it is spelled out in the Act.

The Chairman: Yes.

Mr. Benjamin: I am no psychologist or psychoanalyst, but are we inviting people, just out of reflex, to make a circle on that kind of a ballot?

Mr. Marceau: That is what I said.

Mr. Benjamin: I lost something in the translation. I think you have a good point. I think this is a mark that surely can be used to clearly indicate the intent of the voter, and it is one that could be readily accepted.

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The Chairman: This could simply be two lines going across the circle. It is not in itself a check mark. If you go back to page 43 of the Draft Amendments to the Canada Elections Act, Clause 30, you will see that it reads:

Paragraphs (c) and (d) of subsection (2) of section 50 of the said Act are repealed and the following substituted therefor:

[Interpretation]

Mr. Comtois: Mr. Chairman, we accepted the ballot with a circle. We mark a zero in the centre. If we accept the circular form of ballot, should we not accept it to indicate the vote? Very often people are inclined to make another circle inside the ballot. It would be more logical.

Le président: Monsieur Marceau.

Mr. Marceau: We should specify that the cross is a must, but we should say in the Act that even if it is not a cross—if the circle is filled...

Mr. Comtois: In the Elections Act?

Mr. Marceau: Yes, but not too much, so that people will not think that they can make all kinds of marks anywhere. It would become very confusing.

Une voix: Où en sommes-nous?

Le président: Des commentaires ou une motion?

M. Benjamin: On y fait les marques qui sont permises?

Le président: Oui.

M. Benjamin: Même si ce n'est pas inscrit dans la loi?

Le président: Oui.

M. Benjamin: Nous attendons-nous à ce que les gens fassent un cercle simplement par réflexe?

M. Marceau: C'est ce que j'ai dit.

M. Benjamin: Je n'ai pas été tout à fait bien compris dans la traduction, mais je crois que vous avez un bon point. Cette marque pourrait indiquer clairement quelle est l'intention du votant.

Le président: Ça peut, tout simplement, être deux lignes s'entrecroisant dans le cercle. Il n'est pas nécessaire de cacher le bulletin.

Si vous vous reportez à la page 43 du Projet de modification à la Loi électorale du Canada, l'article 30 est ainsi conçu:

30. Les alinéas c) et d) du paragraphe (2) de l'article 50 de ladite loi sont abrogés et remplacés par ce qui suit:

[Texte]

“(c) on which votes have been given for more than one candidate:

This means that these ballots are rejected. Do we agree on this?

Some hon. Members: Agreed.

The Chairman : Second:

(d) upon which there is any writing or mark by which the elector could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer; or...

(e) that are not marked with a cross in black lead pencil.”

This is the place where we could make some amendments.

Mr. Francis: Or change it to blue or black ink.

Mr. Duquet: This should not be rejected. It covers the whole thing.

Mr. Lefebvre: Mr. Chairman, is this the Manitoba act here?

The Chairman: Yes.

Mr. Lefebvre: They say that no ballot...

The Chairman: This is an adaptation of what is in the Manitoba act. It is not precisely the text of it.

Mr. Lefebvre: Have they already gone through an election with this?

The Chairman: Yes.

Mr. Lefebvre: What are we kicking about, then? Proposed Subsection (2a) (b) says that no ballot paper shall be rejected if it has been marked with a writing instrument other than a black lead pencil or with a check mark instead of a cross. They would have no trouble there. What is all this fuss about?

Mr. Duquet: You already have that it is to be a black...

Mr. Lefebvre: Yes, and that it should only be blue or black, or something like that. It does not mention colour here at all.

Mr. Forest: We are not dealing with the problem that they might come in with a ball-point that is yellow, orange or violet.

The Chairman: It does not matter.

Mr. Lefebvre: So what?

Mr. Jerome: I think what they are doing here, Mr. Chairman, is presuming that if the

[Interprétation]

c) sur lesquels des votes ont été donnés à plus d'un candidat;

ce qui veut dire que ces bulletins sont rejetés. Sommes-nous d'accord?

Des voix: D'accord.

Le président: Deuxièmement:

d) sur lesquels il se trouve une écriture ou marque qui pourrait faire reconnaître l'électeur; mais aucun bulletin de vote ne doit être rejeté parce qu'un sous-officier rapporteur y a apposé quelque mot, numéro ou marque; ou

e) qui ne sont pas marqués d'une croix au crayon à la mine noire.»

c'est l'endroit où l'on pourrait apporter des changements.

M. Francis: Le changer pour «à l'encre bleue ou noire».

M. Duquet: Il ne faut pas le rejeter. C'est là toute la question.

M. Lefebvre: Est-ce qu'il s'agit de la loi du Manitoba?

Le président: Oui.

M. Lefebvre: Ils disent qu'aucun bulletin...

Le président: C'est une adaptation de la loi du Manitoba. Ce n'est pas textuel.

M. Lefebvre: Ils ont déjà fait une élection sous l'empire de cette loi?

Le président: Oui.

M. Lefebvre: De quoi nous plaignons-nous, alors? L'alinéa 2a), b) stipule qu'aucun bulletin ne doit être rejeté parce qu'il a été marqué avec un instrument autre qu'un crayon à mine noire au lieu d'être marqué d'une croix. Il n'y a pas de problème pourquoi toute cette discussion?

M. Duquet: On indique déjà que ce doit être un...

M. Lefebvre: Oui, et qu'il ne doit être que noir ou bleu. Ici, on ne mentionne pas les couleurs du tout.

M. Forest: On ne mentionne pas les personnes qui s'amèneront avec des stylos à bille violet, jaune, orange, etc.

Le président: Ça ne fait rien.

M. Lefebvre: Et puis après?

M. Jerome: Si je comprends bien, on acceptera les bulletins qui seront marqués par un

[Text]

ballot is marked with a ballpoint pen that is not in itself identifiable, such as an odd colour, and that they exercise their discretion by saying that does not constitute an identification of the voter and therefore we will accept it, but if it is a red, yellow or a purple mark they say that constitutes an identification. In my opinion that is not the kind of thing we should do in an Elections Act because you give discretion in deciding that one colour of ink is an identification of the voter and another colour of ink is not. If that is what you want to do, we should say so in the statute.

The Chairman: Mr. Comtois.

M. Comtois: Monsieur le président, j'aimerais faire remarquer qu'aujourd'hui avoir un stylo à bille rouge, bleue ou verte dans ses poches, est chose courante pour la majorité des gens et ce n'est pas parce qu'une dame va voter avec un stylo à bille bleue ou rouge que cela peut changer quelque chose, parce que toutes ses voisines en ont, c'est courant aujourd'hui. Vous avez même des stylos à quatre couleurs. Il n'y a pas donc de problème et je ne pense pas qu'on puisse identifier des votes de cette façon, quand il est clairement spécifié qu'on peut inscrire son vote au moyen de tout objet servant à écrire.

M. Lefebvre: D'accord.

Mr. Jerome: I take it, Mr. Chairman, that they must instruct their returning officers. If a ballot is questioned I am sure they must instruct them to say, "if it is in a blue ballpoint pen or a regular colour, accept it, but if it is not, reject it as being an identification of the voter if you are asked to do so". I am sure that must be the instruction they give to the returning officers. I would like to ask Mr. Hamel whether he would prefer to operate on that basis of instructing the deputy returning officers or whether he would rather have it specified in the statute? Which way would be neater?

Mr. Hamel: It is really immaterial to me. It seems to me that what is in the Manitoba act—this is an adaptation we prepared and we used the pertinent section of the Canada Elections Act—could be workable and I am pretty sure we could give the deputy returning officers appropriate instructions.

• 2100

Mr. Jerome: That is good enough for me.

The Chairman: Going back to the recommendation on page 43, retaining those ballots not marked with a cross in black lead pencil

[Interpretation]

stylo à bille ordinaire, c'est-à-dire noir ou bleu, mais on n'acceptera pas les stylos de couleur étranges comme le rouge, le jaune ou le violet car ce serait là un moyen qui pourrait faire reconnaître une personne. Est-ce bien cela? Si vous voulez dire qu'une couleur fait reconnaître le votant et que l'autre ne le fait pas, il faudrait l'énoncer dans la Loi.

Le président: Monsieur Comtois.

Mr. Comtois: I should like to stress the fact that a red, blue or green pen is the thing to have these days. The colour of the ink does not change a thing. They even have some four colour pens. Anybody may have such a ballpoint. I do not think we can identify a vote because of the colour of the ballpoint. It is clearly specified in the law that one can vote with any kind of writing instrument.

M. Lefebvre: D'accord.

M. Jerome: Il faudrait avertir les présidents d'élection en conséquence. Les constructions devraient être que s'il s'agit d'un stylo bleu ou ordinaire on l'accepte, sinon on le rejette car c'est là un moyen de faire reconnaître le votant. C'est ce qu'il faut donner comme directives aux présidents d'élection. Est-ce que M. Hamel préférerait ce genre de directives ou préférerait-il que ce soit inscrit dans la loi? Que préférez-vous?

M. Hamel: Oh! ça m'est bien égal, personnellement. Je suis certain qu'on pourrait donner les instructions voulues aux scrutateurs.

M. Jerome: La chose me va.

Le président: Revenons à la recommandation de la page 43; les bulletins de vote qui ne sont pas rejetés sont ceux qui ne sont pas

[Texte]

leaves the door open for a judge to decide what constitutes identification of an elector. I believe that if we want to try to define tonight here in this meeting what could be an identifiable mark, we will be here for hours.

Mr. Jerome: Mr. Chairman, further to the point raised by Mr. Comtois, would it not be advisable then to add some words to subparagraph (d)? It says it will not be rejected by reason of its having "been marked with a writing instrument other than a black lead pencil or with a check mark instead of a cross." We should say a check mark, a circle or a dot.

The Chairman: No, let us not say a check mark, let us say a mark.

An hon. Member: Any kind of a mark.

Mr. Jerome: Or a mark instead of a cross if the mark does not constitute identification of the voter.

The Chairman: Perfect.

Mr. Jerome: Here again your instructions to the returning officers can be that if it is a circle and they think it is not a purposeful identification; "Let her go". That is all right; it will make a lot more work for lawyers on recounts.

The Chairman: So you move that in the proposed draft amendments circulated to you we scratch out the term "a check".

Mr. Jerome: I so move, Mr. Chairman.

Mr. Benjamin: Would it not be more proper to say "or with some other mark".

The Chairman: Let the courts define what constitutes a mark.

Mr. Jerome: Mr. Chairman, it would be more accurate as you are not specifying a specific check mark to say, "with a mark other than a cross". I think that would be a little more accurate.

The Chairman: With a mark...

Mr. Jerome: With a mark other than a cross.

An hon. Member: That is plain enough is it not? That is just about what you have in mind.

Mr. Jerome: This tightens it up.

The Chairman: So the amendment will read, "it has been marked with a writing instrument other than a black lead pencil or

[Interprétation]

marqués d'une croix au crayon à la mine noire. Le juge a une certaine latitude pour décider si la marque fait reconnaître l'électeur. Si nous voulions discuter la question, nous en aurions pour des heures.

M. Jerome: Monsieur le président, pour reparer du point soulevé par M. Comtois, ne serait-il pas souhaitable d'ajouter quelques mots à l'alinéa d)? On y mentionne que les bulletins ne seront pas rejetés parce qu'ils ont été marqués avec un instrument d'écriture autre que le crayon à la mine noire ou d'une marque de vérification au lieu d'une croix. Nous devrions ajouter à la suite de «marque de vérification», un cercle ou un point.

Le président: Disons une marque et non un pointage.

Une voix: N'importe quelle marque.

M. Jerome: Toute marque qui ne permet pas de faire reconnaître l'électeur.

Le président: D'accord.

M. Jerome: Ainsi, vos directives aux présidents d'élection seront d'accepter tout bulletin portant un cercle par exemple, pourvu qu'il ne permette pas de faire reconnaître l'électeur. Ce sera beaucoup plus de travail lors du recomptage des votes.

Le président: Vous proposez que dans le projet de modification que vous avez en main, nous supprimions le mot «pointage».

M. Jerome: Oui.

M. Benjamin: Ne pourrait-on pas dire plutôt «ou de quelque autre marque»?

Le président: Laissons les tribunaux décider de ce qu'on entend par «marque».

M. Jerome: Étant donné que vous ne précisez pas de quelle marque il s'agit, ne pourrait-on dire «toute marque autre qu'une croix», ce qui serait plus précis?

Le président: Toute marque...

M. Jerome: Toute marque autre qu'une croix.

Une voix: C'est clair, n'est-ce pas?

M. Jerome: Cela clarifie le problème.

Le président: Ainsi, la modification se lirait comme suit:

qui a été marqué avec un instrument d'é-

[Text]

with a mark other than a cross if the mark does not constitute identification of the elector."

Mr. Benjamin: Mr. Chairman, I just wonder about paragraph (a) which says, "in any writing, number or mark placed thereon by any deputy returning officer..." What is to prevent a deputy returning officer then in order to identify some two, three or five voters in the poll, placing some kind of pencil mark on the back of that ballot or somewhere else on it, which would allow him to tell how those electors voted.

Mr. Francis: You should not allow any DRO the opportunity of invalidating ballots.

The Chairman: It is to prevent the Deputy Returning Officers from annulling the legal votes given by people.

Mr. Benjamin: If a DRO does this will it automatically mean that he has committed an offence and will be so dealt with?

Mr. Francis: He has committed an offence, I believe, if a DRO makes an improper mark on a ballot but the ballot is not invalidated. I think this is a fair provision of the law, Mr. Chairman.

Mr. Benjamin: I agree with that. I wanted to see what Mr. Hamel had to say.

Mr. Forest: Mr. Chairman, I think we are leaving the door open for the Deputy Returning Officer to accept any kind of mark in any kind of a pencil of any colour. I think we are opening the door too much.

• 2105

The Chairman: All those in favour of the amendment? As there is no consensus I have to put the motion. With regard to the amendment you have before you—I am talking about this paper which has just been circulated to you—I think we accept the drafting except for the amendment proposed by Mr. Jerome that subsection (2a) paragraph (b) read as follows:

it has been marked with a writing instrument other than a black lead pencil or with a mark other than a cross, if the mark does not constitute identification of the elector.

All those in favour? All those opposed?

Motion, as amended, agreed to.

[Interpretation]

criture autre qu'un crayon à mine noire et d'une marque autre qu'une croix, si cette marque ne permet pas de faire reconnaître l'électeur.

M. Benjamin: Pour revenir à l'alinéa d), on y lit:

qu'un sous-officier rapporteur y a apposé quelque mot, numéro ou marque.

Qu'est-ce qui empêche un scrutateur sous-officier rapporteur, dans le but de faire connaître certains électeurs qui se présentent au bureau du scrutin, de faire au préalable des marques au crayon sur les bulletins de vote, pour savoir pour qui ces personnes ont voté?

M. Francis: On ne devrait permettre à aucun scrutateur (sous-officier rapporteur) d'invalider des bulletins de vote.

Le président: Le but est d'empêcher les scrutateurs (sous-officiers rapporteurs) d'annuler les votes en bonne et due forme.

M. Benjamin: Si un tel cas se produisait, le scrutateur serait-il coupable d'infraction et serait-il puni en conséquence?

M. Francis: Il serait coupable d'infraction s'il fait des marques sur un bulletin de vote, mais le bulletin ne serait pas invalidé. La disposition de la loi est formelle à ce sujet, monsieur le président.

M. Benjamin: Je suis d'accord. J'aimerais connaître l'opinion de M. Hamel à ce sujet.

M. Forest: Monsieur le président, cela reviendrait à permettre au scrutateur d'accepter tout bulletin de vote portant quelque marque et couleur de crayon que ce soit. C'est ouvrir la porte à des excès.

Le président: Quels sont les députés qui sont en faveur de la modification? Comme il n'y a pas unanimité, je devrai donc mettre la question aux voix. En ce qui concerne la modification qui vous est proposée, je parle du document qu'on vient de vous remettre, je crois que vous acceptez le projet (à l'exception de la modification proposée par M. Jerome), que l'alinéa d) du paragraphe (2) se lise comme suit:

qui a été marqué avec un instrument d'écriture autre qu'un crayon à mine noire et d'une marque autre qu'une croix, si cette marque ne permet pas de faire reconnaître l'électeur.

Quels sont les députés en faveur de la modification et ceux qui s'y opposent?

La proposition modifiée est adoptée.

[Texte]

M. Comtois: Monsieur le président, avons-nous accepté seulement le changement suggéré ou l'article au complet?

Le président: L'article tel qu'amendé.

M. Comtois: Merci.

The Chairman: As we are discussing ballots, I would like to hear your views about party affiliations.

Mr. Benjamin: Mr. Chairman, before we get into a vote on the party affiliation, have we dealt with, and if we have not, should we deal first with, this matter of recognized parties or does it matter?

The Chairman: I would like to hear Mr. Hamel on this.

Mr. Hamel: I am afraid this is the first thing that will have to be defined in the law. I tried to explain when we were in Toronto that it cannot be left to the Returning Officer or to the Chief Electoral Officer to determine who the official candidates of any party are or which are the recognized parties. So it seems to me that the Act must be pretty clear in that respect. In other words, we must define what constitutes a recognized party, or what procedure must be followed by anybody forming a party or by a group of people forming a party to be recognized for the purpose of having its name on the ballot papers.

Mr. Benjamin: I guess it does not matter which we do first, Mr. Chairman. If you want to get things on the road, I will move that we provide for the political affiliation on the ballot opposite the name of the candidate.

Mr. Lefebvre: I will second it.

The Chairman: It is moved by Mr. Benjamin in that we put party affiliation on the ballot.

Mr. Forest: Do we decide this before we deal with the other?

The Chairman: Why define what constitutes a party if we do not put affiliations on the ballots? We have to decide first whether we will put affiliations on ballots, so we can make a definition of what constitutes a party.

Some hon. Members: Right. Agreed.

Mr. Benjamin: We have the horse first and then the cart.

The Chairman: If we are not going to put party affiliations on ballots we do not need to define what constitutes a party. All those in favour? All those opposed?

[Interprétation]

M. Comtois: Did we adopt the proposed amendment or the complete clause?

The Chairman: The clause as amended.

M. Comtois: Thank you.

Le président: Puisque nous parlons des bulletins de vote, j'aimerais avoir votre opinion sur l'indication de l'affiliation politique.

M. Benjamin: Avant de voter sur la question de l'affiliation politique, avons-nous étudié la question des partis reconnus? N'est-ce pas cela que nous avons d'abord étudié?

Le président: J'aimerais avoir l'opinion de M. Hamel à ce sujet.

M. Hamel: C'est là la première chose qu'il faudra définir dans la Loi. J'ai tenté d'expliquer, lorsque nous étions à Toronto qu'on ne saurait laisser au président d'élection ou du directeur général des élections le soin de déterminer qui sont les candidats officiels du parti, ni quels sont les partis reconnus. C'est pourquoi la Loi doit être claire à cet égard. Il faut savoir ce qu'est un parti politique reconnu ou quelles procédures doivent observer une ou plusieurs personnes qui forment un parti pour que ce parti soit reconnu aux fins de la Loi électorale du Canada et que son nom figure sur les bulletins de vote.

M. Benjamin: Peu importe quelle question nous étudions en premier—mais je propose qu'on indique l'application politique en face du nom du candidat sur le bulletin de vote.

M. Lefebvre: J'appuie la proposition.

Le président: M. Benjamin propose que nous indiquions l'affiliation politique sur le bulletin de vote.

M. Forest: Décidons-nous de cette question avant de décider de l'autre?

Le président: Il ne nous servira à rien de définir ce qu'est un parti politique si nous décidons de ne pas inscrire l'affiliation politique sur le bulletin de vote.

Des voix: Oui, d'accord.

M. Benjamin: Il ne faut pas jeter le manche après la cognée.

Le président: Si l'on n'indique pas l'appartenance au parti sur le bulletin de vote, il n'est pas nécessaire de définir ce qui constitue un parti. Quels sont les députés qui aimeraient voir l'affiliation politique indiquée sur le bulletin et ceux qui s'y opposent?

[Text]

Motion agreed to.

The Chairman: What about mentioning the candidates' occupations on the ballots?

Mr. Marceau: No, putting the candidates' name, party affiliation and occupation will make a heavy ballot.

Je propose que l'occupation des candidats ne soit pas mentionnée sur les bulletins de vote.

Le président: Il est proposé par M. Marceau, appuyé par M. Major, que l'occupation des candidats ne soit pas mentionnée sur les bulletins de vote.

Mr. Marceau: I move that the occupation of candidates not be mentioned on ballots.

Mr. Benjamin: Mr. Chairman, I am opposed to that motion. This may be where some of my prejudices show through, but I think it would be, in a very small way, a method of imparting some additional information to the electors. I would prefer to see the occupation left on there. I do not think the space problem is all that great with all of the methods of printing and the different kinds of type that can be used, so you would not have a massive block of type for people to try to decipher or wade through. I think the occupation of candidates is a good thing to have on ballots. I, for one, would prefer it stayed there.

Mr. Howe: Say a person had been elected several times and given up all other ways of life except being a member of Parliament. Would you put that on the ballot, too?

Mr. Benjamin: Why not? You are a politician.

The Chairman: Is it permanent?

Mr. Benjamin: It is the most honourable and second oldest profession in the world.

An hon. Member: Second oldest.

Mr. Benjamin: Of course, I think there are limitations on the amount that you can print on the ballot. Surely, the returning officer in consultation with candidates and the returning officer having the final say will arrive at a readable and understandable shortened or abbreviation of words. I quite agree there can be titles a mile long that no candidate could be allowed to put on there. The returning officer should have the final say, I would think. I do not see there is that much of a problem.

[Interpretation]

La proposition est adoptée.

Le président: Doit-on maintenant indiquer la profession du candidat sur le bulletin?

M. Marceau: Inscrire le nom du candidat, son affiliation politique et sa profession alourdirait le bulletin. I move that the occupation of the candidate be removed from the ballot.

The Chairman: It is proposed by Mr. Marceau, seconded by Mr. Major, that the occupation of the candidate should not be mentioned on the ballot.

M. Marceau: Je propose que la profession du candidat ne soit pas indiquée sur le bulletin de vote.

M. Benjamin: Je m'oppose à cette proposition. Je mets peut-être ainsi mes préjugés à jour, mais l'indication de la profession donne aux votants des renseignements additionnels sur les candidats. Je préférerais qu'elle soit indiquée sur le bulletin de vote. Le facteur espace n'est pas si important, compte tenu des méthodes d'impression et des différents caractères qu'on peut utiliser et qui se lisent facilement. Je crois que la profession du candidat est un renseignement utile à inscrire sur le bulletin de vote, et je préférerais que ce soit toujours indiqué comme c'est le cas actuellement.

M. Howe: Si une personne a été réélue plusieurs fois, il n'a d'autre profession que celle de député, l'indiquera-t-on aussi?

M. Benjamin: Pourquoi pas? On indiquera «politicien».

Le président: Mais est-ce une occupation permanente?

M. Benjamin: C'est très honorable. Cette fonction vient en deuxième rang des professions les plus vieilles du monde.

Une voix: En deuxième rang.

M. Benjamin: Il y a des limites à ce qu'on indique sur le bulletin de vote. Je crois que le président d'élection, en consultation avec les candidats, devrait en arriver à une désignation ou une abréviation acceptable. Il aura en tout cas le dernier mot, car il pourrait y avoir des titres à l'infini.

[Texte]

Some hon. Members: Question. Question.

The Chairman: Shall I put the question?

Some hon. Members: Yes.

An hon. Member: You are letting all those lawyers hide again, fellows.

Motion agreed to.

The Chairman: If we do not mention the occupation, do you still want to keep the address?

An hon. Member: Yes.

An hon. Member: Yes. Mr. Chairman, what address?

The Chairman: The address of the candidates on the ballots?

An hon. Member: That is important.

An hon. Member: That is as important as the occupation. We have to have the address.

The Chairman: Mr. Trudel.

M. Trudel: Monsieur le président, je crois que nous devrions suivre la même procédure que dans la province de Québec, inscrire le nom du parti et il y a eu une proposition tout à l'heure. Sans doute le demandera-t-on en français et en anglais, dans certains districts où cela peut s'appliquer. C'est la seule note qu'on fait sur le bulletin. Je crois que nous devrions nous en tenir à cela et j'en ferais une proposition.

The Chairman: It is moved by Mr. Trudel—I would like to repeat the motion put by Mr. Trudel—that the only thing mentioned on the ballots be the name of the candidate with his party affiliation.

Mr. Benjamin: Mr. Chairman, is there anything in the Act about the residence qualification of the candidate?

Mr. Hamel: No.

The Chairman: All those in favour of the motion?

An hon. Member: Mr. Chairman, are we removing the address?

The Chairman: The address will be removed if we adopt this motion because the only thing on the ballots would be the names of the candidates plus their party affiliation. Motion agreed to, on division.

The Chairman: If you will turn back to Section 25 on page 33 of the proposed amendments...

[Interprétation]

Des voix: Mise aux voix.

Le président: Procédons-nous à la mise aux voix de la proposition?

Des voix: Oui.

Une voix: Les avocats tentent encore de se camoufler.

La proposition est adoptée.

Le président: Si nous n'indiquons pas la profession, mentionnons-nous encore l'adresse?

Une voix: Oui.

Une voix: Quelle adresse?

Le président: L'adresse du candidat sur le bulletin de vote.

Une voix: C'est important.

Une voix: Autant que la profession. Il faut indiquer l'adresse.

Le président: Monsieur Trudel.

M. Trudel: Mr. Chairman, we should proceed the same way as in Quebec and mention the name of the party. There was a motion on this sometime ago. It might be printed both in French and in English in certain districts where it would apply. This is all that is mentioned on the ballot in Quebec, and we should proceed the same way. I will make a motion for this.

Le président: Je vais répéter la proposition de M. Trudel: Que le nom du candidat et son affiliation politique soient les seules choses mentionnées sur le bulletin de vote.

M. Benjamin: N'y a-t-il rien dans la Loi qui stipule quelles sont les exigences relatives au lieu de résidence du candidat?

M. Hamel: Non.

Le président: Ceux qui sont en faveur de la proposition?

Une voix: On n'indiquera plus d'adresse sur le bulletin?

Le président: La proposition vise à ne plus indiquer que le nom du candidat et le parti auquel il appartient et non plus son adresse.

La motion est adoptée sur division.

Le président: Je crois que l'article 25, page 33, du projet de modification...

[Text]

Mr. Benjamin: Mr. Chairman, we were dealing with Clause 30 on page 43, but on the next page at the top I still have "stand" written beside Clause 31 there. Has that been dealt with? I could be behind. You might have dealt with it at another meeting.

The Chairman: Regarding the offence?

Mr. Benjamin: Yes, we stood that at an earlier meeting, but it could have been dealt with. I missed meetings last week.

The Chairman: This was consequent to the approval of Clause 37 that has been carried, so it would have to be...

Mr. Benjamin: That was after the mimeographed series we got...

The Chairman: I beg your pardon.

Mr. Benjamin: That was that mimeographed series we got earlier.

The Chairman: Yes, when we adopted Clause 37 we did approve by way of consequence these clauses related to the offences.

Mr. Benjamin: That is fine.

The Chairman: We had stood at an earlier meeting the proposed Section 25 at page 33 because we could not decide at that time if we would keep the address and occupation of candidates on the Notice of Grant of a Poll. Would you agree that we still keep the address even though we did scratch it from the ballots?

An hon. Member: No, we should keep it there.

An hon. Member: That part we should keep.

The Chairman: Is it the consensus of the members?

Mr. Comtois: Does the same thing apply? What about the occupation there?

The Chairman: Yes. It is going to be stated.

Mr. Comtois: It will be the same as before except we will add the party affiliation.

The Chairman: Yes. Mr. Hamel, would you explain the proposed amendments which were circulated by the Clerk to the members?

Mr. Hamel: You will recall that we had proposed to do away with the Notice of Grant of a Poll and replace it with a typewritten list, but you felt that the Notice of Grant of a

[Interpretation]

M. Benjamin: Monsieur le président, nous avons étudié l'article 30, page 43. A la page suivante, j'ai noté dans mon exemplaire que l'article 31 a été réservé. L'a-t-on déjà étudié? Je suis peut-être en retard et peut-être en avez-vous discuté lors d'une autre séance?

Le président: Relativement à l'infraction?

M. Benjamin: Nous avons réservé l'article, mais j'étais absent à certaines séances la semaine passée et vous en avez peut-être discuté.

Le président: Cela découlait des dispositions de l'article 37 du projet, qui a été adopté.

M. Benjamin: Je parle des séances après celles où l'on a distribué le texte polycopié que nous avons actuellement.

Le président: Je vous demande pardon.

M. Benjamin: Après avoir reçu le texte polycopié.

Le président: Lorsqu'on a adopté l'article 37, les articles concernant les infractions ont été adoptés d'office.

M. Benjamin: Très bien.

Le président: A une séance antérieure, nous avons réservé l'article 25, à la page 33, parce que nous ne pouvions décider à ce moment s'il fallait garder l'adresse et la profession du candidat sur les avis de scrutin accordés. Êtes-vous d'accord qu'on indique l'adresse même si nous l'avions enlevée précédemment?

Une voix: Nous devrions l'indiquer.

Une voix: Oui.

Le président: Y a-t-il unanimité?

M. Comtois: Que se passe-t-il concernant la profession?

Le président: Oui, on va l'indiquer.

M. Comtois: Ce sera la même chose qu'auparavant, mais on indiquera en plus l'affiliation politique.

Le président: Oui, monsieur Hamel, voudriez-vous bien expliquer les modifications proposées qu'a distribuées le Greffier?

M. Hamel: Comme vous vous souvenez, il était question d'éliminer l'avis de scrutin accordé en le remplaçant par une liste imprimée. Cependant, vous avez trouvé que cet

[Texte]

Poll was a very useful document and you decided to keep it. So what is now being circulated is just the present Act just to revive what is in the Act at the moment. I raised with Mr. Chairman the question because this was left aside the other day because of the question of occupation and this is exactly as the Act reads at the moment. Not a word has been changed. However, if I understand your wish, in addition to names, address and occupations in subsection (2) (a) we would add names, addresses, occupations and political affiliations of the candidates officially nominated.

The Chairman: Yes, Mr. Francis.

Mr. Francis: You do not need addresses and occupations now, do you?

An hon. Member: Not on the ballot.

Mr. Francis: I see what you mean, OK.

Mr. Hamel: If I may, Mr. Chairman, this might have to be changed slightly because it states the order in which they are to be printed on the ballot paper. Since you have decided to keep only the name and political affiliation on the ballot, there may be some slight changes.

Mr. Francis: That was the point I was making a moment ago, Mr. Chairman.

In view of the decision we have taken concerning occupation and address, I question whether you need to repeat the form in which it exists now.

The Chairman: This is for the Notice of Granting of a Poll, it is not for the ballots.

Mr. Francis: O.K.

The Chairman: Would you agree that the Chief Electoral Officer does a redraft to put this in accordance with your recommendation that we add to proposed clause 25 "party affiliations"?

Some hon. Members: Agreed.

The Chairman: Now we are back to one of the major subjects left—the proxy. Yes, Mr. Marceau.

Mr. Marceau: I would like to give you the definition of a "recognized party".

The Chairman: Very well.

Mr. Marceau: Recognized party means the party of the Prime Minister or of the leader of the official opposition, and a party which at the last general elections had ten official candidates.

[Interprétation]

avis était très utile et qu'il fallait le garder. Le document qu'on vous a remis est en fait la loi actuelle pour vous en rappeler les dispositions. Si j'ai bien compris, en plus du nom, de l'adresse et de la profession, vous voulez ajouter au paragraphe 2a l'appartenance politique du candidat.

Le président: Oui, monsieur Francis.

M. Francis: On n'inscrit pas l'adresse ni la profession actuellement n'est-ce pas?

Un(e) voix: Non, pas sur le bulletin de vote.

M. Francis: Je vois.

M. Hamel: Monsieur le président, il se peut qu'il faille faire des changements mineurs dans l'ordre du bulletin, puisque vous avez décidé d'inscrire seulement le nom et l'appartenance politique sur ce dernier.

M. Francis: C'est ce que je disais il y a quelques instants.

Étant donné la décision qu'on a prise en ce qui concerne la profession et l'adresse, je me demande si la formule doit être la même que celle qui existe actuellement.

Le président: Ce n'est pas pour les bulletins de vote, mais pour l'avis de scrutin accordé.

M. Francis: Très bien.

Le président: Êtes-vous d'accord que le directeur général des élections refasse l'article, conformément à votre recommandation d'ajouter à l'article 25 du projet «affiliations politiques».

Des voix: D'accord.

Le président: Nous revenons donc à un des grands sujets qu'il nous reste à discuter, la procuration. Oui, monsieur Marceau.

M. Marceau: J'aimerais vous donner la définition d'un «parti reconnu».

Le président: Très bien.

M. Marceau: L'expression «Parti reconnu» désigne le parti du premier ministre ou du chef de l'opposition officielle, et un parti qui aux dernières élections générales avait dix candidats officiels.

[Text]

Mr. Francis: Mr. Chairman, there are a few problems about the definition. First, it does not say which of, say, two candidates claiming to represent the Liberal Party or Conservative Party or New Democratic Party is the official candidate of that party. And, as has been said, it is not flexible enough to deal with new parties. The need, Mr. Chairman, is to have a mechanism by which somebody in a recognized party will tell you who is the official candidate of that party.

The Chairman: Mr. Lefebvre.

Mr. Lefebvre: Mr. Chairman, I think that what Mr. Marceau was reading is from the Quebec Election Act. They had only two parties there but now they have three. They will have four at the next election.

The Chairman: Five.

Mr. Lefebvre: I think you would have to have the party led by the Prime Minister, the party led by Her Majesty's official Leader of the Opposition and any other party with a recognized leader at the dissolution of the House. That would take care of the present situation in our House of Commons.

What we have to look after is the party which is formed between elections and which may present 100 candidates at the next election. It should be recognized. Require a minimum of candidates from a new party if you wish but do not prevent any party that is in the House now from being recognized on the ballot at the next election. By the laws of the House of Commons, a recognized party is one with 12 members. So perhaps for those parties now represented in the House we should base our rules on that.

But we would have to fix the minimum number of candidates a new party must have before it is recognized—that is, a party formed since the last election—whether this be one-third of the seats in the House, or whether they must have candidates in one-third of the seats, or something of that nature. The other four parties can be looked after quite easily by what I mentioned earlier.

The Chairman: Mr. Francis.

Mr. Francis: Well, Mr. Chairman, this would have to be followed by another section stating that the leader of that party shall designate in writing to the Chief Electoral Officer...

Mr. Lefebvre: Right.

Mr. Francis: ...who is the official candidate in any constituency.

[Interpretation]

M. Francis: Monsieur le président, cette définition soulève certains problèmes. Tout d'abord, elle ne précise pas lequel de, mettons deux candidats prétendant représenter le parti Libéral ou le parti Conservateur ou le Nouveau Parti Démocratique est le candidat officiel, du parti. Elle n'est pas assez souple pour s'appliquer aux nouveaux partis. Il faut un mécanisme qui permette à quelqu'un du parti reconnu de vous dire qui est le candidat officiel de ce parti-là.

Le président: Monsieur Lefebvre.

M. Lefebvre: Je crois que M. Marceau nous a lu un extrait de la Loi électorale du Québec. Cette province ne comptait que deux partis, mais il y en a trois maintenant. Il y en aura quatre à la prochaine élection.

Le président: Cinq.

M. Lefebvre: Il y aurait le parti du premier ministre, le parti du chef de l'opposition officielle et tout autre parti ayant un chef reconnu au moment de la dissolution de la Chambre. Voilà pour ce qui est de la situation actuelle de la Chambre des communes. Le problème qui nous reste, c'est la formation, entre deux élections, d'un nouveau parti qui pourrait présenter une centaine de candidats à l'élection suivante. Un tel parti devrait être reconnu. On peut exiger un nombre minimum de candidats pour un nouveau parti, mais il ne faut empêcher aucun parti actuel de la Chambre d'être reconnu lors du scrutin de la prochaine élection. D'après les lois de la Chambre des communes, un parti reconnu est un parti de 12 membres. Peut-être devrions-nous nous en tenir à ce critère pour ce qui est des parties actuels de la Chambre.

Toutefois, il faudrait établir le nombre minimum de candidats que doit réunir un nouveau parti avant d'être reconnu, que ce nombre soit du tiers des sièges à la Chambre, ou autre. Les quatre autres partis entrent facilement dans le cadre de la disposition que j'ai déjà mentionnée.

Le président: Monsieur Francis.

M. Francis: Cet article devrait être suivi d'un autre article stipulant que le chef de ce parti n'aurait aucun représentant à la Chambre des élections....

M. Lefebvre: Exact.

M. Francis:qui est le candidat officiel dans toute circonscription.

[Texte]

Mr. Lefebvre: Of his party.

Mr. Francis: Of his party.

Mr. Lefebvre: Right.

Mr. Francis: And it seems to me that there has to be some machinery by which an official leader of a party is recognized, not just a party as such.

Mr. Lefebvre: They are recognized in the House of Commons now. That is no problem. Mr. Stanfield, Mr. Douglas, Mr. Caouette and Mr. Trudeau—there is no problem there. It is for the new party that you are going to have to figure something out.

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Mr. Benjamin: Or you may have a situation at a future election where one of the four parties did not have anybody elected but still constituted a political organization right across the country which will nominate 200 candidates for the next election. When the next election is decided upon, they would not have anybody in the House of Commons.

Mr. Francis: Mr. Chairman, could I ask whether, in his wisdom, Mr. Hamel has anticipated this problem and has had a little drafting done.

The Chairman: I did ask Mr. Hamel about proposals and suggestions that he has already started to draft and has not finished yet. As he is going to try to represent the views of we members, I think this is the right time for discussion. Then he can come to the next meeting with a proposed amendment to the Act which would perhaps meet the views of most of us who have expressed opinions on this particular point.

Mr. Francis: I wonder if I could...

Mr. Howe: Mr. Chairman, I am pretty vague about the particular point we are discussing.

The Chairman: Well, we have adopted the idea of having the party affiliation included in the ballot but we must define what constitutes a party so as to enable the Chief Electoral Officer to give instructions to the returning officers as to whom to recognize as the official candidate of any given party.

Mr. Howe: Supposing you have an official candidate of the Conservative Party and somebody runs as an independent Conservative?

The Chairman: This is the kind of problem that the Chief Electoral Officer is concerned about and would like solved.

[Interprétation]

M. Lefebvre: De son parti.

M. Francis: De son parti.

M. Lefebvre: Bien.

M. Francis: Il me semble qu'il faudrait un mécanisme quelconque qui permette au chef officiel d'un parti d'être reconnu, et non pas seulement le parti comme tel.

M. Lefebvre: Le chefs officiels sont déjà reconnus à la Chambre des communes: M. Stanfield, M. Douglas, M. Caouette et M. Trudeau. Il n'y a pas de problème de ce côté-là. C'est le cas des nouveaux partis que nous devons régler.

M. Benjamin: J'entrevois la situation où l'un des quatre partis ne ferait élire aucun candidat à la prochaine élection, mais demeurerait une organisation politique à la grandeur du pays et nommerait 200 candidats à l'élection suivante. L'élection terminée, ce parti n'aurait aucun représentant à la Chambre des Communes.

M. Francis: Puis-je demander si M. Hamel a prévu ce problème et rédigé une solution.

Le président: Je me suis enquis auprès de M. Hamel au sujet des propositions et suggestions qu'il a déjà commencé à rédiger mais qu'il n'a pas encore terminées. Puisqu'il essaie de représenter le point de vue des députés, je crois qu'il faudrait discuter de ce point pour qu'il nous apporte, à la prochaine réunion, un projet de modification qui reflète nos points de vue.

M. Francis: Pourrais-je...

M. Howe: Je ne sais plus trop où nous en sommes.

Le président: Nous sommes tombés d'accord sur l'idée d'indiquer l'affiliation politique du candidat sur le bulletin de vote, mais nous devons décider ce qui constitue un parti de façon à permettre au directeur général des élections de donner des instructions aux présidents d'élection pour savoir qui reconnaître comme candidat officiel d'un parti.

M. Howe: Qu'arrive-t-il s'il y a un candidat officiel du parti Conservateur et que quelqu'un se présente comme conservateur indépendant?

Le président: C'est là le genre de problèmes qui préoccupent le directeur général des élections et qu'il aimerait résoudre.

[Text]

Mr. Jerome: I think, Mr. Chairman, that candidates who do not qualify as official candidates of a designated party under the regulations or under the statute can be described only as independent candidates.

Mr. Francis: Mr. Chairman, there are, if we summarize this, four points. One is the definition of a party which is not difficult for an established party represented in the House of Commons. Two, there will have to be a separate section dealing with a party not in the House of Commons. It seems to me that there will have to be some discretion allowed the Chief Electoral Officer in recognizing parties, subject to some general rules. The third point is that there will have to be one individual in a party recognized as certifying the official candidate of that party to the Chief Electoral Officer. And the last one is the provision that anyone who does not receive a designation by a leader of a recognized party as a candidate of that party is an independent. It seems to me that these are the four provisions that are involved in drafting.

The Chairman: So, could we let this subject stand and have a drafting of the amendments at the next meeting.

Has the Clerk circulated the proposed proxy system? This paper is in no way intended to press certain views upon members. It is just a proposal for discussion.

Mr. Lefebvre: Mr. Chairman, may I read out that part of the Quebec Election Act defining recognized parties?

The Chairman: Well, we had agreed to leave this matter because Mr. Hamel has been working on a proposal he is going to make at the next meeting on this, taking into consideration what now exists in Quebec law and Nova Scotia law.

Mr. Lefebvre: May I just read it into the record for those members who have never read the Quebec Act?

The Chairman: Yes.

Mr. Lefebvre: The Quebec Election Act, page 8, Section 2(20):

20. "recognized party" means the party of the Prime Minister or of the leader of the official opposition, and a party which at the last general elections had ten official candidates or which at the current general elections is permitted to designate an official agent under section 375;

Which means that he had enough candidates. Ten for provincial elections. I would suggest we put it up to maybe 90 for the federal election.

[Interpretation]

M. Jerome: Je crois, monsieur le président, que les candidats qui ne remplissent pas les conditions de candidats officiels en vertu des règlements ou du statut ne peuvent figurer que comme candidats indépendants.

M. Francis: Monsieur le président, il y a quatre points à la question. Premièrement, la définition d'un parti déjà représenté à la Chambre des communes ne présente pas de difficultés. Deuxièmement, il faudrait un article distinct qui traiterait d'un parti non représenté à la Chambre des communes. Il me semble que le directeur général des élections devrait jouir d'une certaine discrétion quant à la reconnaissance d'un parti, sous réserve de certaines règles générales. Troisièmement, il faut qu'un membre du parti soit chargé d'indiquer au directeur général des élections le candidat officiel du parti. Le dernier point est que toute personne qui n'est pas désignée par un chef de parti reconnu comme candidat officiel de ce parti serait un indépendant. Voilà ce qui en est.

Le président: Pourrions-nous réserver ce sujet et obtenir un texte des amendements à la prochaine séance?

Le greffier a-t-il fait distribuer le texte sur le vote par procuration? Ce document n'est pas destiné à vous imposer certains points de vue. Il n'est qu'un document de travail.

M. Lefebvre: Monsieur le président, puis-je lire la partie de la loi électorale du Québec qui définit les partis reconnus?

Le président: Nous étions d'accord pour laisser cette question de côté parce que M. Hamel est en train de rédiger une proposition qu'il nous présentera à la prochaine séance et qui tiendra compte des dispositions de la loi du Québec et de la loi de la Nouvelle-Écosse.

M. Lefebvre: Pourrais-je en donner lecture pour le bénéfice de ceux qui l'ignorent?

Le président: Oui.

M. Lefebvre: Loi électorale du Québec, page 8, article 2(20):

20° «parti reconnu» désigne le parti du premier ministre ou du chef de l'opposition officielle, et un parti qui, aux dernières élections générales, avait dix candidats officiels ou qui aux élections générales en cours est admis à désigner un agent officiel suivant l'article 375;

Ce qui veut dire qu'il y avait donc suffisamment de candidats, soit au moins dix. Je proposerais de relever ce nombre jusqu'à peut-être 90 dans le cas de l'élection fédérale.

[Texte]

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An hon. Member: There are 90 seats in Ontario only.

An hon. Member: In the federal there are 88.

The Chairman: Yes, Mr. Jerome.

Mr. Jerome: Mr. Chairman, I have one consideration for Mr. Hamel to take into account in his drafting. I think we also have to consider that once we get into party affiliation on the ballots we have to recognize the importance of a party having a certain priority in its name, because there could be an obvious danger in a party being created which attempts to confuse the electorate by using one of the established party's names to as great an extent as possible. We have certain recognized parties at the present time, but one of the dangers that has not been discussed up to this point is the danger of a new organization qualifying itself as a party and calling itself "The New Conservative Party" for example, or "The Improved Democratic Party" or "The New New Democratic Party". I think this is a matter that has to be given some consideration. Up until now there has been absolutely no restrictions and once we get to the point of putting party affiliations on the ballot there is the matter of propriety to be considered not only in respect of the official candidates of the party but also in the name of the party itself. I think some consideration would have to be given to restricting the right of new organizations to use an existing party name.

Mr. Benjamin: Mr. Chairman, another suggestion Mr. Hamel might consider is that a recognized political party must be registered under a societies act or some such federal legislation—a companies act, a charitable organization or whatever it might be called—and in doing so then they have to file their by-laws, a list of their officers, their leaders and presidents, and a copy of their constitution. In order to qualify in this manner that party is going to have to do a fair amount of organizing, it seems to me. This would be another way of checking, in the case of a new party, to ascertain if they had made some real effort to become a party. Some legal identification should be there as well. In our province I think that three of the five political parties are registered under the Benevolent Societies Act—it is called the Societies Act now—which does constitute some form of legal identity.

Mr. Francis: It may well be that we will have to introduce special legislation.

[Interprétation]

Une voix: Il y a 90 sièges en Ontario seulement.

Une voix: Il y en a 88 aux élections fédérales.

Le président: Oui, monsieur Jerome.

M. Jerome: Je voudrais souligner un point dont M. Hamel devrait tenir compte dans les textes qu'il va rédiger. Le fait d'indiquer l'affiliation politique sur les bulletins de vote nous oblige à reconnaître l'exclusivité du nom d'un parti. Il pourrait y avoir le danger qu'on crée un parti pour engendrer une certaine confusion dans l'esprit des électeurs. Vous avez des partis reconnus à l'heure actuelle, et un danger qu'on n'a pas mentionné jusqu'ici est celui d'une nouvelle organisation qui se ferait connaître en tant que parti et qui s'appellerait «Le Nouveau Parti Conservateur», ou «Le Parti Démocratique Amélioré», ou encore «Le Nouveau Nouveau Parti Démocratique». C'est une question qui devrait être étudiée. Jusqu'ici, il n'y a eu aucune restriction, et le fait d'indiquer l'affiliation politique sur les bulletins de vote nous oblige à examiner les droits non seulement des candidats officiels du parti, mais aussi du parti lui-même. Il faudrait interdire aux nouvelles organisations d'utiliser le nom d'un parti existant.

M. Benjamin: J'aurais autre chose à suggérer à M. Hamel. Un parti politique reconnu doit être enregistré en vertu d'une loi sur les sociétés ou de quelque autre loi fédérale, et, en ce faisant il doit produire ses règlements, une liste de ses chefs et présidents et un exemplaire de sa constitution. Cette façon de faire astreindrait le parti à un travail d'organisation assez important, et serait une autre façon de vérifier, dans le cas d'un nouveau parti, si celui-ci a fait de véritables efforts pour devenir un parti. Dans notre province, je crois que trois des cinq partis sont enregistrés en vertu de la loi sur les sociétés bénévoles, ce qui constitue une certaine forme d'identité juridique.

M. Francis: Nous devons peut-être présenter une mesure législative spéciale.

[Text]

Mr. Benjamin: There is probably some federal legislation now under which this can be done. I just throw that out for Mr. Hamel's consideration.

The Chairman: Suppose it is a *bona fide* organization?

It is now 9.35 p.m. I would invite members to read this paper. It will be discussed at the next meeting and, if you would like to make recommendations on the proposed proxy voting system, you may do so at that time.

This meeting is adjourned until next Tuesday at 9.30 a.m.

[Interpretation]

M. Benjamin: Il y a probablement des lois fédérales en vertu desquelles les partis pourraient être ainsi enregistrés. J'ai crû bon de soulever le point pour que M. Hamel l'étudie.

Le président: Supposons qu'il s'agisse d'une organisation de bonne foi?

Il est 21h35. J'inviterais les membres du Comité à lire ce document, que nous étudions à la prochaine séance. Ceux qui voudront faire des recommandations pourront alors le faire.

La séance est levée jusqu'à mardi prochain, à neuf heures trente minutes.

OFFICIAL BILINGUAL ISSUE

FASCICULE BILINGUE OFFICIEL

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969-70

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
ET
ÉLECTIONS**

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 16

TUESDAY, FEBRUARY 24, 1970

LE MARDI 24 FÉVRIER 1970

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir les *procès-verbaux*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président

and Messrs.

et MM.

Badanai
Benjamin
Code
Duquet
Forest
¹Forget

Forrestall
Fortin
²Gendron
Howard (*Skeena*)
Howe
Lefebvre

Macquarrie
Major
Marceau
Peddle
³Thomas (*Maisonneuve*)
Trudel

(Quorum 11)

Le greffier du Comité
R. V. VIRR
Clerk of the Committee.

Pursuant to Standing Order 65(4) (b) Suivant l'article 65(4) b) du Règlement

¹ Replaced Mr. Francis on February 24, 1970 ¹ Remplace M. Francis le 24 février 1970

² Replaced Mr. Comtois on February 24, 1970 ² Remplace M. Comtois le 24 février 1970

³ Replaced Mr. Jerome on February 24, 1970 ³ Remplace M. Jerome le 24 février 1970

[Text]

MINUTES OF PROCEEDINGS

TUESDAY, February 24, 1970.
(21)

The Standing Committee on Privileges and Elections met this day at 9:45 a.m. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Badanai, Duquet, Forest, Forrestall, Howard (*Skeena*), Howe, Laflamme, Lefebvre, Marceau, Peddle—(10).

Witnesses: Mr. J. M. Hamel, Chief Electoral Officer; Colonel J. P. Dewis, Assistant Judge Advocate General, Department of National Defence.

The Committee resumed its study of the Canada Elections Act.

Mr. Howe commented on the conflict between the Broadcasting Act and the Canada Elections Act.

The Chairman explained that the Committee had taken a decision on this point and had agreed to suggest to the House that the Broadcasting Act be amended accordingly.

The Committee discussed the Special Voting Rules to be applied to Government Departments having employees abroad during the period of a Federal election.

The Clerk then distributed a proposed new section 45A covering a proxy voting system.

After debate thereon, the Committee adjourned at 12:20 p.m. until 8:00 p.m. this date.

EVENING SITTING
(22)

The Standing Committee on Privileges and Elections reconvened at 8:05 p.m. The Chairman, Mr. Laflamme, presided.

[Traduction]

PROCÈS-VERBAUX

Le MARDI 24 février 1970
(21)

Le Comité permanent des privilèges et des élections se réunit ce matin à 9h 45. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Duquet, Forest, Forrestall, Howard (*Skeena*), Howe, Laflamme, Lefebvre, Marceau, Peddle—(10).

Témoins: MM. J.-M. Hamel, directeur général des élections; Colonel J. P. Lewis, juge avocat général adjoint, ministère de la Défense nationale.

Le Comité reprend l'étude de la Loi électorale du Canada.

M. Howe apporte des commentaires sur le conflit qui existe entre la Loi sur la radiodiffusion et la Loi électorale du Canada.

Le président explique que le Comité a pris une décision et a convenu de proposer à la Chambre que la Loi sur la radiodiffusion soit modifiée en conséquence.

Le Comité débat la question des Règles électorales spéciales à appliquer pour les ministères fédéraux dont les employés se trouvent à l'étranger pendant la période d'une élection fédérale.

Le greffier distribue ensuite le projet d'article 45A relatif au système de vote par procuration.

Les délibérations, ayant pris fin la séance du Comité est levée à midi 20 jusqu'à 8h du soir.

SÉANCE DU SOIR
(22)

Le Comité permanent des privilèges et élections se réunit à nouveau à 8h 05. Le président, M. Laflamme, occupe le fauteuil.

Members present: Messrs. Badanai, Duquet, Forget, Forest, Forrestall, Gendron, Howard (*Skeena*), Howe, Laflamme, Lefebvre, Marceau, Thomas (*Maisonneuve*), Trudel—(13).

Also present: Mr. Richard, M.P.

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed discussion of the Canada Elections Act.

Mr. Hamel tabled a copy of the Draft Special Voting Rules.

Section 109

Mr. Duquet moved that

The heading preceding section 109 and section 109 of the said Act be repealed and the following substituted therefor:

“Voting under Special Voting Rules

109. The qualifications and entitlement to vote of the persons who, in the Special Voting Rules set out in Schedule II, are stated to be qualified and entitled to vote under those Rules and the procedures for the taking, receiving, sorting and counting of the votes of those persons who are as set out in those Rules.”

The Committee agreed that subsection 3 of Paragraph 39 of the Special Voting Rules be repealed.

The Committee agreed to the Draft Special Voting Rules as amended.

Section 13 As a consequential amendment the Committee agreed that Section 13 of the said Act be amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

“(1a) Within twenty one days after the issue of the writs ordering a general election, the Chief Electoral Officer shall transmit to the returning officer for each electoral district two copies of a list containing the name and current postal address of each Canadian Forces elector and Public Service elector, as defined in the Special Voting Rules, whose place

Députés présents: MM. Badanai, Duquet, Forget, Forest, Forrestall, Gendron, Howard (*Skeena*), Howe, Laflamme, Lefebvre, Marceau, Thomas (*Maisonneuve*), Trudel—(13).

Autre député présent: M. Richard.

Témoin: M. J.-M. Hamel, directeur général des élections.

Le Comité reprend l'étude de la Loi électorale du Canada.

M. Hamel dépose un exemplaire du Projet de Règles électorales spéciales.

Article 109

M. Duquet propose

Que la rubrique précédant l'article 109 et l'article 109 soient abrogés et remplacés par ce qui suit:

«Vote en vertu des Règles électorales spéciales

109. Les qualités requises et le droit des personnes qui, dans les Règles électorales spéciales énoncées à la deuxième annexe, sont déclarées être habiles à et avoir droit de voter en vertu de ces règles et les procédures pour la prise, la réception, le classement et le comptage des votes de ces personnes sont celles énoncées dans lesdites règles.»

Le Comité accepte que le paragraphe (3) de l'article 39 des Règles électorales spéciales soit abrogé.

Le Comité accepte le Projet des Règles électorales spéciales tel que modifié.

Article 13. En conséquence le Comité accepte que l'article 13 de ladite loi soit modifié par l'adjonction, immédiatement après le paragraphe (1), du paragraphe suivant:

«(1a) Dans les vingt et un jours qui suivent l'émission des brefs ordonnant la tenue d'une élection générale, le directeur général des élections doit transmettre à l'officier rapporteur de chaque district électoral deux exemplaires d'une liste contenant les nom et adresse postale actuelle de chaque électeur des Forces canadiennes et de chaque électeur

of ordinary residence is in the electoral district of that returning officer.”

The Committee resumed debate on proposed new section 45A concerning the proxy voting.

Mr. Forrestall moved

“that subsection (1) (b) of section 45A be amended by adding, after the comma, the words “or is a patient in a hospital recognized by the several provinces or a patient in a Nursing Home recognized by the several provinces”

The motion was negatived.

Thereupon Mr. Howard (*Skeena*) moved

“that paragraph (a) of subsection 1 of section 45A be amended by adding between the words “fisherman” and “or” the words “or a person employed within the fishing industry.”

And there being a recorded vote thereon, the motion was negatived on the following division: Yeas—Messrs. Forrestall and Howard; Nays—Messrs. Badanai, Duquet, Forget, Forest, Howe, Lefebvre, Marceau, Thomas (*Maisonneuve*) and Trudel; Mr. Gendron abstaining.

On motion of Mr. Howard, it was

Agreed:—That section 45 A (1) be referred to the sub-committee on Agenda and Procedure for study.

At 10:10 p.m., the Committee adjourned to the call of the Chair.

de la Fonction publique, tel que définis dans les Règles électorales spéciales, dont le lieu de résidence ordinaire se trouve dans le district électoral de cet officier rapporteur.»

Le Comité reprend le débat sur le projet d'article 45A concernant le vote par procuration.

M. Forrestall propose

«que l'alinéa b) du paragraphe (1) de l'article 45A soit modifié par l'addition, après la virgule, des mots «ou un patient dans un hôpital reconnu par les diverses provinces ou d'un patient dans une clinique reconnue par les diverses provinces».

La proposition est rejetée.

M. Howard (*Skeena*) propose ensuite

«que l'alinéa a) du paragraphe (1) de l'article 45A soit modifiée par l'addition entre les mots «pêcheur» et «ou» des mots «ou une personne employée dans l'industrie de la pêche.»

La motion, mise aux voix, est rejetée par 9 voix: MM. Badanai, Duquet, Forget, Forest, Howe, Lefebvre, Marceau, Thomas (*Maisonneuve*) et Trudel, contre 2: MM. Forrestal et Howard. M. Gendron s'est abstenu de voter.

Sur une proposition de M. Howard,

Il est convenu,—Que le paragraphe (1) de l'article 45A soit porté à l'étude du sous-comité du programme et de la procédure.

A 10h 10, la séance du Comité est levée jusqu'à nouvelle convocation du président.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, February 24, 1970.

• 1118

The Chairman: Order, please.

Mr. Howe: Mr. Chairman, before you commence, I was just wondering if there had been any organizations of broadcasting people ask to appear before this Committee with regard to the 24 hours and the 48 hours?

The Chairman: They did not request to appear personally but they sent briefs which were circulated to all the members of the Committee.

Mr. Howe: I asked because I had a phone call from the Hamilton office. Apparently they got into quite a difficult situation some years ago in a municipal election with regard to the 48 hours or the 24 hours. They wondered about this and they were supposed to submit something to me but I have not got it. I just wondered if you had anything from them.

The Chairman: The clerk informs me that the briefs that have been sent by these organizations, the CBC and a broadcasting association, have been circulated to members. I do not know why you did not receive one.

Mr. Howe: I may have had one. Yes, I probably have it someplace. It is probably up in my office. Did they make any definite indication which they prefer, the 24 or the 48?

The Chairman: I have gone through their brief and the only thing they requested is that we adjust the law with the Broadcasting Act and meet with the delay of 24 hours instead of 48 but last meeting this was voted down by a majority of the members of the Committee. It will be up to the House to decide.

Mr. Howe: Yes, I understood that we kept it at 48 hours?

The Chairman: Yes.

Mr. Howe: Thank you.

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 24 février 1970

Le président: A l'ordre, s'il vous plaît, messieurs.

M. Howe: Puis-je demander tout de suite s'il y a eu des organisations de radiodiffusion qui ont demandé à comparaître devant le Comité au sujet du règlement de 24 heures ou de 48 heures?

Le président: Elles n'ont pas demandé à comparaître personnellement, mais elles nous ont fait tenir des mémoires qui ont été distribués à tous les membres du Comité.

M. Howe: Je pose la question, parce que j'ai reçu un téléphone du bureau de Hamilton. Il y a quelques années, des difficultés ont surgi au cours d'une élection municipale précisément à cause de cette disposition de 48 heures ou de 24 heures. On devaient me présenter un document à ce sujet et comme je n'ai rien reçu je me demandais tout simplement si vous aviez reçu quelque chose.

Le président: Le greffier me dit que les mémoires qui ont été envoyés par ces organisations, par la société Radio-Canada et une association de radiodiffusion, ont été distribués aux membres. N'en avez-vous pas reçu un?

M. Howe: J'en ai peut-être reçu un à mon bureau. Est-ce qu'ils y indiquent leur préférence?

Le président: J'ai parcouru leur mémoire et tout ce qu'ils demandent c'est que nous adaptions la Loi électorale à la Loi sur la radiodiffusion pour que nous y prévoyions un délai de 24 heures plutôt que de 48 heures. A la dernière réunion toutefois, la majorité des membres du Comité ont rejeté cette disposition. Il appartient donc à la Chambre de décider.

M. Howe: D'accord, j'avais compris que nous l'avions maintenu à 48 heures.

Le président: Oui.

M. Howe: Merci.

[Text]

Mr. Lefebvre: Mr. Chairman.

The Chairman: Yes, Mr. Lefebvre.

Mr. Lefebvre: Along this same line, what provisions are there in the Act to prevent candidates from having time on a U.S. station? I am thinking of those ridings along the U.S.-Canada border and I understand this does present a problem at election time. You can hire time on a station which may be out of the country, but which in fact broadcasts to a large portion of Canadian listeners. Is there provision in the new Act, or will there be, to prevent candidates or their representatives from hiring time on U.S. stations in this same period?

The Chairman: You put the point of a foreign company violating Canadian laws.

Mr. Lefebvre: You may have trouble controlling the stations, but you could make the offence on the candidate's part or his representative?

The Chairman: No, if you look at Section 99 of the Canada Elections Act, it is an offence for anyone who broadcasts from outside Canada.

Mr. Lefebvre: The offence is charged to whom?

The Chairman: I could read the section. It says:

99. (2) Every person who, with intent to influence persons to give or refrain from giving their votes at an election, uses, aids, abets, counsels or procures the use of any broadcasting station outside of Canada, during an election, for the broadcasting of any matter having reference to an election,...

It means that if any foreign station broadcasts some news in violation of the Canada Election Act, that it has to start from Canada, I mean be requested by Canadian people; otherwise I do not know how we could prosecute them.

Mr. Lefebvre: You could not prosecute the station. I am not a lawyer and I am just wondering whether this puts the onus on the candidate or his representative?

The Chairman: Not necessarily, they say every person.

[Interpretation]

M. Lefebvre: Monsieur le président.

Le président: Oui, monsieur Lefebvre.

M. Lefebvre: Dans le même ordre l'idée, y a-t-il une disposition dans la Loi interdisant aux candidats d'avoir une émission à un poste américain? Je songe aux circonscriptions le long de la frontière américaine. Il se présente un certain problème au moment des élections. Vous pouvez obtenir une émission à un poste qui se trouve peut-être à l'extérieur du Canada, mais qui peut diffuser à un vaste secteur d'auditeurs canadiens. Y a-t-il ou y aura-t-il une disposition dans la nouvelle loi qui interdira aux candidats ou à leurs représentants d'avoir quelque émission dans les postes américains en période d'élection?

Le président: Il s'agit dans ce cas d'une compagnie étrangère qui violerait une loi canadienne.

M. Lefebvre: Il se peut qu'il soit difficile de contrôler les stations, mais vous pourriez imputer la chose au candidat ou à son représentant.

Le président: Si vous lisez l'article 99 de la Loi électorale, se rend coupable d'une infraction quiconque radiodiffuse hors du Canada.

M. Lefebvre: Qui devient l'inculpé?

Le président: Je pourrais vous lire cet article qui stipule ce qui suit:

99. (2) Quiconque, avec l'intention de porter des personnes à déposer ou s'abstenir de déposer des votes à une élection, utilise une station de radiodiffusion hors du Canada, ou aide, encourage ou incite quelqu'un à utiliser ou lui conseille d'utiliser une telle station, pendant une élection, pour la diffusion de toute matière se rapportant à une élection, est coupable d'un acte illicite et d'une infraction à la présente loi...

Il faut que le poste étranger diffuse des nouvelles qui sont à l'encontre de la Loi électorale du Canada et que la source soit canadienne, c'est-à-dire, il faut que ce soit demandé par des Canadiens, autrement je ne vois pas comment on pourrait les poursuivre.

M. Lefebvre: Vous ne pouvez pas poursuivre la station. Je ne suis pas avocat, mais je me demande simplement si le coupable n'est pas le candidat ou son représentant.

Le président: Pas nécessairement, la loi dit «quiconque».

[Texte]

Mr. Lefebvre: Is this clear enough, Mr. Hamel?

Est-ce assez clair: vous pouvez prendre des mesures contre un candidat ou ses représentants en vue d'empêcher la diffusion de toute matière se rapportant à une élection?

M. Hamel: Tout d'abord, ce n'est pas ma responsabilité de prendre des mesures contre toute personne qui pourrait violer cette section de la Loi. D'autre part, il semblerait que la Loi est suffisamment claire parce que la défense n'est pas faite à l'endroit de la station de radio ou de télévision, mais à la personne qui va payer ou qui va retenir le temps.

M. Lefebvre: Bon...

M. Hamel: ...de cette station ou de ce poste de radio pour un discours politique, ou exprimer un point de vue politique quelconque.

M. Lefebvre: Cette défense pourrait s'étendre à quelqu'un qui paie pour un candidat, ou à l'agent du candidat officiel ou une des personnes intéressées à l'élection d'un candidat, lors d'élections générales ou complémentaires.

M. Hamel: Parce que ce n'est pas restreint au candidat ou à son agent officiel, c'est toute personne.

M. Lefebvre: Très bien.

• 1125

The Chairman: I believe that we should have a look at the Draft Special Voting Rules. We are starting with this today as we have with us Colonel Dewis of the Armed Forces and Mr. Berry, too, from the Department of External Affairs.

I think it would be appropriate at this moment to ask Mr. Hamel to give us a resumé of the changes that have already been proposed. Perhaps we could hear right after that the members give their views on the proposed changes? Mr. Hamel?

Mr. Hamel: Thank you, Mr. Chairman. Gentlemen, as I mentioned before this was prepared at the request of the Committee in 1963. These so-called Special Voting Rules are based strictly on the present Canadian Forces Voting Rules. We changed the title because now they will extend to other categories of people. There is nothing of substance that has been changed from The Canadian Forces Voting Rules; in fact there are three relatively minor amendments, which I would like to mention at this stage.

[Interprétation]

M. Lefebvre: Est-ce assez clair, monsieur Hamel?

Is it clear enough: You can take measures against a candidate or his representatives in order to prevent the broadcasting during an electoral campaign of any matter having reference to an election?

Mr. Hamel: In the first place, it is not my responsibility to take measures against any person who could violate this section of the Act. On the other hand, the Act is clear enough because the interdiction is not directed against a radio or television station, but against the person—the person who pays for the broadcast...

Mr. Lefebvre: Well...

Mr. Hamel: ...of that radio station to make a political speech or express his political opinion.

Mr. Lefebvre: This prohibition applies to anyone who pays for a candidate or to the official candidate's agent or anybody who is interested in the election of a candidate whether in a general or a by-election.

Mr. Hamel: Because it is not limited to the candidate or his official agent. Anybody who does so is guilty under the Act.

Mr. Lefebvre: Thank you.

Le président: Nous allons étudier le projet des règles électorales spéciales. Nous avons comme témoins le colonel Dewis des forces armées et M. Berry, du ministère des Affaires extérieures.

Je crois qu'il serait très opportun de demander à M. Hamel de nous donner un résumé des changements qui ont été proposés. Ensuite, nous entendrons les points de vue des députés sur les changements proposés. Monsieur Hamel?

M. Hamel: Monsieur le président, messieurs, comme je l'ai déjà dit, le projet a été rédigé à la demande du Comité en 1963. Ce projet de Règles électorales spéciales se fonde uniquement sur les Règles électorales concernant les forces canadiennes. Nous en avons modifié le titre parce qu'elles s'appliqueront à d'autres catégories de votants. Il n'y a rien d'essentiel qui a été changé aux Règles électorales concernant les forces canadiennes. Il n'y a que trois modifications mineures dont j'aimerais vous faire part.

[Text]

In view of the discussion at one of the previous meetings and in view of the wish of some members of the Committee to obtain a list of the persons, or of the electors entitled to vote under the Rules, to have access to those lists by constituency there is an amendment whereby the Department of National Defence and the co-ordinating department, namely the Department of External Affairs, will have the obligation to provide me with three copies of the list of the electors entitled to vote under the Rules so that I could send two copies of those lists to my Returning Officer. Then the lists would be available in his office for inspection by any officially nominated candidate or his accredited agent. So this is a change over The Canadian Forces Voting Rules.

In view of this, you will recall that I had suggested we delete the requirement that the Commanding Officer's list be made available as well. It has not been deleted, but when we get to it, I wish that it be deleted because otherwise it means that anybody could have a complete list; not only a list of the members of the forces but their exact location and so on.

Second, in the view of the Committee in 1963, voting facilities should be extended not only to civil servants abroad, but also to their dependents.

At the moment under The Canadian Forces Voting Rules, only the members of the forces and their spouses are eligible to vote. We felt that if we extended the right to vote to dependents of public servants, perhaps the same privilege should be extended to members of the forces. This is one change we have made over The Canadian Forces Voting Rules.

Finally, at the request of the Department of Veterans Affairs, it is suggested in these Special Voting Rules, that if on polling day for a general election, a veteran elector has been residing in a hospital, or institution for a period of not less than one year, he be given the option of voting for the candidate of his choice, either in the electoral district where he had his place of ordinary residence before being admitted to the institution, or for a candidate in the electoral district where the institution is located. This, again is something new. Under the present Rules, a veteran elector can vote only for a candidate in the electoral district where he had his residence prior to being admitted to the institution.

I wish to emphasize that this is not my recommendation, it is only passed on to you on behalf of the Department of Veterans

[Interpretation]

Étant donné la discussion qui a eu lieu à une réunion précédente et vu le désir de certains membres du Comité d'avoir une liste des électeurs habilités à voter en vertu des Règles, il y a un amendement selon lequel le ministère de la Défense nationale et le ministère des Affaires extérieures devront me faire tenir trois copies de la liste des électeurs habilités à voter en vertu des Règles. De cette façon, je pourrais envoyer deux de ces listes à mes présidents d'élection. La liste serait donc disponible dans le bureau du président d'élection et n'importe quel candidat ou son agent officiel pourrait la consulter. C'est là un premier changement apporté aux Règles électorales concernant les forces canadiennes. J'avais proposé qu'il ne soit plus nécessaire que la liste de l'Officier commandant soit disponible aussi. Ce point n'a pas été radié, mais lorsque nous y arriverons, j'aimerais bien qu'il soit radié car autrement, n'importe qui peut avoir une liste des membres des forces avec tous les renseignements qu'elle comporte.

Deuxièmement, en 1963, le Comité avait demandé que la possibilité de voter soit accordée, non seulement aux fonctionnaires, mais aussi à leurs personnes à charge.

À l'heure actuelle, seulement les membres des forces armées et leur épouse sont habilités à voter en vertu des Règles électorales concernant les forces canadiennes. Si ce droit de vote est accordé aux personnes à charge des fonctionnaires, ce même privilège pourrait aussi être accordé aux membres des forces armées. Voici un changement que nous avons apporté aux Règles électorales concernant les forces canadiennes.

À la suite d'une demande formulée par le ministère des Affaires des anciens combattants, il est proposé dans ce projet que si, à une élection générale, un ancien combattant est hospitalisé ou demeure dans un établissement depuis au moins un an, il ait le droit de voter pour le candidat de son choix, soit dans le district électoral où il résidait ordinairement avant d'être admis à l'hôpital, soit pour le candidat de la circonscription où se trouve l'établissement. Voilà un nouveau point, car en vertu des Règles actuelles, il ne peut voter que pour le candidat du district électoral où il résidait avant d'être admis à l'établissement.

Je tiens à préciser que cette recommandation n'est pas de moi, mais du ministère des Affaires des anciens combattants. À mon avis,

[Texte]

Affairs. I may say though, that in my opinion, the change proposed by DVA would not be inconsistent with other provisions of either the Act or the Rules, because, for instance, persons in chronic hospitals, or homes for the aged, et cetera may consider the institution as their residence for the purpose of being registered as electors. Furthermore, as you know, members of the forces once a year can change their place of ordinary residence. At the moment, the veterans cannot change their residence at all. So the recommendation of the Department of Veterans Affairs is that they be given two options. I am sure that if you wanted more information on this, the Department of Veterans Affairs would be pleased to provide such information.

There is a final point I would like to mention. This was prepared in conjunction with all the departments involved, including of course the Department of National Defence. We had a few meetings with these departments and before going to the printer we circulated a copy of these so-called Special Rules and I am pleased to say that the project would be acceptable to all departments that have employees abroad, if, indeed, it meets with your approval.

That is all I have to say, Mr. Chairman.

The Chairman: Thank you, Mr. Hamel. Perhaps then I could ask Colonel Dewis if in the light of what Mr. Hamel has just stated, he has any comments to make on behalf of the Armed Forces?

Col. (S) J. P. Dewis (Deputy Judge Advocate General, Department of National Defence): Mr. Chairman, I think there is very little I can add other than to say that having had a lot of experience with The Canadian Forces Voting Rules, and having been in on the drafting, the forces and the Department of National Defence are quite happy with the proposed new set of rules, which, as Mr. Hamel said really are in pith and substance the old Canadian Forces Voting Rules. I do not see or envisage any difficulty bringing civilian public servants in under them as defined in the proposed rules.

• 1130

The Chairman: Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, I would like to ask the Committee something that will perhaps be a bit beyond the suggestions that have been made. Should you not consider providing members of the Canadian Forces in Canada with the opportunity to vote under the Canada Elections Act proper, in other words, in the constituency in

[Interprétation]

le changement proposé par le Ministère n'est pas contraire à la Loi ni aux Règles, car déjà les malades dans les hôpitaux pour maladies chroniques ou dans les foyers pour personnes âgées peuvent considérer l'établissement comme leur résidence aux fins d'inscription électorale. Comme vous le savez, les membres des Forces armées peuvent changer leur lieu de résidence une fois par année. À l'heure actuelle les anciens combattants ne peuvent pas changer de résidence, par conséquent cette recommandation vise à leur donner les deux choix. Si vous voulez de plus amples renseignements sur cette question, le ministère des Affaires des anciens combattants se fera un plaisir de vous renseigner.

Un dernier point. Ce projet a été rédigé avec la collaboration de tous les ministères, y compris celui de la Défense nationale. Nous avons rencontré les représentants de ces ministères à quelques reprises et, avant de faire imprimer le projet, nous avons fait circuler une copie des Règles spéciales et il m'est agréable de vous dire qu'on accepte le projet dans tous les ministères qui compte des employés en poste à l'étranger, à condition bien entendu, que vous l'approuviez.

J'ai terminé, monsieur le président.

Le président: Merci, monsieur Hamel. Je demanderais au colonel Dewis si, à la lumière de ce que M. Hamel vient de nous dire, il a des commentaires à faire au nom des Forces armées?

Colonel (S) J. P. Dewis (Juge avocat général adjoint, ministère de la Défense nationale): Non, monsieur le président, je crois qu'il y a très peu à ajouter, sauf que, étant donné mon expérience avec les Règles électorales concernant les forces canadiennes, les forces canadiennes et le ministère de la Défense nationale sont très heureux des nouvelles règles proposées, que M. Hamel vient de nous exposer, et je n'envisage aucune difficulté, quant à l'inclusion des fonctionnaires civils en vertu de ces règles.

Le président: Monsieur Howard.

M. Howard (Skeena): Monsieur le président, j'aurais une question à poser au Comité qui va au-delà des propositions déjà faites. Est-ce que les membres des forces canadiennes ne devraient pas avoir le privilège de voter en vertu de la Loi électorale même? En d'autres termes, dans la circonscription où ils sont en poste et dans laquelle ils résident.

[Text]

which they happen to be posted and in which they reside as distinct from the availability now of the option, as it were, of taking one or the other? Should you not isolate that option from the application of The Canadian Forces Voting Rules to people who are outside of Canada. That is a particular situation that necessitates particular rules. This is my own personal experience with the constituents I represent. I am partial to having the general law apply to members of the Canadian Forces so that they can vote in the polling division and the constituency in which they are posted and in which they reside.

At home there is a Canadian Forces base that was a pretty small operation up until just recently. It is now in the process of being expanded. I have spoken with a number of the personnel there about this particular matter and generally they tend, particularly at election time, to be isolated. They are, in effect, aloof from the political activity although they get all of the information, the propaganda and the material about the election from within the area in which they live and from the people in the community with whom they associate. Yet they do not have the opportunity to participate fully in this.

This is the feeling that I got from many of them. They think even after the election is over they do not have an M.P. that they can identify and that they can relate to. They may have been registered in some place at the other end of the country, depending on where they happen to come from. In many instances, they have had no connection whatever with that original community for many years and have completely lost touch. Yet they have to cast a ballot for a candidate and/or party in the constituency that they have not been associated with for 10 or more years in some cases.

I would plead with the Committee to give some consideration to the prospect of making a general law applicable and available to members of the Canadian Forces within the nation so that they can, in effect, play a role in the political activities at the community level. They would not tend to be isolated and aloof from the general political force that takes place. It would put them in a position of being in contact in a more direct and deliberate way with whoever happens to represent the area. I know it becomes pretty ludicrous in some of these large bases to have candi-

[Interpretation]

Maintenant, ils peuvent choisir l'un ou l'autre. Ne devrions nous pas réserver ce choix à ceux qui sont à l'étranger? C'est une situation spéciale qui demande des règles spéciales. D'après mon expérience avec mes commettants, je préférerais que la loi générale s'applique aux forces canadiennes, pour qu'ils puissent voter dans la circonscription où ils sont en poste et où ils résident.

Il y a chez moi, une petite base militaire, qui était d'ordre secondaire jusqu'à tout récemment, mais elle est actuellement en pleine expansion. J'en ai parlé avec plusieurs membres du personnel qui y sont affectés, et en temps d'élection, ils ont tendance à être isolés. Ils sont, par la force des choses, un peu à l'écart de l'activité politique. Ils reçoivent toute l'information et la documentation électorales des gens de la circonscription où ils résident et des gens qu'ils côtoient mais, malgré tout ils n'ont pas l'occasion de participer pleinement.

C'est là l'impression que j'ai eue en leur parlant. Ils ont l'impression que même après l'élection, ils n'ont pas de député qu'ils puissent considérer comme le leur. Ils peuvent être inscrits à l'autre bout du pays, compte tenu de leur lieu de résidence. Dans bien des cas, ils n'ont pas eu de rapports avec la localité où ils sont inscrits, depuis bien des années. Par conséquent ils doivent voter pour un candidat et pour un parti avec qui ils n'ont eu aucun rapport depuis 10 ans ou plus. Je prierais le Comité de songer sérieusement à faire en sorte que la loi générale s'applique aux membres des forces canadiennes dans le pays, afin qu'ils puissent jouer un rôle dans la politique sur le plan de la collectivité. De cette façon ils ne seraient pas isolés et à l'écart du courant politique de sorte qu'ils seraient davantage en contact avec celui qui représente la région où ils se trouvent. Je sais que c'est vraiment ridicule lorsqu'un candidat se présente à une base et demande: «Est-ce que je peux voir telle ou telle personne, originaires de ma propre circonscription». Les gens deviennent assez cyniques quand un député ne s'intéresse à eux qu'au moment des élections.

[Texte]

dates come along and say: "Could I see so and so and so and so and so and so who happen to be here. They are from my home constituency, or I am calling on behalf of someone else." A person gets pretty cynical about an M.P. that thinks of him only at election time and only for one purpose and for no other purpose. Again this tends towards isolating a person.

There are practical reasons too. I am not too familiar with the circumstances in Comox-Alberni that led to the upset of the general election and the subsequent by-election. I am sure Mr. Hamel can relate the individual circumstances of the people who thought that they had the opportunity or the right to do one thing and found when it came right down to the crunch that they did not have that right. As a consequence the election

• 1135

was invalidated. There was someone in Comox who was on the school board or the municipal council or what have you and had lived there for many years. He owned property and was really a full member of the community. Yet he did not have this opportunity to participate fully. The fact that we may have other Comox-Albernis in the future is a prospect too, depending on how close the vote is.

I know in my own constituency I have been told by people in the Canadian Forces there, that they, in fact, voted in the constituency on election day under the general rules. When the Comox-Alberni situation arose, they checked into it and found that although they did not think that they had this right to vote, they did in fact. They registered and participated.

There was such a difference in the results in my home constituency that this would not have affected the results in any way whatever. Nonetheless, as was related to me, here were individuals who felt honestly and sincerely that they had the right to be a part of the community political activities and who found that they did not.

I do not want to move any motion to do anything at this stage, Mr. Chairman. We should consider a general proposition such as writing the Canada Elections Act in such a way that members of the Canadian Forces, within the nation, participate and vote under the same rules that people who are not members of the Canadian Forces do. We should keep The Canadian Forces Voting Rules available to members of the Forces, their dependants, spouses and members of the public service and the like which we are contemplating doing at any rate.

[Interprétation]

Il y a aussi des raisons d'ordre pratique en l'occurrence. Je ne connais pas très bien les circonstances qui ont bouleversé les résultats de la dernière élection et de l'élection partielle qui a suivi à Comox-Alberni. Je suis sûr toutefois que M. Hamel en connaît très bien les circonstances. Il s'agit de personnes qui croyaient avoir le droit de faire une chose et qui en effet, n'avaient pas ce droit. Par conséquent, l'élection a été annulée. Il y avait une

personne à Comox-Alberni qui était membre du Conseil municipal ou d'un autre organisme et qui vivait dans cette localité depuis bien des années. Elle y avait une propriété et faisait partie de la collectivité mais n'avait pas le droit de vote. Il est possible que la même situation se répète dans l'avenir.

Dans mon propre comté, il y a des membres des forces canadiennes qui m'ont dit qu'ils avaient voté dans la circonscription en vertu des règles générales. Après l'incident de Comox-Alberni, lorsqu'ils ont vérifié les faits, il a été établi qu'ils avaient en effet le droit de voter. Ils se sont inscrits et ont voté.

Dans ma circonscription, il y avait une telle différence dans les résultats que cela n'aurait rien changé. Néanmoins il y avait des gens qui croyaient sincèrement avoir le droit de jouer un rôle politique dans la collectivité et qui ont découvert qu'ils ne l'avaient pas.

Je ne veux pas proposer de motion à ce stade, mais simplement formuler une proposition générale. La Loi électorale du Canada devrait permettre aux membres des forces canadiennes de participer pleinement et de voter en vertu des mêmes règles que le public en général. Les membres des forces armées, leurs épouses, les personnes à leur charge ainsi que les fonctionnaires devraient avoir le droit de voter en vertu des Règles électorales concernant les Forces canadiennes.

[Text]

The Chairman: Mr. Forrestall.

Mr. Forrestall: I had wanted, Mr. Chairman, to perhaps deal with another aspect of this. I feel it incumbent upon me to comment on the remarks and some of the generalizations that have been made, dealing with a specific piece of information. They are pertinent and worthy of our consideration. I have some hesitation in making that type of substantial change in the procedures to be followed by members of the Canadian Armed Forces when they are casting their ballots.

Without taking the points individually, I think there are many occasions when an Act on our part to make them adhere to the general law would present inconvenience and some hardship. I think the right to list your place of residence is something that we should not take away from them too lightly. We do, after all, require that they change their legal status in life and I think we should leave them with some semblance of choice. I would like to hear from Mr. Hamel whether this is the time to discuss the point in depth or not. I am not sure, but I would like to hear from our witnesses today, Mr. Chairman, as to the practicalities of such a suggestion, and particularly the difficulties that it might bring up. On the surface, I am very much opposed to it. I will let the other issue go until you, at some point, decide what we should do with this suggestion.

The Chairman: Perhaps we could ask Colonel Dewis to try to explain to us if there are any other means to solve the difficulties than the one proposed by Mr. Howard.

Colonel Dewis: Mr. Chairman, this is not really a new suggestion. This has been considered on a number of occasions by a Parliamentary committee and of course by the Department of National Defence to endeavour to get around the late reporting of the votes and so on.

I think that the majority of members of the forces would prefer to vote in Canada as civilians. Their wives do vote as civilians wherever they are living, so there is a little difference between the husband and the wife when they vote in Canada. But there are very

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definite difficulties in the way of adopting that procedure, although I would point out that, in provincial elections, members of the forces vote as ordinary civilians.

Members of the forces can, in January or February of each year, change their place of

[Interpretation]

Le président: Monsieur Forrestall.

M. Forrestall: Monsieur le président, j'avais l'intention de traiter d'une autre question, mais je me vois dans l'obligation de commenter les observations et les généralisations qui ont été faites. J'hésite à apporter un changement de fond de cette nature dans la procédure à suivre à l'égard des forces armées en temps d'élection.

Je suis d'avis que si nous appliquons la loi générale, dans bien des cas il en résultera des inconvénients et certainement des injustices. J'estime que le droit de faire inscrire son lieu de résidence, est quelque chose qu'il ne faut pas leur enlever à la légère. Après tout nous leur demandons de changer leur état civil. Nous pourrions, au moins leur laisser un choix. J'aimerais que M. Hamel nous dise si c'est le moment d'approfondir la question. J'aimerais savoir ce que nos témoins en pensent et ce qu'ils pensent des difficultés que ce changement pourrait apporter. De prime abord je m'y oppose catégoriquement.

Le président: Peut-être que le colonel Dewis pourrait nous exposer son point de vue et nous expliquer s'il y a d'autres moyens d'aplanir les difficultés que celui qu'a proposé M. Howard.

M. Dewis: Monsieur le président, cette suggestion n'a rien de neuf. Elle a fait à maintes reprises, l'objet d'étude par un Comité parlementaire et, bien entendu, par le ministère de la Défense nationale, quand il s'agissait du retard dans le rapport des votes.

A mon avis la majorité des membres des forces armées préféreraient voter au Canada en tant que civils. Leurs femmes votent en qualité de civils et par conséquent il y a une différence entre l'époux et l'épouse quand ils votent au Canada. Il y a des difficultés très

marquées qui découlent d'une telle procédure. Aux élections provinciales, les forces armées votent au même titre que les civils.

Les membres des forces armées peuvent, en janvier ou en février de chaque année, faire

[Texte]

ordinary residence to where they are serving. But I know very well, from experience, that a lot of these people do not think about elections until a couple of months before there are to be elections, even though, every January and February, we publish a special message in a special order in daily orders pointing out that, anybody wanting, at the next election, to vote where he is serving, had better change his place of ordinary residence.

So those who do change their place of residence to where they are serving, can, at the following election, either vote as civilians or vote in the ordinary Canadian Forces voting place. So there is a method under the present rule whereby the local serviceman can vote locally.

On the other hand, our system of taking the vote to the Canadian Forces is, I think, one of the best there is. There is practically no one not given an opportunity to vote. Every time we have a federal election, there are always bound to be some army manœuvres laid on. I can recall one election when there were 2,000 or 3,000 troops who were going to concentrate in Wainwright. At the time they left for Wainwright, they were too early for the advance poll, and they were not due to get there until after voting day. So their votes were taken en route. But there are many service people away for periods of two or three weeks on temporary duty who would miss the advance pools and then miss voting day.

So there are many advantages to the present system although, as I say, I think most service people would much prefer to vote as ordinary civilians at ordinary polls but the majority of them are not able to do that. If they are posted after January or February and an election comes that spring, they have to vote where they were before. And then there are still quite a large number around who prefer to vote where they originally enrolled, maybe ten years ago.

Under the present system they can still do that. There are advantages and there are disadvantages to this system. There are also advantages and disadvantages to the proposal.

I think, Mr. Chairman, that finishes my comments.

The Chairman: Mr. Forrestall.

Mr. Forrestall: Mr. Chairman, could I just ask Colonel Dewis if he is suggesting that the principal disadvantage in the present system is the late reporting?

Colonel Dewis: Late reporting is, most definitely, one of the big disadvantages of the

[Interprétation]

changer leur domicile et faire inscrire l'endroit où ils sont affectés. Il y a beaucoup de gens qui ne pensent aux élections que quelques mois avant une élection. Tous les ans, en janvier et en février, nous publions un ordre du jour spécial à cet effet, signalant que quiconque désire voter à la prochaine élection dans le lieu où il est affecté, doit faire changer son lieu habituel de résidence. Ainsi, ceux qui le font peuvent voter en tant que civils ou au bureau de votation des Forces canadiennes. Il y a une méthode en vertu de la règle actuelle qui permet aux Forces armées locales de voter localement.

En ce qui concerne le vote militaire, notre système est un des meilleurs qui soient. Il n'y a pour ainsi dire personne qui n'ait pas la possibilité de voter. Chaque fois que nous avons une élection générale il y a toujours des manœuvres militaires. Je me souviens d'une élection où il y avait de 2 à 3,000 hommes qui devaient se rendre à Wainwright. Ils sont partis avant l'ouverture des bureaux provisoires de votation et ils devaient arriver à destination après le jour des élections. Ils ont donc dû voter en route. Il y a de nombreux militaires qui sont en affectation temporaire de deux ou trois semaines et qui ne pourront pas voter.

Par conséquent, notre système offre de nombreux avantages, bien que, la plupart des militaires préfèrent voter comme civils aux bureaux de vote ordinaires, mais la majorité ne peut pas le faire. S'ils sont affectés en janvier ou février et qu'il y a une élection au printemps, ils doivent voter où ils étaient auparavant. Il y en a un bon nombre qui préfèrent voter où ils étaient auparavant. Il y en a un bon nombre qui préfèrent voter où ils se sont engagés, il y a peut-être dix ans.

En vertu du présent système, ils peuvent le faire, ce système comporte des avantages et des inconvénients. Il y a aussi des avantages et des inconvénients qui découlent des propositions.

Monsieur le président, voilà à peu près tout ce que j'ai à dire.

Le président: Monsieur Forrestall.

M. Forrestall: Pensez-vous que le principal inconvénient du système actuel soit le fait que les rapports rentrent en retard?

M. Dewis: C'est certainement là un des gros inconvénients du système actuel. En vue d'a-

[Text]

present system. In order to get around that, this scheme that Mr. Lefebvre has suggested has been one that we have considered because, then, the late reporting would be restricted to the 25,000 votes, outside Canada.

The Chairman: Do you have any comments, Mr. Hamel?

Mr. Hamel: I just wanted to mention that, from a purely administrative point of view, the present system causes us some headaches because it is almost impossible to control every individual. It is primarily a question of educating the members of the forces but, in spite of every effort made—and I must really commend the Department of National Defence here because they have done an extremely good job—a large number of the members of the forces are under the impression that they still have the option of voting either locally or through the voting rules. So, as long as the rules remain as they are at the moment, we are bound to have cases like Digby-Annapolis-Kings, St. John's West in Newfoundland, and, more recently, Comox-Alberni.

Perhaps Colonel Dewis will not agree with me but, to me, this is inherent in the present system.

In 1963, this was considered at some length and the Committee decided then—and I am just passing this on to you for information—that members of the forces would vote strictly under the rules, be they abroad or in Canada, and that they would never have the option of voting as civilians. This was an attempt to avoid the kind of problems we had in Comox-Alberni, and in Digby-Annapolis-Kings a few years before.

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Colonel Dewis: Mr. Chairman, might I comment on that?

The Chairman: Yes, Colonel Dewis.

Colonel Dewis: What Mr. Hamel says is quite true. There was quite a discussion in 1963 in the Parliamentary Committee on this very point, that is, if we are going to have a Canadian Forces voting system then everybody, not only outside Canada but inside Canada, will vote only under the service procedure. Then there would never be any question of a serviceman voting in a civilian poll when his statement of ordinary residence is not there. It was almost a unanimous decision of the Committee.

However, the Province of Ontario, until recently, had a sort of mail system of taking votes whereby a chap outside Canada or in

[Interpretation]

planifier ces difficultés, nous avons étudié la proposition de M. Lefebvre car ainsi les rapports tardifs se limiteraient aux 25,000 électeurs qui se trouvent à l'étranger.

Le président: Monsieur Hamel, avez-vous quelque chose à ajouter?

M. Hamel: Je voudrais ajouter que, sur le plan administratif, le système actuel entraîne certaines difficultés, car il est absolument impossible de tenir compte de chaque individu. C'est avant tout une question d'éducation des militaires. Compte tenu de tous les efforts accomplis, je dois féliciter le ministère de la Défense nationale dans ce domaine, car il a fait un excellent travail. Malgré tout un bon nombre des militaires ont l'impression qu'ils ont encore la possibilité de voter localement ou par l'intermédiaire des règles électorales. Tant que le règlement conservera sa forme actuelle, nous aurons des situations comme celles de Digby-Annapolis-Kings de St-John's Ouest à Terre-Neuve et, récemment, de Comox-Alberni.

Le colonel Dewis ne sera peut-être pas d'accord avec moi, mais ces incidents sont inséparables du système actuel.

En 1963, nous avons approfondi ces questions et—je vous le signale pour votre gouvernement—il a été décidé que les militaires ne voteraient que conformément aux règles, que ce soit au Canada ou à l'étranger et qu'ils n'auraient jamais le choix de voter en tant que civils. Cette décision avait été prise en vue d'éviter le genre de problèmes que nous avions en Comox-Alberni et à Digby-Annapolis-King quelques années auparavant.

M. Dewis: Monsieur le président, juste un commentaire.

Le président: Oui, colonel Dewis.

M. Dewis: Il est exact qu'il y a en des discussions assez animées à ce sujet au Comité parlementaire en 1963. Il a été dit que si nous devons avoir un système de vote militaire tout le monde, aussi bien au Canada qu'à l'étranger, devra voter uniquement conformément aux règles militaires et alors il n'y aura aucune possibilité pour un militaire de voter dans un bureau de vote civil s'il n'y réside pas. La décision a été quasi unanime au Comité.

Cependant, la province d'Ontario, jusqu'à ces derniers temps, avait un système de vote par correspondance, qui permettait à un

[Texte]

Canada could apply for a ballot from the Chief Election Officer in Toronto. He would get the ballot back, mark it and then mail it in. As far as those who were in Ontario were concerned, their statement of ordinary residence under the federal rules governed their right to vote in the Ontario Provincial election.

But even though a chap might be in Petawawa and his federal statement gave Petawawa as his place of ordinary residence, he had to vote by mail. There was a terrific outcry from members of the forces in Ontario about this. They had been living where they were living for perhaps two, three, four or five years. They considered it their home, a lot of them owned houses there, and they were very irate because they could not vote like John Q next door to them who also owned his house, and particularly since their statements said they wanted Ontario as a place to vote.

As a result of that, in the next provincial election, Ontario permitted these chaps to vote in the city poll in the same way as they can under the federal rules if they are actually, on polling day, living where their statement says.

If this Committee were to go along with the other Committee and change it, I can assure you that quite a number of complaints would be received from members of the Canadian Forces. Because if they had a choice between voting under the Canadian Forces' rules or voting entirely as civilians in Canada, there is no doubt in my mind they would choose to vote as ordinary civilians. I think that is all I have to say.

The Chairman: Perhaps we could go back to some of the recommendations that have been made. Yes, Mr. Howard.

Mr. Howard (Skeena): Could I ask this question before you start that? Regarding this matter of a person, in January and February, filling out his statement of ordinary residence, or whatever the document is, would the attraction to do that only be very strong when there were a writ calling an election in January or February? What are the practicalities or the difficulties of advancing this option to the person in the forces to coincide with the issuance of a writ calling an election?

Colonel Dewis: Mr. Chairman, under the present rules, if an election is called in January or February, then any change of ordinary residence made at that time is not valid until the following general election. I understand this ruling is in force because of the possibili-

[Interprétation]

Canadien à l'étranger ou au Canada de voter par l'intermédiaire du directeur des élections à Toronto. On lui faisait parvenir un bulletin de vote. Il y apposait sa marque et le retournait. En ce qui concerne les militaires affectés en Ontario, les règlements fédéraux régissaient leur droit de vote dans cette province.

Même si un militaire se trouvait à Petawawa et que son lieu de résidence était Petawawa, il devait voter par correspondance. Il y a eu des hauts cris de la part des militaires ontariens qui vivaient depuis 2, 3, 4 ou 5 ans au même endroit. Ils se considéraient chez eux, car certains étaient propriétaires en Ontario et ils ne pouvaient pas voter comme leurs voisins, d'autant plus qu'ils avaient officiellement déclaré qu'ils voulaient voter dans cette province.

Par conséquent, à la prochaine élection provinciale, les autorités de l'Ontario leur ont permis de voter au bureau de vote de la même façon que le leur permettaient les règles fédérales.

Si ce Comité effectuait les changements préconisés par l'ancien comité, il y aurait certainement de nombreuses plaintes de la part des militaires canadiens. S'ils avaient le choix en matière de vote entre les règles électorales concernant les forces canadiennes ou le règlement civil, il est certain, à mon avis, qu'ils préféreraient voter comme des civils. C'est tout ce que j'ai à dire, monsieur le président.

Le président: Nous pourrions peut-être revenir à certaines des recommandations qui ont été faites. Oui, monsieur Howard.

M. Howard (Skeena): Est-ce qu'un militaire remplit sa déclaration de résidence en janvier ou février, seulement quand il y a eu un bref d'élection annonçant une élection en janvier ou février? Serait-il possible de devancer la date de cette déclaration de résidence des militaires en vue de la faire coïncider avec la publication du bref d'élection?

M. Dewis: Aux termes des règles actuelles, dès qu'une élection est annoncée pour janvier ou février tous les changements du lieu de résidence faits à ce moment-là, ne valent que pour les élections générales suivantes. Si j'ai bien compris, cette règle se fonde sur le fait

[Text]

ty of some servicemen perhaps packing a constituency by suddenly, when an election is coming, changing their place of residence to the place where they are. And the reason why January and February may have been chosen is because it is not very likely we will have elections in those months. They are held usually in the spring or the fall. Again, January and February may have been chosen deliberately, I suppose, because it is not too attractive a thing to change a place of ordinary residence at those times unless you are really serious about it, and want to vote where you are, and looked ahead a little bit and, recognizing there may be an election before you are posted from there, make plans because you want to vote there.

Mr. Howard (Skeena): Mr. Chairman, that really was not the question I was asking—I just used that as a prelude to my question. But I might say that I am still partial to providing it as a requirement to register and vote as ordinary citizens, as you put it, and presumably this would meet or coincide with

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the majority of view of members of the forces.

What I was asking was, what would be the difficulties, the administrative difficulties, of providing a person in the forces with the option of choosing his place of residence at the time of the issuance of a writ calling an election, no matter when that happens to be?

Colonel Dewis: Well, we have set up quite a computerized list of electors by electoral districts and so forth and if anybody were to change their place of ordinary residence once the writ of elections has been issued there would have to be a change in the statement of ordinary residence and this document would have to go to headquarters, over to the Chief Electoral Officer to get the proper electoral district stamped on it, then back to CFHQ and into the machines, and then the lists are prepared.

Our lists are by no means up to date now because when a chap does change his statement by the time it gets from the commanding officer up to headquarters, over to the Chief Electoral Officer, back and into the computers, six weeks have elapsed, which is not an unduly long period of time. It might even be longer. So it would mean that our lists probably would not be more than 30 or 40 per cent correct.

Mr. Howard (Skeena): Not more than 30 or 40 per cent correct?

[Interpretation]

que, à l'occasion d'une élection soudaine des militaires en grand nombre changent leur lieu de résidence.

La raison pour laquelle on a choisi janvier et février vient du fait qu'il n'est pas très probable que nous ayons des élections au cours de ces mois-là. Habituellement, les élections ont lieu au printemps ou en automne. Janvier et février ont été choisis délibérément, car il n'est vraiment pas très agréable de changer de domicile à ce moment-là, à moins d'être sérieux.

M. Howard (Skeena): Ce n'était qu'un préambule à la question que je voulais vraiment poser. Je préférerais tout de même qu'on l'exige comme condition d'enregistrement et de vote en tant que citoyen ordinaire. Je pense que cela correspondrait à la volonté de la plupart des militaires. Si on laissait les

militaires choisir leur lieu de résidence au moment où un bref d'élection vient de paraître et à quelque date que ce soit, est-ce que cela entraînerait beaucoup de difficultés administratives?

M. Dewis: Nous avons mis au point une liste mécanographique d'électeurs par district électoral, et ainsi de suite, et si quelqu'un devait changer son lieu de résidence habituelle une fois émis le bref d'élection il faudrait modifier la déclaration de la résidence habituelle et le document devrait être envoyé au quartier général, ensuite chez le directeur général des élections pour qu'on y indique le bon district électoral et, de retour au QGFC, aux préposés aux machines qui prépareraient la liste.

Nos listes ne sont pas du tout à jour car, lorsque quelqu'un modifie sa déclaration, le temps qu'il faut pour que son commandant la reçoive, la transmette au quartier général, qu'elle parvienne au directeur général des élections, en revienne et soit envoyée aux ordinateurs, six semaines s'écoulent, ce qui n'est pas un délai déraisonnable. Parfois il est plus long. Ainsi nos listes ne seraient exactes que dans une proportion de 30 ou 40 p. 100.

M. Howard (Skeena): Pas plus de 30 ou 40 p. 100?

[Texte]

Colonel Dewis: Correct, yes.

Mr. Howard (Skeena): If you had this option?

Colonel Dewis: If they had this option, because these fellows wish a change in January and February and there would be a big influx. I think it would make our lists practically useless.

Mr. Howard (Skeena): Mr. Hamel, you can set up a procedure to do something and, of course, you can change your procedure. A procedure established around a computer should not decide the practice and, if the desirability is there, you can easily change what exists. Mr. Hamel, do you conceive of some impracticality in doing this.

Mr. Hamel: Judging by our present experience, I would be inclined to agree fully with Colonel Dewis because some of the changes made by the members of the forces in January or February do not get our office before the middle or end of March and even April. It does not take long to stamp the statement but it has to go back to headquarters and then down to the units, so it is a time-consuming operation. I really would be concerned with the accuracy of our lists if we were to open them only at the date of the issue of the writ. How long would we give them? It would have to be a very short period of time and then we would miss a number of people who might be on manoeuvres and so on. I am afraid this might lead us into almost unsurmountable administrative difficulties.

The Chairman: Mr. Forrestall.

Mr. Forrestall: Mr. Chairman, what really concerns me most is not the practical difficulties of getting around, and I think maybe the principle Mr. Howard is suggesting has some merit, but I have some concern in committing an identifiable area in the future, about the very real possibility of a member taking his seat in Parliament effectively representing the Navy. In my own particular case, if that option was not there and if I as a member believed that all these people, whether they wanted to or not, because of a decision made at arm's length by another group of people, for example the commander or whoever was in charge of the Armed Forces from time to time, had to be in Halifax or in Dartmouth, I would have very mixed feeling about my responsibilities were I to be an effective representative—in my particular case, of the

[Interprétation]

M. Dewis: C'est exact.

M. Howard (Skeena): Si vous aviez cette possibilité?

M. Dewis: S'ils avaient cette possibilité, ils changeraient en janvier ou février, et il y aurait toute une vague. En fait, les listes seraient inutiles.

M. Howard (Skeena): Monsieur Hamel, nous pouvez créer une procédure en vue d'un certain objectif et vous pouvez aussi modifier celle qui existe. Ce n'est pas la procédure établie autour d'un ordinateur qui doit établir la pratique. Vous pouvez, s'il y a lieu, modifier la procédure courante. J'aimerais demander à M. Hamel si, à son avis, il y a certaines difficultés d'ordre pratique.

M. Hamel: En me basant sur notre expérience actuelle, je suis d'accord avec M. Dewis car les changements effectués par les militaires en janvier ou février ne nous parviennent pas avant la fin de mars ou avril. L'estampillage n'est pas long, mais il faut renvoyer les documents au quartier général, puis à l'unité, tout ce processus exige beaucoup de temps. Nos listes ne seraient vraiment pas à point, s'ils ne fallait les ouvrir que le jour de l'émission du bref. Combien de temps la chose exigerait-elle? Il faudrait qu'il y ait très peu de temps, et on ne pourrait rejoindre à temps des gens en permission ou ailleurs, ce qui risque de nous entraîner dans des difficultés administratives presque insurmontables.

Le président: Monsieur Forrestall.

M. Forrestall: Monsieur le président, ce qui me préoccupe le plus, ce n'est pas le problème des difficultés pratiques à surmonter. Le principe énoncé par M. Howard a peut-être quelque valeur, je crains qu'on oublie certain groupe identifiable et qu'un député se retrouve au Parlement représentant réellement la marine. Dans mon cas particulier, si cette possibilité n'existait pas et si, en tant que député, j'étais convaincu que ces gens, qu'ils le veuillent ou non, en raison d'une décision prise très loin par un autre groupe de gens, par exemple, le commandant ou un responsable des forces armées, devaient se trouver à Halifax ou ailleurs, je serais très perplexe en ce qui concerne mes responsabilités si j'étais un représentant de la marine canadienne. Je suis très heureux de compter un grand nombre de marins dans ma circonscrip-

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Canadian Navy. I am very privileged to have the vast bulk of them in my riding, and I think that I get along reasonably well with them. While most of them serve in Mr. Stanfield's constituency, they happen to live in mine. I would not want a member, if he happened to be a resident of your area, deprived of the right of choice to vote for you, if he wanted to, simply because we had said that he had to vote, for example, as you have suggested, when he is there not of his own choice but on a temporary basis and could at any point be removed from that place to another base.

I would think that there might be some danger in this. I have used myself as an example. I think these men should, if it is at all possible for us to do it, be given the option.

Having said that, I think the secrecy of the franchise far outweighs that consideration. I am caught in a bit of a dilemma.

The Chairman: Thank you, Mr. Forrestall. Are there any more comments, gentlemen?

Mr. Forrestall: I think, Mr. Chairman, it should be resolved; I do not think we should leave it hanging.

The Chairman: Well, I do not have a motion, nor a quorum. Perhaps a motion could be put this afternoon when we have quorum.

Mr. Howard (Skeena): Mr. Chairman, with respect, I think the matter has been resolved. There have been just my own comments on the one side of it, which do not appear to be acceptable, and I assume, we now are proceeding to talk about the detailed proposals for changes to the current rules.

The Chairman: Yes.

Mr. Howard (Skeena): And once we assume to do that I take it that the matter has been resolved. Silence in this case does not mean consent.

The Chairman: I do not want to interject anything into this, but even if there is some practicality in the suggestion you have made, any commanding officer could post before the issue of writs for an election 2,000 or 3,000 people in one place and, following a mass vote in that particular constituency, someone could be elected or defeated.

Mr. Forrestall: Like sending the fleet to sea.

[Interpretation]

tion et je crois m'entendre assez bien avec eux. Ils servent dans la circonscription de M. Stanfield, mais ils vivent dans la mienne. Je ne voudrais pas empêcher un militaire de voter pour vous, s'il le voulait, simplement parce qu'il se trouve à un certain endroit où on l'a envoyé sans qu'il l'ait choisi.

Je crains qu'il n'y ait un certain danger ici. Je me suis pris comme exemple. Je pense que ces militaires doivent, dans la mesure du possible, avoir la possibilité de voter à un endroit ou un autre.

Ceci dit, je crois que le secret du scrutin est encore plus important, C'est un dilemme.

Le président: Merci, monsieur Forrestall. D'autres commentaires?

M. Forrestall: Je pense que cette question doit être tranchée; nous ne pouvons pas la laisser en suspens.

Le président: Il n'y a pas de motion et nous n'avons pas le quorum. Nous pourrions peut-être présenter une motion cet après-midi lorsque nous aurons le quorum.

M. Howard (Skeena): Monsieur le président, la question est résolue. Mes commentaires ne semblent pas acceptés, et je pense que nous parlerons maintenant des propositions relatives aux changements.

Le président: Oui.

M. Howard (Skeena): Pour moi, la question a été résolue. Dans ce cas-ci, le silence n'équivaut pas au consentement.

Le président: Même si votre suggestion renferme un certain côté pratique, un officier commandant pourrait envoyer deux ou trois mille hommes dans un endroit, et un vote en bloc pourrait représenter la victoire ou la défaite.

M. Forrestall: C'est comme dépêcher la flotte à la mer.

[Texte]

Mr. Howard (Skeena): That is how you could establish a *coup d'état*—democratically.

Mr. Forrestall: Which, incidentally, has happened during provincial elections.

The Chairman: Do the suggestions elaborated on by Mr. Hamel right at the start meet with your approval?

Mr. Howard (Skeena): I wonder if I could ask Mr. Hamel to be kind enough, for my benefit anyway, to go over again the proposal with respect to making the list of registered voters available.

Mr. Hamel: There is one paragraph in the Special Voting Rules, more specifically Section 37, Subsection (5) on page 27, if you have this book, which reads as follows:

As soon as possible after the date of the issue of the writs ordering a general election, each co-ordinating officer shall send to the Chief Electoral Officer

(a)... (b)...

and finally...

(c) 3 copies of the lists of electors referred to in paragraph (b)...

which is the list of members of the Canadian Forces, Public Service electors...

...setting out the current postal address of each elector.

Now we have amendments here to the Canada Elections Act which would put an obligation on me to provide each returning officer with two copies of that list not later than 21 days after the issue of the writ. Then that list would be available in the office of the returning officer and open for inspection by any officially nominated candidate or his accredited agent. So that includes not only that item in the Special Voting Rules but three amendments to the Canada Elections Act itself.

• 1200

Mr. Howard (Skeena): I do not follow that completely. How extensive is this list? Is this a complete list of all Armed Forces personnel and public servants. It will range into 150,000 names?

Mr. Hamel: No, I am sorry. It is strictly the whole list of members of the Forces and members of the Public Service who, by reason of their statement of ordinary resi-

[Interprétation]

M. Howard (Skeena): Ce serait une façon de réaliser un coup d'état d'une façon démocratique.

M. Forrestall: Ce qui s'est produit pendant des élections provinciales.

Le président: Êtes-vous d'accord avec les suggestions de M. Hamel?

M. Howard (Skeena): Je voudrais demander à M. Hamel d'être assez aimable de relire la proposition visant à rendre disponible la liste des élections inscrits.

M. Hamel: Il y a un alinéa des Règles électorales spéciales, plus précisément le paragraphe (5) de l'article 37, à la page 27, qui se lit comme suit:

Aussitôt que possible après la date de l'émission des brefs ordonnant une élection générale, chaque agent coordonnateur doit transmettre au directeur général des élections:

a)... b)...

et finalement,

c) 3 exemplaires des listes d'électeurs mentionnées à l'alinéa b)...

qui est la liste des électeurs des Forces canadiennes et de la Fonction publique,

...indiquant l'adresse postale actuelle de chaque électeur.

Nous avons des amendements à la loi électorale du Canada qui m'obligerait à fournir à chaque président d'élection (officier rapporteur) deux exemplaires de cette liste au plus tard 21 jours après l'émission du bref. Cette liste serait conservée et pourrait être examinée par tout candidat officiel ou par son agent accrédité. Il y a donc non seulement cet amendement aux Règles électorales spéciales, mais trois autres à la loi électorale du Canada même.

M. Howard (Skeena): Je ne vous suis pas très bien. Quels sont les détails de cette liste? Est-ce une liste complète de tous les militaires et de tous les fonctionnaires? Elle comporterait environ 150,000 noms?

M. Hamel: Non, il s'agit uniquement de la liste des militaires et des fonctionnaires qui, en raison de leur déclaration de résidence habituelle, ont le droit de voter dans votre

[Text]

dence, are entitled to vote in your electoral district. In other words, the total number of the Forces and the Public Service would be broken down into 264 lists.

Mr. Howard (Skeena): Fine, thank you.

Mr. Howe: Mr. Chairman?

The Chairman: Yes, Mr. Howe.

Mr. Howe: Why would it not be possible for the returning officer to send one of those to each candidate or his official agent within the riding? As I said before my returning officer lives at the very far end of the riding and it is not always convenient to go up there. There would not be much difficulty to sending those out. If he had the address of the candidate, why could he not send out the list?

Mr. Hamel: In some cases the list is pretty lengthy. In some electoral district it could run into the thousands of names. The machine at the moment is equipped to produce only, I believe 5 copies, so where we have only two candidates or three candidates it would be feasible but in some cases we have many more than that. We have up to eight candidates and the format of the list does not lend itself to reproduction by photocopy. We have made inquiries at various places and we have not been able to find a piece of equipment that would photocopy or reproduce those lists. Of course there is the question of time as well. If it is to be really useful, it has to be available relatively early during the election period; otherwise it will be too late for the candidate to send any literature to these people.

Mr. Howe: Thank you, Mr. Chairman.

Mr. Hamel: May I add, Mr. Chairman, that the list, according to what we have prepared here, is not only open to inspection but any officially nominated candidate or his accredited agent, or any person he might designate for that purpose, may make extracts from the list. The returning officer would have two copies, which means that two people could work on it at the same time.

The Chairman: Mr. Howard.

Mr. Howard (Skeena): I want to ask Mr. Hamel this, if I could. I interpret taking extracts from the lists, to be beneficial to the candidate or the agent. Would you agree with me that taking a photograph of that list would be taking extracts from it?

Mr. Hamel: Yes.

[Interpretation]

district électoral. Autrement dit, le chiffre total des Forces et de la Fonction publique comprendrait 264 listes.

M. Howard (Skeena): Merci.

M. Howe: Monsieur le président?

Le président: Oui, monsieur Howe.

M. Howe: Est-ce qu'il ne serait pas possible que le président d'élection (l'officier rapporteur) en envoie un exemplaire à chaque candidat ou à son agent officiel? Comme je l'ai déjà dit, mon officier rapporteur demeure assez loin et il n'est pas toujours pratique de s'y rendre. Pourquoi ne pas les lui faire parvenir? S'il a l'adresse des candidats, pourquoi, alors, ne pas lui envoyer la liste?

M. Hamel: Dans certains cas, ces listes sont assez longues en ce qui a trait à certains districts électoraux, parfois des milliers de noms. Les machines, en ce moment, ne peuvent produire que 5 exemplaires. Là où nous n'avons que 2 ou 3 candidats, ce serait possible; mais, dans certains cas, nous en avons beaucoup plus, jusqu'à huit candidats. La présentation de cette liste ne se prête pas à la reproduction par photocopie. Nous avons fait enquête à différents endroits et nous n'avons pas encore été en mesure de trouver une machine qui puisse reproduire ces listes. C'est aussi une question de temps. Si nous voulons que ce soit vraiment utile, la liste doit être disponible au début de la période électorale. Autrement, le candidat ne pourra leur envoyer aucune littérature.

M. Howe: Merci, monsieur le président.

M. Hamel: Je voudrais ajouter, monsieur le président, que la liste, suivant ce que nous avons préparé ici, peut non seulement être examinée, mais tout candidat ou son agent ou représentant peut en tirer des extraits. L'officier rapporteur en aurait deux exemplaires, ce qui veut dire que deux personnes pourraient s'en servir en même temps.

Le président: Monsieur Howard.

M. Howard (Skeena): Je crois que le fait de tirer des extraits de cette liste peut aider le candidat ou l'agent. Conviendriez-vous que, si l'on photographiait cette liste, ce serait en tirer des extraits?

M. Hamel: Oui.

[Texte]

Mr. Howard (Skeena): Here is a method of reproduction if it is difficult to do it otherwise.

Mr. Hamel: Or it could be copied by hand if the list is relatively short. Somebody could take the names off by hand or it could be reproduced by some photocopying process.

The Chairman: Are there more comments on these amendments? Is there anything new that you would like to suggest be changed in the Special Voting Rules?

M. Forest: Pour les anciens combattants, les règlements demeurent exactement comme avant?

M. Hamel: Avec la distinction que j'ai faite tout à l'heure.

Présentement, un ancien combattant qui est dans un hôpital pour convalescents ou un hôpital pour malades chroniques du ministère des Affaires des anciens combattants, même s'il y est depuis la fin de la guerre de 1914-1918, ne peut voter que dans le district électoral où il avait sa résidence avant d'être admis à l'institution. Ce que le ministère des Affaires des anciens combattants recommande c'est qu'on lui donne le privilège, s'il est dans l'institution, depuis un an ou plus, de choisir de voter comme avant ou encore pour un candidat dans le district électoral où est située l'institution. C'est le seul changement proposé à cette partie de la Loi. Ce n'est pas moi qui le propose, mais le ministère des Affaires des anciens combattants; et je le trouve, si je peux me permettre d'émettre une opinion, je le trouve assez logique, vu la façon dont nous traitons les personnes âgées ou les personnes infirmes qui sont dans des institutions du même genre que certains hôpitaux du ministère des Affaires des anciens combattants.

M. Duquet: Monsieur le président, je pense que M. Hamel a parfaitement raison de faire cette proposition. Ces gens sont généralement hospitalisés dans des endroits qui sont très près de là où ils demeuraient, ils connaissent les candidats et la situation. Je pense que c'est un excellent moyen de leur donner le droit de vote car, généralement, ils ne sont pas en mesure d'aller voter dans la circonscription où ils demeuraient auparavant. Selon moi, cet amendement devrait être accepté d'emblée parce qu'il tient compte de la réalité des faits.

The Chairman: If there is no further discussion on the Special Voting Rules, we will come back to it this afternoon because we have to put motions to get the changes approved.

[Interprétation]

M. Howard (Skeena): Ce serait une méthode de reproduction s'il est difficile de procéder autrement.

M. Hamel: On pourrait en faire une copie à la main si cette liste était assez courte. On pourrait la reproduire à la main ou par un moyen quelconque de photocopie.

Le président: Avez-vous d'autres commentaires relatifs à ces amendements?

Y a-t-il d'autres changements que vous aimeriez apporter aux Règles électorales spéciales?

Mr. Forest: For war veterans it is exactly the same thing as before.

Mr. Hamel: With the distinction that I made a while ago.

As it stands now, a war veteran in a convalescence or chronic illness hospital of Department of Veterans Affairs may have been there since the end of the First World War and the only place where he can vote is in the electoral district where he lived before being admitted to the hospital or institution. What the Department of Veterans Affairs recommends is that he be given the privilege, if he has been there for more than a year, of voting as before or for a candidate in the electoral district where the institution is located. That is the only proposed change. I am not proposing it myself, the Department proposes it and, if I may give an opinion on this, I think it is quite logical due to the way we treat old people or invalids in institutions of the same type as some of the hospitals of the Department of Veterans Affairs.

Mr. Duquet: I believe, Mr. Chairman, that Mr. Hamel is perfectly right to make such a proposal. These people are generally hospitalized in sectors that are very close to the place where they used to live previously; they know the candidates, they know the situation. I do believe that it is a very good way of giving them the right to vote because generally speaking they cannot go and vote in the riding where they used to live previously. I believe that such an amendment should be accepted readily because it is quite in accordance with the reality of the facts.

Le président: Y a-t-il d'autres observations sur les Règles électorales spéciales. Nous y reviendrons cet après-midi, parce qu'il nous faut présenter des motions pour approuver ces modifications.

[Text]

Mr. Hamel: Mr. Chairman, I very respectfully suggest that Section 39(3) be dropped. This is on on page 30. This is a result of one discussion that took place in this Committee some time ago. At the moment, as you know, any candidate may go to a commanding officer and get the list of the members of the Forces serving on his base. Now that each candidate will have a list of everybody entitled to vote under the Rules in his electoral district, I believe it was recognized by the members of the Committee that the other way had less value; furthermore, there is a security aspect which, I believe, we should all be conscious of. Subsection (3) of Section 39 is the requirement or the obligation imposed on each commanding officer to prepare a list of the members of the Forces under his command, a list which is then available and open to inspection by any candidate, who can also make extracts therefrom.

Mr. Forrestall: Do you want to take that out?

Mr. Hamel: I was respectfully suggesting that this be taken out.

Mr. Forrestall: I do not dare comment, Mr. Chairman, I was away in Toronto and down in Norfolk and I missed several meetings. I have obviously missed something somewhere along the line.

I thought that the list was going to be made available to us.

The Chairman: It will, through the returning officer.

Mr. Hamel: It will not be the same list; the list available will be a list of your electors with their postal addresses.

Mr. Forrestall: My apologies, it is the commanding officer as opposed to the returning officer. I am sorry, yes, of course.

The Chairman: I would like our clerk to circulate a project for discussion of the proxy voting system.

Mr. Howe: I notice on the list, Mr. Chairman that our meeting is tonight instead of this afternoon.

The Chairman: Our Clerk told me that last week he was not sure we could have a room this afternoon, but I would suggest to members that we change the schedule of today's meeting from 8 p.m. to 3.30 p.m. after the Orders of the Day. We could have another meeting this afternoon.

[Interpretation]

M. Hamel: Je proposerais que l'article 39(3), à la page 30, soit éliminé par suite des discussions que nous avons eues il y a déjà quelque temps. Présentement, un candidat peut se présenter à un officier commandant et obtenir la liste des membres des forces armées relevant de son commandement. Mais vu que chaque candidat aura une liste de tous ceux qui ont droit de voter dans son district électoral en vertu des Règles, je pense que les membres du Comité ont reconnu que l'autre moyen avait moins de valeur; de plus, il y a l'aspect sécurité dont nous devrions tous être conscients. Le paragraphe (3) de l'article 39 renferme l'obligation qui incombe à tout officier commandant de préparer une liste des membres des forces armées qui relèvent de son commandement, liste qui est alors disponible et qui peut faire l'objet d'une inspection de la part de tout candidat, qui peut aussi en tirer des extraits.

M. Forrestall: Vous proposez de le supprimer?

M. Hamel: Je proposerais de le supprimer.

M. Forrestall: Je n'ose pas faire de commentaires, monsieur le président. J'étais à Toronto et ensuite à Norfolk, et j'ai manqué plusieurs réunions.

Je croyais que cette liste allait être mise à notre disposition.

Le président: Oui, par l'entremise du président d'élection (de l'officier rapporteur).

M. Hamel: Ce ne sera pas la même liste; la liste qui sera disponible serait la liste de vos électeurs, y compris leur adresse postale.

M. Forrestall: Je suis désolé, c'est l'officier commandant par opposition à l'officier rapporteur. Oui, évidemment.

Le président: Je voudrais demander à notre greffier de distribuer un avant-projet de discussion pour un système de vote par procuration.

M. Howe: J'ai remarqué, monsieur le président, que notre réunion allait avoir lieu ce soir au lieu de cet après-midi.

Le président: Notre greffier m'a dit que, la semaine dernière, il n'était pas sûr que nous pourrions avoir une salle cet après-midi, mais je proposerais que la réunion prévue pour 20 heures ait lieu plutôt à 15h30 après la période des questions orales. Il serait donc possible de nous réunir cet après-midi.

[Texte]

Mr. Duquet: You had better circulate a notice.

The Chairman: Yes, definitely.

Mr. Howe: The difficulty, Mr. Chairman, is that I had hoped to be able to go to the Transport Committee this afternoon.

The Chairman: It is up to you. If you prefer to leave the meeting at 8 p.m. we will have it at 8 p.m.

Mr. Forest: We might as well. If there are other committees sitting we will not have a quorum anyway.

Mr. Forrestall: You will not get a quorum anyway so you might as well leave it at 8 o'clock.

The Chairman: Will we have any chance to have a quorum at 8 o'clock? Shall we take a chance?

Mr. Duquet: We will try.

Mr. Forrestall: I think there is a much greater chance, Mr. Chairman, of getting a quorum at 8 o'clock than there would be after the Orders of the Day.

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The Chairman: You now have before you for discussion a project of a proxy voting system applicable to some special categories of people.

Mr. Duquet: Personally, I have no objections to go through that document and study whatever is there. But I wonder if we will not have to go back through it to-night for those people who are not here now and who might be here tonight. We are losing time if we will have to come back to all that discussion tonight. Proxy voting is very important and I am afraid that the people who are not here this morning are here tonight they will want us to go back through all those articles again.

The Chairman: May I suggest then that the members have a look at it in your office and then study it. We could start discussion on it at 8 p.m. and adjourn this meeting now.

Mr. Duquet: I have no objections to go on at all. I am just stating the fact that it might be a loss of time.

The Chairman: For the benefit of the members present perhaps we could take a few more minutes to ask Mr. Hamel about the practicality of this proposal.

Mr. Duquet: Agreed.

[Interprétation]

M. Duquet: Il aurait été préférable de distribuer un avis.

Le président: Oui, sans doute.

M. Howe: Je comptais assister à la séance du Comité des transports, cet après-midi.

Le président: C'est à vous, messieurs de décider. Préférez-vous revenir à cinq heures ce soir?

M. Forest: Oui. Si d'autres comités siègent, nous n'aurons pas le quorum de toute façon.

M. Forrestall: Nous n'aurons pas le quorum de toute façon; il vaudrait donc mieux tenir la réunion à vingt heures.

Le président: Pourrions-nous avoir le quorum à vingt heures. Allons-nous courir la chance?

M. Duquet: Essayons.

M. Forrestall: Je pense que vos chances sont bien meilleures à vingt heures qu'à quinze heures trente minutes cet après-midi.

Le président: Vous avez maintenant devant vous un avant projet concernant le vote par procuration pour certaines catégories spéciales de gens.

M. Duquet: Je ne m'oppose pas à parcourir ce document et à l'étudier, mais je me demande si nous n'aurons pas à y revenir ce soir pour ceux qui ne sont pas là, mais qui seront présents ce soir. Ce serait une perte de temps s'il fallait revenir sur cette discussion ce soir. Le vote par procuration est des plus importants, mais je crains fort que les gens qui ne sont pas là ce matin voudront qu'on revienne sur tous les articles.

Le président: Je proposerais que vous l'étudiez dans vos bureaux. Nous pourrions commencer l'étude ce soir à vingt heures et lever la séance sans plus tarder.

M. Duquet: Je ne m'oppose pas du tout à poursuivre nos délibérations, mais j'estime que ce serait une perte de temps.

Le président: Pour la gouverne des membres présents, nous pourrions peut-être prendre quelques minutes de plus pour poser des questions à M. Hamel sur l'aspect pratique de cette proposition.

M. Duquet: D'accord.

[Text]

The Chairman: Mr. Hamel.

Mr. Forrestall: In the course of his remarks could he indicate how close this is to the Nova Scotian situation. It might save me a lot of reading.

Mr. Hamel: This is very close to the Nova Scotia system except that it does not apply to all the categories covered in the Nova Scotia system. After listening to the few discussions you had at previous meetings, we tried to condense here the views of the members of the Committee. This is an attempt to provide a proxy voting system for primarily two categories of people.

There are, first of all, the fishermen or mariners, and secondly, people who are physically incapable of attending at a polling station: either because of a temporary illness—they are in an acute hospital undergoing treatment, or recovering from an operation—or because they are confined to bed at home and unable to go out.

The main concept I was working on was to apply proxy only to those people who are, either because of their occupation or because of their physical disability incapable of going to the poll. In my mind anyway, it was not a form of absentee voting as is the case of a person who might be temporarily absent from his place of residence either on vacation or in the course of his employment. We tried to see what could be done with some other categories of people and we run down into all kinds of complications and all kinds of difficulties.

Personally I believe, and this was discussed at length with the law officers of the Department of Justice, that this is workable. There are sufficient controls to avoid possible abuses.

The Chairman: Mr. Hamel, what about the proposal that has already been made by Mr. Forrestall regarding the students?

Mr. Hamel: We tried to anticipate that wish and we have prepared a document which, added to this, would extend proxy as well to students who are duly registered at a recognized educational institution. There again it is based on the Nova Scotia system in the sense that the proxy would not be delivered only on the application of the student. A statement signed by the Registrar of the institution would be required.

I do not know whether you feel that we have gone a bit too far on this. This is your

[Interpretation]

Le président: Monsieur Hamel.

M. Forrestall: Pourrait-il indiquer jusqu'à quel point ce système se rapproche de celui de la Nouvelle-Écosse.

M. Hamel: Il se rapproche du système actuellement en vigueur en Nouvelle-Écosse, mais ne s'applique pas à toutes les catégories comprises dans le régime de la Nouvelle-Écosse. Après avoir entendu les quelques discussions que vous avez eues au cours des réunions précédentes, nous avons essayé de condenser les points de vue formulés par les membres du Comité. Nous avons donc essayé d'établir un vote par procuration pour deux catégories principales de personnes.

Il y a, tout d'abord, les pêcheurs et les marins et, deuxièmement, les personnes incapables de se rendre physiquement au bureau du scrutin à cause d'une maladie ou parce qu'ils suivent des traitements intensifs, ont subi une intervention chirurgicale ou encore parce qu'ils doivent rester au lit à la maison et sont incapables de sortir.

J'estime personnellement que l'on devrait permettre le vote par procuration seulement aux personnes qui, à cause de leur occupation ou encore de leur invalidité physique, sont incapables de se rendre au bureau du scrutin. Il ne s'agit pas d'un vote pour les absents comme dans le cas d'une personne qui serait absente provisoirement de sa résidence, en vacances ou par affaires. Nous avons essayé de voir ce qui pourrait être fait pour d'autres catégories de personnes, et nous avons éprouvé des difficultés et des complications de tous genres.

Je crois personnellement, et nous en avons longuement discuté avec les conseillers juridiques du ministère de la Justice, que la chose est possible. Il a suffisamment de contrôle pour éviter les abus.

Le président: Que dire de la proposition de M. Forrestall concernant les étudiants?

M. Hamel: Nous avons présumé de ce désir et nous avons préparé un document qui, ajouté à celui-ci, donnerait ce vote par procuration aux étudiants qui sont dûment inscrits dans une maison d'enseignement reconnue. Ce point se fonde sur le régime de la Nouvelle-Écosse dans ce sens que la procuration ne serait pas donnée simplement sur demande de l'étudiant. Il faudrait qu'il présente une déclaration signée par le registraire de la maison d'enseignement.

Je ne sais pas si vous êtes d'avis que nous sommes allés trop loin de ce côté. C'est votre

[*Texe*]

decision but we tried to include here all the safeguards that are inherent to the Nova Scotia system in the sense that the person who is unable to go to the poll and the proxy voter must be on the same list of electors, in other words, must vote in the same poll. Furthermore, the proxy voter cannot act as proxy voter for more than one elector and, in the case of a physically handicapped person, a medical certificate is required.

In the case of a student, a certificate or a statement signed by the Registrar of the institution would also be required. This would also be conditional on deleting Subsection 9 of Section 16 of the Act which at the moment gives every student a privilege enjoyed by nobody else, the privilege of being registered on two lists, the list where he has his ordinary place of residence and the list of the polling division where he resides while attending the institution.

Speaking of the students, I went through the entire file of the 1965 election because this is the only time that we gathered some information about students. I must confess that there was no really practical suggestion made outside the fact that we should have a permanent list and this would solve the student problem.

• 1215

The other thing though that is quite evident from going through the briefs presented by student bodies or individuals is that we should consider the permanent residence of a student less and less as being his parents' place. If they are married, this is a different story. Even if they are not married, their parents' place is not always their permanent residence.

Mr. Forrestall: This is particularly apropos considering the recent innovations in educational systems in Canada and elsewhere. We have now gone deeply into occupational training and technical training schools which require removal from time to time of a student to a place where he might work for a period of time and then return to the educational institution.

Mr. Hamel: That is correct.

Mr. Forrestall: I wonder, Mr. Chairman, if we could look at the two of them as one document and if it could be distributed now.

The Chairman: Mr. Howard has a supplementary.

Mr. Howard (Skeena): Mr. Chairman, hopefully the evening meeting will let me get into

[*Interprétation*]

décision, mais nous avons essayé d'inclure toutes les sauvegardes qui se retrouvent dans le régime de la Nouvelle-Écosse. La personne qui ne peut se rendre au bureau du scrutin et l'électeur mandataire doivent figurer sur la même liste d'électeurs, autrement dit, doivent voter au même bureau du scrutin. De plus, l'électeur mandataire ne peut représenter plus d'un électeur. Dans le cas d'un invalide, il faut un certificat médical.

Dans le cas des étudiants, il faut une déclaration signée du registraire de l'institution d'enseignement où se trouve l'étudiant, à condition, bien entendu que nous supprimions le paragraphe 9 de l'article 16 de la Loi, qui, en ce moment, accorde à l'étudiant un privilège dont bénéficie personne d'autre, soit d'être inscrit sur deux listes, la liste où il réside normalement et la liste du bureau où il réside alors qu'il fréquente cette institution d'enseignement.

Pour ce qui est des étudiants, j'ai parcouru tout le dossier de l'élection de 1965, parce que c'est la seule élection où nous ayons recueilli des renseignements sur les étudiants. Je dois vous avouer qu'il n'y avait pas vraiment de suggestion pratique, sauf une liste permanente, ce qui pourrait résoudre le problème des étudiants.

Un autre point bien évident à la lecture des mémoires présentés par les particuliers et les organismes d'étudiants est que nous devrions considérer de moins en moins la résidence permanente d'un étudiant comme l'endroit où habitent ses parents. S'ils sont mariés, c'est une tout autre chose. Même s'ils ne sont pas mariés, la résidence des parents n'est pas toujours leur résidence permanente.

M. Forrestall: C'est tout particulièrement à-propos, vu les innovations apportées au système d'enseignement au Canada et ailleurs. Nous n'avons pas étudié à fond la formation technique et professionnelle, qui exige qu'un étudiant doive travailler pendant un certain temps dans un endroit pour ensuite retourner à l'institution d'enseignement.

M. Hamel: C'est juste.

M. Forrestall: Ne pourrait-on pas considérer les deux points comme un seul document, et pourrait-on en faire la distribution tout de suite?

Le président: Monsieur Howard désire poser une question complémentaire.

M. Howard (Skeena): La réunion de ce soir me permettra de voir ce qu'il en est des pros-

[Text]

the area of prospectors and loggers and miners and transport workers and construction workers and a variety of other groups who are, by reason of their employment, required to be away from their place of ordinary residence. But that is another question.

As I read subsection (2) of Clause 45A, the elector or the person whom he appoints to vote on his behalf must appear in person before the returning officer. I realize that this is probably a necessary safeguard to ensure that I come and identify myself and that I am the person whom I claim to be and so on.

However, this is fraught with a number of inconveniences for the individual. Let me look again at the West Coast of British Columbia. In my own constituency where a person may be a fisherman and live a hundred miles or more, across the Hecate Straits for argument's sake, from the place where the returning officer is, he would have to travel that distance. If the returning officer moves up into the interior for argument's sake it is even a greater distance. Just looking at it at the moment, I see a great difficulty in that the elector and the proxy have to come from the same polling division and neither one of them able to get to the returning officer's office in order to effect this. This works fine in an urban area. I am sure it would work out lovely in Vancouver or in Halifax. People there are close to the returning officer's office but in the far-flung areas I can see this to be difficult. Even though we may be giving the person a right on one hand, we may effectively be preventing him from exercising that right by just distance itself, on the other.

Have you thought of another method of doing this, could he not appear before a justice of the peace or someone authorized to take affidavits, the same as we do with transfer certificates. There is an appearance made on behalf of the elector. I pose that as a question for thought. Perhaps, if you could conceive of rewriting it in the interim, we may have some wording which we can look at later on.

• 1220

The Chairman: I think it is appropriate to adjourn this meeting until 8 tonight, then start with a discussion of this proposal.

EVENING SITTING

• 2010

The Chairman: Order, please, we have a quorum. I want to remind the members who were not present this morning that we had

[Interpretation]

pecteurs, des bûcherons, des mineurs, des ouvriers du transport, des ouvriers de la construction et d'autres groupes qui, en raison de leur travail, doivent être loin de leur résidence habituelle. Mais c'est là une autre question.

En lisant le paragraphe 2 de l'article 45A, je vois que l'électeur ou la personne qu'il nomme pour voter en son nom doit se présenter en personne au président d'élection (l'officier rapporteur). C'est sans doute une disposition pour que je me fasse reconnaître et que j'indique que je suis bien la personne que je prétends être.

Toutefois, ce point comporte certains inconvénients pour le particulier. Une fois de plus, examinons la situation sur la côte ouest de la Colombie-Britannique. Dans ma propre circonscription où un pêcheur peut demeurer à 100 milles ou plus de l'endroit où se trouve le président d'élection (l'officier rapporteur), il serait censé parcourir cette distance. Si ce dernier se déplace vers l'intérieur, la distance sera d'autant plus grande. Il y a donc une très grande difficulté qui se présente dans ce sens que l'électeur et la personne qui le représente doivent être de ce même bureau de votation et qu'aucun d'eux ne peut rejoindre l'officier rapporteur. Le régime peut très bien fonctionner dans les régions urbaines. Il fonctionnerait à merveille à Vancouver ou à Halifax, où les gens sont très près de l'officier rapporteur et de son bureau, mais, dans les régions éloignées, je pense qu'il présente certaines difficultés. Même si l'on accorde ce droit à cette personne, on l'empêche d'exercer ce droit à cause des distances qu'il doit parcourir.

Avez-vous envisagé d'autres méthodes? Ne pourrait-il pas comparaître devant un juge de paix ou quelqu'un qui soit autorisé à prendre des affidavits, tout comme pour les certificats de transfert? Quelqu'un se présente au nom de l'électeur. C'est une question que je pose pour qu'on puisse y réfléchir. Peut-être pourriez-vous songer à composer un nouveau texte entre-temps, que nous pourrions étudier plus tard.

Le président: Je pense qu'il serait bon de lever la séance jusqu'à vingt heures, nous procéderons alors à l'étude de cette proposition.

SÉANCE DU SOIR

Le président: A l'ordre! Nous sommes en nombre. Je désire dire aux députés qui n'étaient pas là ce matin que nous avons terminé

[Texte]

exhausted the discussion on the proposed amendment to the Special Voting Rules. I will wait for a motion to approve the amendment to Section 109 of the Special Voting Rules just to have the title changed from Canadian Forces Voting Rules to Special Voting Rules since some civilians and civil servants abroad will be entitled to vote under it. It will not be only the Canadian Forces Voting Rules but the Special Voting Rules. Could I have a motion in this regard?

Mr. Duquet: Yes. Mr. Chairman is this what we discussed this morning?

The Chairman: This morning, yes.

Mr. Duquet: I move that:

The heading preceding section 109 and section 109 of the said Act are repealed and the following substituted therefor:

“Voting under Special Voting Rules

109. The qualifications and entitlement to vote of the persons who, in the Special Voting Rules set out in Schedule II, are stated to be qualified and entitled to vote under those Rules and the procedures for the taking, receiving, sorting and counting of the votes of those persons are as set out in those Rules.”

Amendment agreed to.

The Chairman: I will ask Mr. Hamel to give you a résumé of the consequential amendments to have them approved, too.

Mr. Hamel: Everywhere in the Canada Elections Act at the moment where the Canadian Forces Voting Rules are mentioned, we have to amend those sections to refer to the Special Voting Rules.

The Chairman: It is only to change the name in all the Sections of the Act where it is called Canadian Forces Voting Rules.

Some hon. Members: Agreed.

The Chairman: We had a discussion, this morning on these Special Voting Rules and I believe as we have exhausted the discussion I could ask for a motion to have these Special Voting Rules approved with the exception that on page 30 of the book you have...

Mr. Howe: I think, perhaps, you are going a little too fast. This discussion draft I have here...

The Chairman: It is not related to this.

[Interprétation]

la discussion sur les règles électorales spéciales. J'aimerais qu'on propose l'adoption de la modification à l'article 109 sur les Règles électorales spéciales afin de substituer à la rubrique «Vote par les électeurs des forces canadiennes» celui de Vote en vertu des «Règles électorales spéciales», car ce ne seront pas uniquement les militaires, mais aussi certains civils et les fonctionnaires à l'étranger auxquels s'appliqueront ces Règles. Qui voudrait faire une proposition en ce sens?

M. Duquet: Oui. Est-ce que nous en avons discuté ce matin?

Le président: Oui.

M. Duquet: Je propose.

Que la rubrique précédant l'article 109 et l'article 109 soient abrogés et remplacés par ce qui suit:

«Vote en vertu des règles électorales spéciales

109. Les qualités requises et le droit de vote des personnes qui, dans les *Règles électorales spéciales* énoncées à la deuxième annexe, sont déclarées être habiles à et avoir droit à voter en vertu de ces règles et les procédures pour la prise, la réception, le classement et le comptage des votes de ces personnes sont celles énoncées dans ledites règles.»

La proposition est adoptée.

Le président: Je demande maintenant à M. Hamel de donner un résumé des modifications subséquentes pour les adopter également.

M. Hamel: Partout où dans la Loi électorale du Canada, il est question du «Vote par les électeurs des forces canadiennes», nous devons substituer l'expression «Règles électorales spéciales».

Le président: Cette modification vise à changer les termes dans tous les articles de la Loi où il est question du vote par les électeurs des forces canadiennes.

Des voix: D'accord.

Le président: Ce matin, nous avons discuté ces Règles électorales spéciales. Je pourrais peut-être vous demander de faire une proposition pour adopter l'expression «Règles électorales spéciales» sauf à la page 30 du texte qui nous a été remis.

M. Howe: N'allez-vous pas un peu trop vite? Dans l'Avant-projet...

Le président: Ce n'est pas de cela que nous parlons.

[Text]

Mr. Howe: You are not to that yet?

The Chairman: I think you have the handy...

Mr. Howe: Is this proxy voting?

The Chairman: No, no. We are not on proxy.

Mr. Howe: Oh, you are not.

The Chairman: It's just, while we have a quorum tonight, to formally approve what we discussed this morning. It is simply this.

Mr. Howe: Oh, fine.

The Chairman: With the exception that subsection (3) in the middle of page 30 be repealed.

Mr. Forest: I so move.

Motion agreed to.

The Chairman: We can resume our discussion on the proxy voting system. Mr. Virr, did you give copies to the new members?

The Clerk: Yes.

The Chairman: All right, then.

Mr. Duquet: Mr. Chairman, in paragraph 2 of the sheet that was presented to us I notice that the French...

• 2015

On y dit:

En tout temps, avant dix heures du soir, le vendredi précédant le jour du scrutin à une élection, un électeur ou un électeur mandataire nommé.

Or, après avoir lu le premier paragraphe, et les raisons qui motivent le paragraphe (2), je pense qu'il faudrait dire : «l'électeur et l'électeur mandataire» au lieu de «un électeur». Parce que je crois qu'«un électeur» laisse la porte ouverte à n'importe lequel des électeurs, alors qu'il s'agit expressément de l'électeur qui veut que quelqu'un vote à sa place par procuration. Alors, je suggère que nous changions les mots «un électeur» et aux deux endroits «ou un électeur mandataire» pour les mots «l'électeur ou l'électeur mandataire».

The Chairman: The purpose of this drafting was, as Mr. Hamel, perhaps could explain, just to give the power either to the person who requests the right to vote by proxy or the one who will act as mandatory...

[Interpretation]

M. Howe: Ah non?

Le président: Vous avez...

M. Howe: Étudions-nous le vote par procuration?

Le président: Non, pas encore.

M. Howe: Ah!

Le président: Puisque nous avons le quorum ce soir, nous voulons simplement approuver formellement ce que nous avons discuté ce matin.

M. Howe: Je vois, merci.

Le président: En abrogeant l'alinéa 3 à la page 30.

M. Forest: Je propose qu'on fasse la modification.

La proposition est adoptée.

Le président: Revenons-en au débat concernant le vote par procuration. Monsieur Virr, avez-vous donné des exemplaires aux nouveaux membres?

Le greffier: Oui.

Le président: Très bien.

M. Duquet: Monsieur le président, au paragraphe 2 de la feuille qu'on nous a fait tenir, je note:

At any time prior to ten o'clock in the evening of the Friday immediately preceding polling day at an election, an elector or a proxy voter

After reading the first paragraph and the reasons for paragraph 2, I think we should say "the elector and the proxy voter" instead of "an elector...". If we say "an elector", it means that any elector can vote and not only the elector who received the mandate to vote. So I suggest to change the "a" into "the".

Le président: Le but du projet de modification, comme M. Hamel pourrait vous le dire, vise à permettre soit à la personne qui demande le droit de voter par procuration ou à celle qui agira en tant que mandataire...

[Texte]

Mr. Duquet: Exactly.**The Chairman:** Mr. Hamel.

M. Hamel: Monsieur le président, je pense que le point soulevé par M. Duquet, est très réel et très vrai. En fait, nous nous sommes rendu compte après, que le paragraphe (2), tel qu'il est rédigé, prête à confusion. Alors, nous en avons discuté cet après-midi avec les gens du ministère de la Justice et voici ce qu'on nous a suggéré, c'est en anglais, mais on peut en faire une traduction française qui s'en approcherait, à savoir:

At any time prior to 10 o'clock in the evening of the Friday immediately preceding polling day at an election, an elector who has appointed a proxy voter pursuant to subsection (1) or a proxy voter appointed pursuant to that subsection may apply in person.

Alors, le français pourrait se lire:

«un électeur qui a nommé un électeur mandataire en vertu du paragraphe (1) ou l'électeur mandataire nommé conformément à ce paragraphe, peut se présenter.»

Alors, je pense que ça dissiperait toute la confusion qui existe actuellement.

M. Duquet: D'accord.**The Chairman:** Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, I merely wanted to get your attention in hopes of dealing with parts of subsection (1). I did not want to comment upon this.

The Chairman: It was just a question of drafting that was raised by Mr. Duquet on subsection (2) but we are on subsection (1).

Mr. Howard (Skeena): Mr. Hamel has suggested that upon looking at it further they have come up with a proposed alternation.

The Chairman: Yes.

Mr. Howard (Skeena): An alteration to the discussion draft. I just wonder whether you want to deal with that proposed change first?

The Chairman: The proposal made by Mr. Duquet was just a question of rendering the text more precise; simply this. We are on top of the discussion in a general sense, but I think your point is very well taken Mr. Howard, that we start with proposed section 1 first and try to discuss it. Yes, Mr. Marceau.

[Interprétation]

M. Duquet: C'est ça.**Le président:** Monsieur Hamel.

Mr. Hamel: Mr. Chairman, I believe this point is a very real one. We realized afterwards that the way paragraph 2 has been drafted is rather confusing. This afternoon we discussed this with officials of the Justice Department and here is the text they proposed, in English:

en tout temps avant dix heures du soir le vendredi précédant le jour du scrutin, à une élection, un électeur qui a nommé un électeur mandataire en conformité du paragraphe (1) ou un électeur mandataire nommé en conformité dudit paragraphe, peut se présenter en personne.

This new version would eliminate any confusion that could exist.

Mr. Duquet: All right.**Le président:** Monsieur Howard.

M. Howard (Skeena): Monsieur le président, je voulais simplement attirer votre attention pour que nous étudions le paragraphe (1) et ses alinéas. Je ne voulais pas faire de commentaires sur le sujet que vous discutez.

Le président: M. Duquet posait simplement une question concernant le libellé du paragraphe (2), mais nous sommes toujours au paragraphe (1).

M. Howard (Skeena): M. Hamel nous a donné la modification après avoir étudié le paragraphe (1).

Le président: Oui.

M. Howard (Skeena): Une modification à l'avant-projet. Allons-nous discuter d'abord cette modification?

Le président: La proposition de M. Duquet visait simplement à rendre le texte plus précis. Nous discutons des articles en général. Je pense que vous avez tout à fait raison, monsieur Howard. Nous devrions d'abord étudier le paragraphe (1). Monsieur Marceau.

[Text]

M. Marceau: Monsieur Hamel, si je comprends bien, le texte, tel qu'il est rédigé, permet à quiconque désire obtenir une formule, de s'en procurer une pour le bénéfice de la personne qui veut en faire usage. Je ne vois pas tellement pourquoi nous limiterions nécessairement ce droit au mandataire. Le mandataire, pour une raison ou pour une autre, peut être absent, ne peut travailler, ne pas être en mesure d'aller chercher la formule en question alors que n'importe qui peut y aller. Ce qui est important, c'est qu'elle soit complétée par la personne qui désire s'en prévaloir et qu'elle choisisse le mandataire qu'elle désire. Je ne vois pas pourquoi nous limiterions nécessairement à l'électeur et au mandataire le choix d'aller chercher une formule. A mon avis, la formule que vous employez là est adéquate, à moins que les explications que vous pouvez me donner soient de nature à prouver que c'est une erreur, parce que le texte tel quel me semble approprié.

Le président: Monsieur Marceau, je n'ai pas voulu vous interrompre, mais je venais de demander aux membres du Comité, de s'en tenir, dans la mesure du possible, à la proposition que nous étudions en commençant par l'article 1 et peut-être que lorsque nous en serons arrivés à l'article 2, les membres du Comité pourront décider du point que vous venez de soulever. Mais pour le moment, je préférerais que nous discussions d'abord du principe général établi à l'article 1 de la proposition qui est devant nous.

Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, this is what I wanted to deal with. This section 1 part (a) which confines the opportunity to appoint a proxy voter to either a fisherman or

[Interpretation]

Mr. Marceau: Mr. Hamel, if I understand the text correctly, anybody who wants to obtain a form for the benefit of the person who wants to use it can do so. I do not see why we should limit this right to the proxy voter. He might be absent or unable to go and get the form whereas anybody could go and get it. The important thing is that it should be completed by the person who wants to use it; this person should then choose his proxy voter. I do not see why we should say that only the voter and the proxy voter can go and get the form. I am of the opinion that the present text is appropriate, unless you prove the contrary.

The Chairman: Mr. Marceau, I did not want to interrupt you, I wanted to ask the members if possible to stick to the proposal under study starting with subsection (1). When we reach Section 2, we will discuss your point. For the time being, please limit yourself to subsection (1).

Monsieur Howard.

M. Howard (Skeena): Le paragraphe (1) a) limite la nomination d'électeurs mandataires a) à un «pêcheur ou un marin ou b) à toute autre personne qui «en raison de maladie ou

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a mariner and then part (b) deals with anybody else who because of illness or physical incapacity is not able to be in attendance at the advance poll or at the regular poll on polling day. If I were to think in terms of an amending motion, although this may be too broad and too general upon looking at it closely, I would delete the words "as a fisherman or mariner" so that it would say "a person who, because of his absence from the polling division in the course of his employment" and it would be broad and all-embracing.

I would rather not do that at this time. Perhaps we can approach it by way of discussion first, if we are going to get into the proxy system of voting, which I endorse as a

de son invalidité» ne peut participer au scrutin provisoire ou ne peut se trouver au bureau de scrutin le jour de l'élection. Je pense qu'il faudrait supprimer les mots «pêcheur ou marin» et les remplacer par «une personne qui, en raison de son emploi, ne se trouve pas dans son arrondissement de votation». Cela serait plus général et engloberait un plus grand nombre de personnes.

Nous pourrions peut-être avoir une discussion à ce sujet quand nous étudierons la question du vote par procuration qui est la meilleure alternative quand les électeurs ne sont

[Texte]

substitute where we do not have a permanent voters' list and all the other protective features. This appeals to me as the next best thing perhaps.

I think it is somewhat confining, so let me relate it, if I can, to my own province with which I am familiar in terms of employment and that sort of thing, to show that there are people other than fishermen and other than mariners who, by necessity of the geographic and economic structure of the province, have to be away from their home polling station in the course of their employment.

The province generally has about one half of its population in the lower mainland surrounding Vancouver and Victoria on Vancouver Island. The other half, in general terms, is scattered throughout the rest of the province and it is a vast area by comparison.

In the logging industry, for argument's sake, on the coastal area of the province, the head offices of companies engaged in the logging industry on the coast are in Vancouver. A great deal of the employment is generated out of Vancouver, the hiring agencies of the companies, the individual hiring agencies of the Department of Manpower and so on all operate out of Vancouver and loggers are sent from there to the various logging camps up and down the coast. They might be in any one, just roughly guessing at it, of four or five different constituencies where, in fact, they live in Vancouver or in the environs around that. This group of people, these loggers, would not be able to participate in the facilities offered here.

A fisherman will find himself in precisely the same situation. He is not sent by an employment agency but he follows the various openings of the fishing season. As a consequence, he is many miles from home, too, and could take advantage of this.

Miners, to a lesser degree, find themselves in the same position. Construction workers where there are large projects, such as the Peace River Dam and so on, that are all over the province, move out of the lower mainland, out of Vancouver, out of the areas where the head offices of the construction companies are. They are in the same boat and prospectors operating out of smaller communities. The list could be added to for every vocation and every profession and I would very much like to see if we are going to do it. I would like us to take cognizance of the fact that there are other workmen who are in the same position almost as fishermen and mariners because their employment by necessity takes them away from their home community, their home polling division.

[Interprétation]

pas présents et quand on prend les mesures de protection voulues.

Ces deux paragraphes sont un peu limitatifs et j'aimerais vous le prouver dans le cas de ma province, si vous voulez bien, où il y a des gens autres que les pêcheurs et les marins qui, en raison de leur travail et pour des raisons économiques et géographiques, se trouvent loin du bureau de votation le jour de l'élection.

La province a la moitié de sa population sur le continent au sud de Vancouver et à Victoria sur l'île de Vancouver. L'autre moitié est éparpillée dans le reste de la province qui est une zone très vaste par comparaison. Dans l'industrie du bois sur la côte, les sièges sociaux des sociétés se trouvent à Vancouver. Une bonne partie du travail se fait en dehors de Vancouver, les bureaux d'embauche des compagnies et les services du ministère de la Main-d'œuvre fonctionnent hors de Vancouver et la main-d'œuvre est envoyée dans les différents camps de bûcherons tout le long de la Côte. D'autres personnes peuvent vivre à Vancouver tout en travaillant dans cinq ou six circonscriptions différentes, tandis que ces travailleurs de l'industrie du bois ne peuvent pas profiter des mêmes facilités.

Un pêcheur se trouve exactement dans la même situation, même s'il n'est pas embauché par une agence: mais il quitte son domicile pour aller pêcher. Lui aussi est à des milles de chez lui et devrait pouvoir bénéficier du système de vote par procuration.

Les mineurs dans une moindre mesure se trouvent dans la même situation. Les travailleurs du bâtiment qui participent aux grands travaux, comme le Barrage de la Rivière de la Paix, et ailleurs, sont loin de chez eux, de Vancouver, de la zone où se trouve le siège social de leur société. Il en va de même des prospecteurs. La liste pourrait s'allonger pour tous les endroits et toutes les professions. Nous devons, à mon avis, tenir compte du fait qu'il y a d'autres travailleurs qui se trouvent à peu près dans la même situation que les pêcheurs et les marins et qui, en raison de leur emploi, doivent s'éloigner de leur domicile et de leur arrondissement de votation.

[Text]

As I say, if I were to suggest a motion, it would simply extract fishermen and mariners and leave it wide open; however, perhaps that is too broad. Other members may think it should be confining and that we should enumerate the types as we used to do with advanced polling at one time, but we expanded that to include everybody. I would like to hear some views on this, Mr. Chairman, I think it is valid and worthwhile.

The Chairman: The purpose of the discussion is precisely to have as much consensus of the members to whom this system should apply as possible. We must bear in mind that it is what we could say in French, les lois d'exception, since we have rejected the permanent list. I would like to hear Mr. Forrestall, who has indicated his intention to speak to it. Mr. Forrestall.

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Mr. Forrestall: If I can, Mr. Chairman, I want to leave a very clear impression in the minds of all of my colleagues that I support Mr. Howard's general principle. In qualification of that, I want to say that I do so because it has been my experience—and I do not speak lightly—of some relationship to the Elections Act and people who must vote.

I want to say it is my impression that as electors, whether we are dealing with a provincial act or federal act, we have a responsibility to make available to every voter an opportunity to vote in a legal way that is protected to the best of our ability so that individual can exercise his franchise. Having said that, I simply qualify my support of Mr. Howard's position by saying that rather than open it up wide to everybody who simply believes for one reason or another that he will be away from the polling district or the constituency on voting day, thereby making himself eligible, that we enumerate the positions or categories of individuals who could be covered.

In that context may I, for the benefit of the other members, just read Section 93, which deals with the issuance of a proxy paper, as set forth in the Nova Scotia Act. I do so with some respect and I suggest, Mr. Chairman, that the reiteration of it is important because I know the many, many hours of concentrated thought that went into the Nova Scotia listing. It is at page 56 of their Act, under Section 93. It reads:

[Interpretation]

Comme je l'ai dit, si je proposais une modification, ce serait de supprimer «pêcheur ou marin» et de ne rien y substituer. Peut-être cette motion est-elle un peu trop générale et peut-être certains députés sont-ils d'avis qu'il faudrait énumérer les professions, comme nous l'avons fait dans le temps pour les bureaux de votation provisoires, où tout le monde peut maintenant voter. J'aimerais qu'on discute cette question importante, monsieur le président.

Le président: En fait, nous discutons de cela pour que les membres, dans la circonscription desquels se système s'appliquerait, soient d'accord. Il ne faut pas oublier qu'il s'agit d'une loi d'exception, comme nous avons rejeté la liste permanente. J'aimerais savoir ce que M. Forrestall a à dire à ce sujet.

M. Forrestall: Monsieur le président, j'aimerais que tous mes collègues se rendent bien compte que j'appuie le principe général exposé par M. Howard. Je voudrais préciser en outre que je ne parle pas à la légère, que je suis assez au courant de l'application de la Loi électorale.

Je dois dire que, à mon avis, qu'il s'agisse d'une loi provinciale ou fédérale, il nous incombe d'offrir à tous les électeurs la possibilité de voter de façon légale et de protéger de la meilleure façon leur droit de vote. Ceci dit, j'appuie M. Howard en précisant qu'au lieu de permettre à tous ceux qui croient que, pour une raison ou pour une autre, ils se trouveront loin de l'arrondissement de votation ou de la circonscription le jour des élections, nous devrions énumérer les métiers ou les professions et les catégories de personnes qui pourraient nommer un électeur mandataire.

Dans ce contexte, je voudrais vous lire l'article 93 qui se rapporte à l'émission d'une formule de procuration de la loi électorale de la Nouvelle-Écosse. Je fais cela en toute déférence, monsieur le président, et je crois qu'il est important d'insister tant là-dessus, car je sais avec combien de minutie la loi de la Nouvelle-Écosse a été rédigée. Il s'agit de l'article 93 de la Loi, à la page 56.

[Texte]

ISSUE OF PROXY PAPER

93 Who may vote by proxy

Subject to Section 94, an elector may vote by a proxy voter if he is

(a) a fisherman or mariner serving in any capacity on a ship, licensed or registered in Canada or the British Commonwealth; or

(b) A patient in a hospital, having ten or more beds;

I might just qualify that by saying it is a regulatory factor having to do with hospitals that are recognized in the Province of Nova Scotia and it has some bearing right across the country.

I continue to quote:

(c) serving on full time service with the Naval, Army or Air Forces of Canada;

Mr. Chairman, if I might again interject...

The Chairman: Yes.

Mr. Forrestall: ...the comment of Mr. Howard earlier today and one which, if I might humbly suggest, is there at my behest.

(d) an unmarried full time student at an educational institution;

I might just suggest here that my interpretation of Mr. Hamel's additional paper, which I hope we can consider in conjunction with the basic document we have in front of us, to my satisfaction covers the provision in the Act. My only suggestion in this connection is that perhaps it could be included as an extension of Section 45A(1) by way of saying either (a), (b) or (c). Perhaps it should come as another qualification to subsection (a) of 45A of the working paper we have in front of us.

I again quote from Section 93 of the Nova Scotia Act:

(e) a patient in a nursing home licensed under the Nursing Homes Act.

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I suggest that this third category is not clearly covered under (b) in the document in front of us. Also I suggest these two glaring additions because in consideration of the provincial act, it was found that "a patient in a nursing home" included people for which there was no definition of illness or physical incapacity.

There might have been, for example, some question of mental capacity coupled with age,

[Interprétation]

ÉMISSION DE LA FORMULE DE PROCURATION

93. Qui peut voter par procuration en vertu de l'article 94,
un électeur peut voter par procuration s'il est

a) marin ou pêcheur remplissant toute fonction sur un bateau enregistré au Canada ou au Commonwealth britannique,

b) un patient hospitalisé dans un hôpital de plus de 10 lits,

Je dois spécifier que c'est un règlement pour les hôpitaux reconnus en Nouvelle-Écosse et qui a quelque influence dans le reste du pays, je cite toujours.

c) un militaire servant dans la marine, l'armée ou l'aviation canadienne.

Monsieur le président, si je peux vous interrompre...

Le président: Oui.

M. Forrestall: Quant au paragraphe d), dont M. Howard a parlé auparavant, il a été introduit sur ma proposition:

suivant les cours à plein temps dans une maison d'enseignement.

A mon avis, le document supplémentaire que M. Hamel nous a remis et qui, je l'espère, pourra être étudié en même temps que le projet de modification que nous avons sous les yeux, prévoit de telles dispositions dans la Loi. Tout ce que j'ai à ajouter à ce sujet, c'est qu'on pourrait peut-être inclure ces dispositions sous forme de paragraphe à l'article 45A du texte provisoire qui nous est soumis.

Je cite à nouveau, l'article 93 de la Loi de la Nouvelle-Écosse

e) un patient se trouvant dans une maison de repos agréée, conformément à la Loi de la Nouvelle-Écosse.

Je pense que cette troisième catégorie n'est pas définie clairement dans l'alinéa b) de l'avant-projet. Je pense que ces deux additions sont nécessaires, car, lors de la rédaction de la loi provinciale, il a été constaté que les personnes qui séjournent dans les maisons de repos ne sont pas toutes malades et ne souffrent pas toutes d'invalidité physique.

Il peut s'agir de vieillards souffrant de maladies mentales, ce qui est plus grave.

[Text]

and I think this is most serious. Perhaps what I am trying to say is that in many instances older people in Canada, such as our parents, have chosen of their own volition to go into nursing homes rather than be a burden on we younger Canadians who are attempting to raise our families. They have voluntarily decided to enter into a community which in essence and in law is not really a nursing home, a hospital or an institution but which in practical effect is. I suggest this because by and large it has been my experience—and I am sure other members of the Committee have found this—that these individuals are quite capable of rational decision, quite physically capable of communicating to an individual their desire to vote and are able to identify the party or candidate for whom they wish to vote and yet, on the other hand, they are not quite capable of going out, getting in a car or walking some distance to a poll. This is not covered in the provisions of the Act and I am not suggesting that we should extend it to cover this type of institution. I am suggesting that by and large these people are quite capable of rational thought and decision but they are physically incapable of exercising their vote and they could use such a thing as the franchise.

Mr. Chairman, those are just three very short and very basic points which I would like to add in support of the comment made by Mr. Howard. I am not certain that I would go as far as he would like to go or would like to see it go. If I understood him correctly, it would include anybody who in essence believes that they are not or will not be able to attend the poll in their constituency—not necessarily in their poll but in their constituency—on the normal or advanced voting day.

I would suggest to the other members in order to safeguard those people who are already there that we go a bit further than is spelled out in Section 45A. (1), subparagraph (a), where it simply states "fisherman or mariner" and in subparagraph (b), where it simply states "his illness or physical incapacity". I would simply suggest, in order to overcome what we found to be the limitation of that as a general definition in Nova Scotia, a clearer definition of the people who first of all are in the type of institution that is not generally covered in the Act, that is to say, the so-called nursing home. I hope I have made myself clear. I think this is a shortcoming in the Act.

Second, the inclusion under Section 45A. of the qualification of the student. I agree with this and I believe Mr. Hamel's suggestion

[Interpretation]

Tout ce que je voulais dire, c'est que, dans de nombreux cas, les personnes âgées, les parents, ont choisi volontairement de se rendre dans une maison de repos, au lieu d'être à la charge des jeunes Canadiens, qui doivent élever leur famille. Ils ont décidé volontairement de s'intégrer à une collectivité qui n'est pas juridiquement parlant un hôpital bien qu'en fait, elle le soit. Je suis sûr que les autres membres du Comité sont d'accord avec moi, pour dire que ces personnes jouissent de leurs facultés pour être en mesure de décider pour qui elles désirent voter, bien qu'elles ne soient pas toujours capables de se rendre jusqu'au bureau de scrutin. La Loi ne prévoit pas ce cas particulier et je ne fais pas une proposition à ce sujet. Je veux dire que ces gens, qui sont capables de prendre des décisions raisonnables mais incapables, physiquement, d'exercer leur droit de vote, devraient pouvoir l'exercer.

Voilà, monsieur le président, trois points que je voulais soulever pour appuyer M. Howard. Je ne sais si je voudrais aller aussi loin que lui. Si je l'ai bien compris, il voudrait inclure toute personne qui croit ne pas être capable de se rendre dans son arrondissement de votation, ou plutôt sa circonscription le jour du scrutin ou celui du scrutin provisoire.

Je recommande qu'on aille plus loin que ne le prévoit l'article 45A (1) a) «pêcheur ou marin» et 45A (1) b) «sa maladie ou son invalidité». En vue de préciser plus, comme le gouvernement de la Nouvelle-Écosse l'a fait, quelles catégories de personnes résidant dans des instituts qui ne sont pas inclus dans la Loi, comme les maisons de repos, par exemple. Il faudrait les y inclure.

Deuxièmement, je recommande qu'on prévoie à l'article 45A une disposition concernant les étudiants; je suis d'accord avec les sugges-

[Texte]

meets my requirements and those of my party.

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I suppose, third, I would really like to say not to broaden it further and also to say to Mr. Howard that perhaps with these—and one or two others that I can think of immediately but I will wait until I hear what other members have to say—it will offset the tendency to go to the point of including everybody who, for one reason or another, believes they will be absent from their constituency on the normal voting day.

Mr. Howard (Skeena): In order to clarify what I intended to say and before someone else mentions it—because Mr. Forrestall and I are a bit at variance here—it is my suggestion that a person should be permitted to apply for a proxy certificate and appoint a proxy if he is absent from his polling division in the course of his employment and if it is his employment that necessitates his absence, not just that he happens to think he is going to be away. That is the point I was making.

The Chairman: Would you...

Mr. Forrestall: I am sorry, Mr. Chairman, but my point was that you never know about this sufficiently in advance. You may have reason to believe and if you leave it at the point of "reason to believe" then I think you bring up—and I respectfully suggest this, Mr. Hamel—the very situation that you are trying to avoid, that is to say, the freedom to make an irrelevant, if you will, decision about where you think you might happen to be in a month's time or five weeks' time. I respectfully suggest that it is too easy for someone who is used to moving to simply say five or six weeks in advance, "There is a possibility that I will be away, so I will opt to vote under another procedure". If you leave it that wide open, then I do not have to suggest to Mr. Hamel, and I am sure not to Mr. Howard, the dangers that are inherent in such a thing and we must guard against this.

The Chairman: I would like to read to the members who were not present at the time we passed the amendment to subsection (11) of Section 16 of the Act what it says because in my view it covers some of the people that were mentioned by Mr. Howard. As amended the Act now reads as follows:

"(11) A person shall be deemed to be ordinary resident, on the enumeration date for an election, in a polling division in which he is temporarily residing while temporarily employed in the pursuit of

[Interprétation]

tions de M. Hamel qui sont les mêmes que celles de mon parti.

Troisièmement, je voudrais dire que je suis d'accord avec M. Howard sur ces questions; mais je vais attendre de voir quelle est l'opinion des autres membres du Comité. Nous ne voulons quand même pas renverser la vapeur au point d'inclure toute personne qui, pour une raison ou pour une autre, serait absente de sa circonscription le jour du scrutin.

M. Howard (Skeena): Je voudrais préciser ma position avant qu'on interprète mal mes paroles; en effet, M. Forrestall et moi-même ne sommes pas tout à fait du même avis. Je prétends qu'une personne a le droit de demander un certificat de vote par procuration et de nommer un électeur mandataire si elle est absente de son arrondissement de votation dans le cadre de son emploi et pas seulement si elle croit ne pas être présente. Voilà ce que je voulais proposer.

Le président: Voudriez-vous...

M. Forrestall: Je m'excuse, monsieur le président. En fait, on ne sait jamais suffisamment d'avance ces détails. Si vous laissez tant de latitude, je crois que vous allez créer plus de problèmes que vous n'allez en régler, avec tout le respect que je vous dois, monsieur Hamel. L'électeur devra parfois prendre des décisions quant à savoir où il sera dans un mois ou dans cinq semaines. Je crois que toute personne qui voyage habituellement, puisse dire: «Il est possible que je sois à l'étranger. Je choisis de voter conformément à une autre procédure.» Elle pourra alors demander un certificat de vote par procuration. M. Hamel et M. Howard savent qu'une telle latitude ouvre la porte aux abus. C'est une chose que nous devons éviter.

Le président: J'aimerais lire aux membres du Comité qui n'étaient pas présents au moment où nous l'avons adoptée, la modification à l'article 16 (11) de la Loi. Elle vise certaines personnes mentionnées par M. Howard. La loi modifiée se lit comme suit:

(11) Sauf les dispositions du paragraphe (13), une personne est censée résider ordinairement, à la date de l'énumération pour une élection générale, dans un arrondissement de votation où elle réside

[Text]

his ordinary gainful occupation and is entitled to have his name included in the list of electors prepared for that polling division and is qualified to vote therein at the election, if he

(a) is otherwise qualified as an elector;

(b) has been in continuous residence therein for at least thirty days immediately preceding the enumeration date; and

(c) is on polling day still temporarily residing therein while temporarily employed in the pursuit of his ordinary gainful occupation."

The members of the Committee believed at the time that this covered most of the people in the construction business who were absent from their ordinary residence and it also perhaps covered some of the people in the logging business that Mr. Howard mentioned earlier. I just want to raise this point and direct the attention of the members to this particular amendment.

Mr. Forrestall: If I may interject, this of course is exactly the point to which I was referring, and the provision for other types of people who have reason to believe they will be absent has already been dealt with elsewhere in the Act. My objection to what I understood Mr. Howard's position to be was that I thought it should be broadened to the point where there might be reason to believe and ready access for use, if somebody wants...

The Chairman: I do not want to interpret what Mr. Howard said, but I think he repeated that he was referring to those people who were absent at the time of election because of their employment. Mr. Forest.

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Mr. Forest: Mr. Chairman, I am very much in favour of extending the franchise to as many people as possible. However, we are confronted here by a very special case. He does not go and vote himself, it is a matter of proxy voting. That means we are giving somebody two votes. There is nothing in there that says the proxy will vote in the way he has been instructed by the elector who cannot vote. As well as what you have said...

Mr. Forrestall: You may be doing it through your wife.

[Interpretation]

temporairement pendant qu'elle est provisoirement employée à la poursuite de son occupation rémunérée ordinaire et elle a droit à l'inscription de son nom sur la liste électorale dressée pour cet arrondissement de votation et est habile à y voter à l'élection générale

a) si elle possède par ailleurs les qualités requises d'un électeur;

b) si elle y a résidé de façon continue pendant au moins trente jours précédant immédiatement la date de l'énumération; et

c) si, le jour du scrutin, elle y réside encore temporairement pendant qu'elle est provisoirement employée à la poursuite de son occupation rémunérée ordinaire.

Voilà qui, d'après les membres du Comité, englobe les travailleurs de la construction ou les travailleurs du bois que M. Howard mentionnait. Je voulais attirer l'attention des membres du Comité sur cette modification.

M. Forrestall: Voilà le point auquel je faisais allusion. La loi contient déjà des dispositions pour les personnes qui peuvent être absentes le jour du scrutin. Mon objection à ce que je crois être la position de M. Howard, c'est d'élargir la Loi au point où il pourrait se produire des abus.

Le président: Sans vouloir interpréter les paroles de M. Howard, je crois, qu'il ne parlait que du cas des personnes qui doivent s'absenter en raison de leur occupation le jour des élections, monsieur Forest.

M. Forest: Je voudrais que le plus grand nombre de personnes puissent voter. Cependant nous avons, ici, un cas spécial. Il s'agit d'un vote par procuration, une seule personne aura donc deux voix. Rien n'assure que l'électeur mandataire votera de la façon dont l'électeur lui a dit de voter. En plus...

M. Forrestall: Vous pouvez demander à votre femme d'être votre électeur mandataire.

[Texte]

Mr. Forest: Even in that case I would not be sure, but as well as what you have said about residence at the time of the election, we have extended the privilege of the advance poll to more people than previously and it now covers people who are sick and people who only think they are going to be away. The advance poll takes place eight or nine days before the ordinary polling day, so a lot of people who thought they would be away—perhaps they are travelling salesmen—in that period of ten days may be there during one or other of the weekends. I understand that fishermen or mariners sometimes have to be away for a month at a time or longer and there are people who are sick and cannot get out; it is all right if they are given the privilege of proxy voting. As you said, Mr. Chairman, I think we are creating an exception and although we may think of other classes or categories, I would be very worried if it were extended much more than it is at present.

An hon. Member: Hear, hear.

The Chairman: Mr. Lefebvre.

Mr. Badanai: I agree with what Mr. Chairman said.

Mr. Richard: Mr. Chairman, I think you explained it very well. The amendment that you make in Section 16, subsection 11 allows all these people, the loggers the miners and others, to vote in the riding in which they happen to be located when enumeration starts.

Mr. Lefebvre: The enumeration stage.

Mr. Howard (Skeena): Plus 30 days.

The Chairman: Plus 30 days before enumeration starts.

Mr. Duquet: Plus the advance poll facilities which should be very much extended.

Mr. Lefebvre: What do you mean, plus 30 days?

The Chairman: I will read it again:

(b) has been in continuous residence therein for at least thirty days immediately preceding the enumeration date;

Thirty days immediately preceding the enumeration date. This is one of the qualifications required.

Mr. Lefebvre: Resident of a constituency.

[Interprétation]

M. Forest: Je ne serais quand même pas sûr. En plus du cas de la résidence, au moment de l'élection, que vous avez mentionné, nous avons permis à beaucoup plus de personnes de participer au scrutin provisoire, ...notamment les personnes malades et celles qui pensent devoir s'absenter le jour du scrutin. Comme le scrutin provisoire a lieu huit à dix jours avant le jour de l'élection, beaucoup de personnes qui pensaient être absentes pour une dizaine de jours, comme c'est le cas pour les représentants de commerce, seront probablement à leur résidence pendant l'une ou l'autre fin de semaine. Je comprends que les pêcheurs, les marins, qui s'absentent du foyer parfois pendant des mois ou encore les personnes malades doivent pouvoir voter par procuration. Cependant, il s'agit ici d'une exception et, bien que nous puissions songer à d'autres catégories de personnes, je serais inquiet de voir le vote par procuration accessible à beaucoup plus de personnes.

Une voix: Bravo! Bravo!

Le président: Monsieur Lefebvre.

M. Badanai: Je suis d'accord avec ce qu'a dit M. le président.

M. Richard: Monsieur le président, à mon avis—vous avez très bien expliqué la question. La modification contenue dans le paragraphe (11) de l'article 16 de la Loi permet à ces personnes, les bûcherons, les mineurs et autres de voter dans la circonscription où ils se trouvent au début de l'énumération.

M. Lefebvre: Lors de l'énumération.

M. Howard (Skeena): Plus de trente jours.

Le président: Plus de trente jours avant le début de l'énumération.

M. Duquet: En plus des bureaux provisoires de votation qu'on devrait multiplier.

M. Lefebvre: Que voulez-vous dire par depuis trente jours?

Le président: Je vais vous lire à nouveau le paragraphe de l'article 16 de la Loi:

b) si elle y a résidé de façon continue pendant au moins trente jours qui ont précédé immédiatement la date de l'énumération.

Pendant trente jours précédant immédiatement la date de l'énumération. Voilà une des exigences.

M. Lefebvre: Une personne qui réside dans une circonscription.

[Text]

The Chairman: If some people are employed, let us say, in the construction business some place, which is in temporary business, they would be entitled to be registered as electors there, if they have been working there 30 days at least before the date enumeration starts.

Mr. Lefebvre: And if they are there 29 days only, they have to go back home to vote.

The Chairman: If they were there only 29 days before enumeration starts, yes; they would be entitled to vote only at home, at their ordinary place of residence.

Mr. Lefebvre: That is something new.

The Chairman: Yes.

Mr. Howard (Skeena): Certainly, the section that you have just referred to is of assistance, there is no question about that, over the rules that prevail at the moment.

The Chairman: Yes.

Mr. Howard (Skeena): Because of my involvement in the logging industry, for argument's sake, and what happens particularly on the coastal area and in the interior of the province as well, although at a different time of the year because there are different climatic factors involved, if a person who is a logger and follows the logging industry, very, very easily because of the mobility in the logging industry, because of the fact on the coast there is a tendency to close the logging industry in the winter, reopen up gradually as spring comes along, and in the interior to close it in the spring because of the spring break-up and reopen it again as the end of spring comes along, many loggers will find they just will not be able to fit within the 80 days; it is just the practicalities of the geography and the climate that prevent this.

In construction it is a bit more stable in that sense. With winter working methods and the like, fellows following the construction industry, large projects particularly tend to operate on a year-round basis. The only factor that militates against the person exercising his right under the, I forget the section number, but the Section you just read, Mr. Chairman, is his own desirability...

The Chairman: Section 16, subsection 11.

[Interpretation]

Le président: Si des ouvriers de la construction résident temporairement à un endroit où ils travaillent provisoirement, ils auraient le droit d'être inscrits sur la liste électorale pour cet arrondissement, s'ils travaillaient pendant au moins les trente jours précédant la date de l'énumération.

M. Lefebvre: S'ils ne sont à cet endroit que depuis vingt-neuf jours, ils doivent retourner chez eux pour voter.

Le président: C'est exact, ils ne se trouvaient à cet endroit que depuis 29 jours avant le début de l'énumération; ils n'auraient droit de voter que dans l'arrondissement où se trouve leur lieu de résidence habituel.

M. Lefebvre: C'est quelque chose de nouveau.

Le président: Oui.

M. Howard (Skeena): L'article que vous venez de mentionner supplée évidemment aux règles en vigueur à l'heure actuelle.

Le président: Oui.

M. Howard (Skeena): A cause de mon intérêt à l'industrie du bois et de la situation qui se présente particulièrement près des côtes et même à l'intérieur de la province, même si cela se produit à différentes époques de l'année à cause des divers climats, si une personne est un bûcheron et travaille très facilement dans tous les camps par suite de la mobilité de l'industrie du bois et à cause du fait que sur les côtes, on ferme les chantiers au cours de l'hiver pour les ouvrir au fur et à mesure que le printemps approche, tandis que dans les régions du centre, on les ferme au printemps et on les ouvre au fur et à mesure que le printemps achève, bien des bûcherons croient qu'ils ne pourront pas satisfaire au délai de 80 jours exigé, car la situation géographique et le climat les en empêchent.

La situation des ouvriers de la construction est peu plus stable. A cause des méthodes de travail particulières pour l'hiver, les ouvriers qui travaillent au sein de projets considérables peuvent être engagés pour toute l'année. Le seul facteur au détriment de la personne qui veut exercer son droit en vertu de l'article que vous venez de mentionner, monsieur le président, je ne me souviens plus du numéro de l'article, est son propre désir...

Le président: Paragraphe (11) de l'article 16.

[Texte]

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Mr. Howard (Skeena): ...to move around. He may quit or get fired and, as a consequence, again move into the lower mainland area, seek other employment, hire out to some other area and find that the 80-day period is not sufficiently large to assist him.

I put in a special bid for prospectors, outfitters and diamond drill crews on mines, many of whom in the northern reaches of the province work in the summertime, after the snow declines and spring has come along, work where there are no polling divisions established for them. We have diamond drill crews on top of a mountain where there are a half dozen people and just no polling division, no returning officer established. In fact, with a June election, the machinery for the election is all set up even before the crews move out. They will find themselves disadvantaged in that situation. I think there is an area to enumerate other classes of employment in this Section.

The use of the word "fisherman" or the classification of a fisherman is involved here. There are people who work in the fishing industry and, because of the nature of industry, have to leave their place of residence and go to some other area in order to work, who are not fishermen, but who are what we call shore workers. They work in the canneries, as cannery workers. Would you encompass those within the term "fishermen"? I think you would have great argument in a legal sense in saying that they were in fact "fishermen".

Here is a group of workers connected with the fishing industry, who are not in fact "fishermen" but because of the nature of the industry have to move. I think there is area to enumerate those occupations.

I wonder whether instead of trying to resolve it here, in terms of conversation, because I am sure there is no disagreement about the desirability at any time of extending the opportunity and the right to vote to people who now do not have that chance to vote because of the peculiarities of the law, we might not, Mr. Chairman, stand this item and see, within the steering committee, in consultation with Mr. Hamel, if we might be able to work out a set of definitions of types of work, classifications of jobs, that might fall within this, and make it a bit easier.

You will appreciate I am only talking about the knowledge I have of British Columbia. This, in no way, is disrespectful to Ontario, the East Coast, or any other place where other factors peculiar to the area may come

[Interprétation]

M. Howard (Skeena): ...de se déplacer. Il peut démissionner ou être congédié, chercher un autre emploi et travailler dans une autre région, et se rendre compte que le délai de 80 jours ne lui suffit pas.

Je veux également parler du cas des prospecteurs, des fournisseurs d'articles d'habillement et des équipes de foreurs dans les mines, qui travaillent dans les régions du nord de la province au début du printemps et qui n'ont pas d'arrondissement de votation. Il y a des équipes de foreurs d'environ 6 personnes qui ne disposent pas d'arrondissement, ni d'officier rapporteur. De fait, lorsqu'il y a une élection au mois de juin, tout est prêt même avant que les équipes cessent de travailler. Ces personnes se trouvaient désavantagées. Je crois qu'il y a un paragraphe de cet article qui énumère d'autres catégories d'emploi.

Je pense à l'utilisation du mot «pêcheur» ou à la classification d'un pêcheur. Il y a des gens qui travaillent dans l'industrie de la pêche et à cause de la nature de cette industrie, doivent quitter leur endroit de résidence pour se rendre dans d'autres régions pour travailler et elles ne sont pas des pêcheurs mais ce qu'on appelle des travailleurs côtiers. Ils travaillent dans des conserveries. Pourrait-on les inclure dans la définition de «pêcheur»? A mon avis, vous auriez de la difficulté à les faire passer pour des «pêcheurs» du point de vue légal.

Voilà un groupe de travailleurs au sein de l'industrie de la pêche qui ne sont pas vraiment des «pêcheurs» mais qui, à cause de la nature de cette industrie, doivent se déplacer. A mon avis, il existe une section consacrée à l'énumération de ces emplois. Je me demande si au lieu de vouloir résoudre ces questions ici, dans le cadre de nos entretiens, car je suis sûr que nous voudrions tous donner l'occasion de voter et le droit de vote à des personnes qui n'ont pas actuellement la possibilité de voter à cause des positions spéciales de la loi. Ne pourrions-nous pas, monsieur le président, réserver cette question et voir si, au sein du comité de direction et après consultation auprès de M. Hamel on ne pourrait pas mettre au point un ensemble de définitions des différentes catégories ou genres d'emplois qui pourraient relever de cet article et faciliter ainsi les choses.

Je ne connais que le cas de la Colombie-Britannique. Je ne dédaigne pas la situation en Ontario ou sur la côte de l'Atlantique où d'autres facteurs particuliers peuvent entrer en ligne de compte. A mon avis, il est assez

[Text]

into play. It is sufficiently valuable, I think, to look at it and try to enumerate it. I am not married to the idea of broadening it to include everybody; I use that as a broad generality to get the ideas flowing and see whether or not there was agreement or disagreement.

The Chairman: Mr. Marceau.

M. Marceau: Monsieur le président, en principe, je crois qu'il faut essayer de donner à un plus grand nombre possible de personnes le droit d'exprimer leur vote. Mais, un argument m'impressionne d'une façon spéciale, c'est le fait que ce n'est pas celui qui a le droit de vote qui va l'exercer, mais bien une autre personne. Évidemment, puisque nous n'avons pas de garantie définitive que l'électeur mandataire va voter selon les directives de l'électeur, il faut être extrêmement prudent.

Quant à moi, je suis satisfait du texte qui permettrait seulement aux personnes malades ou invalides de voter par procuration. Je trouve que l'alinéa a) donne un privilège aux pêcheurs et aux marins. Je pense que c'est une disposition qui relève plutôt du gouvernement provincial et qui donne des droits à des gens qui sont en plus grand nombre dans une province que dans d'autres. Comme le disait M. Howard, celui qui, dans l'exercice de ses fonctions, doit s'absenter a autant le droit que le pêcheur ou le marin d'exercer son vote par procuration. En un mot, je suis, en principe, en faveur du vote par procuration, mais uniquement pour les personnes malades ou invalides.

Le président: Monsieur Duquet.

M. Duquet: Monsieur le président, j'aimerais avoir des précisions sur une autre question. Malgré toute la souplesse que nous voulons donner à la loi, malgré toutes les dispositions que nous voulons prendre pour avoir le plus grand nombre possible de votants, à moins que la personne ne soit près de son arrondissement de votation, pour ce qui est des pêcheurs ou des marins, je me demande comment elle pourra demander à un autre électeur de voter à sa place.

Prenons l'exemple d'un pêcheur qui part au mois de mai. À la fin du même mois, un bref d'élection est émis et l'énumération a lieu. Si cette personne est absente de mai à juillet, par exemple, comment pourra-t-elle demander à une autre personne de voter à sa place?

Dans ce cas, ce serait la même situation que présentement et, malheureusement, cette personne serait privée de son droit de vote. Comme je le disais au début, c'est impossible à moins que cette personne soit sur les lieux

[Interpretation]

valable d'étudier le problème et d'essayer de trouver des solutions. Je n'approuve pas l'idée d'inclure toutes les sortes d'emplois, mais il s'agit d'une idée générale que j'ai énoncée afin de connaître les opinions des autres et de voir s'il y avait accord ou désaccord.

Le président: Monsieur Marceau.

Mr. Marceau: Mr. Chairman, I think that in principle we should give to the greatest number of persons the right to vote, but there is an argument that impresses me particularly, the fact that it is not the person who has the right to vote who will do it, but another person. Since we do not have any guarantee that the proper voter will vote according to the wish of the elector, we must be very careful. As for me, I am satisfied with the section that would allow only the sick or invalid persons to vote by proxy. I think that paragraph (a) gives a privilege to fishermen and mariners. I think that this thing comes under the jurisdiction of the provinces and it gives rights to persons who are in greater number in one province than in another. As Mr. Howard said, a person who, because of his occupation is constantly on the move has the same right as the fisherman or the mariner to vote by proxy. In brief, I agree, in principle with the proxy voting, but only for the sick or invalid persons.

The Chairman: Mr. Duquet.

Mr. Duquet: Mr. Chairman I would like to have some details on another question. If we want the Act to have as large a scope as possible, and in spite of the fact that we want to have as many voters as possible, unless a man is near his polling division, in the case of fishermen and mariners, I wonder how he could ask another elector to vote for him.

If a fisherman leaves in May, and at the end of the month, a writ is issued and the enumeration takes place, if this man is absent from May to July for example, how will he be able to ask another person to vote for him.

In such a case he would be in the same situation as it exists actually and he would not be able to vote. As I was saying at the beginning it is impossible unless this person is on the spot when the enumeration takes place

[Texte]

au moment de l'énumération ou de l'émission du bref d'élection pour désigner un électeur mandataire. Je pense que nous allons aussi loin que possible avec ces amendements. Le paragraphe a) peut être utile dans le cas d'un pêcheur ou d'un marin, en autant que ce même pêcheur ou ce même marin sera sur les lieux pour désigner un mandataire. Autrement, je ne vois pas de quelle façon nous simplifions la loi. Nous essayons, depuis plusieurs séances, d'élargir les cadres de la Loi pour permettre au plus grand nombre possible de voter; et si je parle des marins ou des pêcheurs, je pense que la même chose pourrait se produire dans le cas souligné par M. Howard.

Un type qui est à 50 ou 60 milles dans le bois et qui ne peut pas venir voter, comment pourrait-il venir désigner un mandataire? Qu'on m'explique de quelle façon cette personne pourrait procéder pour désigner un mandataire? Je crois que cela devient physiquement impossible. Je pense qu'il faut donner toute la latitude possible, mais si nous essayons d'offrir trop de cas d'exceptions, bien, nous allons nous heurter à des difficultés énormes que nous ne pourrions pas surmonter. Nous avons discuté assez longuement de ces articles et de ces amendements que M. Hamel a rédigé en vue de l'élargissement de la Loi. A mon avis, elle doit être acceptée comme telle parce qu'il nous est difficile d'aller plus loin.

The Chairman: Mr. Forrestall.

Mr. Forrestall: Mr. Chairman, it may be a bit premature, but I have an amendment to move. If you would care to go on with the discussion I will wait and move it later. It has to do with the addition of two principles. I think Mr. Howard will have another one to move which I think might satisfy, without addressing myself to the comments that you made, because quite frankly, I have spent many, many hours searching these questions myself. Might I ask whether you would entertain a motion now or would you prefer to extend the discussion a bit longer?

The Chairman: Well, the only thing is to secure the views of the members. If you put a motion to indicate many classes of people that could use this proxy system, then maybe some members would favour part of your motion, or part of your list.

Mr. Forrestall: Perhaps I might make a motion that Mr. Howard might care to amend. I am not quite prepared to go as far

[Interprétation]

or when the election is called and can find himself a proxy voter. I think we are going as far as we can with the amendments proposed. I think that subsection (a) could be useful in the case of a mariner or fisherman, as long as these persons will be on the spot to name a proxy voter. Otherwise, I do not see how we can simplify the legislation. We are trying to give a broader scope to the Act in order to allow as many persons as we can the capacity of voting and with respect to mariners and fishermen, I think that the same situation applies to the cases mentioned by Mr. Howard.

A person which is a logger and works 50 or 60 miles away in the woods, and unable to come to vote, how will he name a proxy voter? Explain to me how he will be able to do it? I think it is physically impossible. I think we should provide the widest latitude possible, but if we try to take into account too many exceptions we will create great difficulties that we will not be able to overcome. We have discussed long enough these sections and amendments that Mr. Hamel has drafted to give the legislation as broad a scope as possible. I think we should accept it as it is because it is difficult to go any further.

Le président: Monsieur Forrestall.

M. Forrestall: Monsieur le président le temps n'est peut-être pas opportun, mais j'ai un amendement à proposer. Si vous voulez continuer le débat, s'attendrai et je le proposerai plus tard. L'amendement que je veux apporter a trait à deux principes supplémentaires. Je crois que M. Howard aura un autre amendement à proposer qui, à mon avis, pourra être satisfaisant, sans parler des commentaires que vous avez faits, car sincèrement j'ai étudié à fond ces questions. J'aimerais savoir si vous me permettriez de présenter maintenant une motion ou si vous préféreriez poursuivre la discussion un peu plus longtemps?

Le président: Il ne s'agit que d'assurer les opinions des membres à ce sujet. Si vous présentez une motion visant à désigner les différentes catégories de personnes qui pourraient recourir au système de vote par procuration, peut-être que certains membres favoriseraient une partie seulement de votre motion ou de votre liste de personnes.

M. Forrestall: Je pourrais peut-être proposer une motion que M. Howard pourrait ensuite modifier. Je ne suis pas prêt à aller

[Text]

as he is; on the other hand, if I understand what he is driving at, I might then be quite prepared to support it.

The Chairman: If you have a motion I will surely put it to the members.

Mr. Forrestall: I have a motion, Mr. Chairman, and it reads simply as follows. I move that proposed Section 45A, subsection (b) be amended by adding after the comma that appears after the words "his illness or physical incapacity," the following words. "A patient in a hospital recognized by one or more of the several provinces and/or a patient in a nursing home recognized by one or more of the several provinces."

The Chairman: Would you really believe that it adds something? When you look at the following subsections these people could use a medical certificate. I think you are, instead of broadening the sense, you are...

Mr. Forrestall: With some respect, Mr. Chairman, that is exactly what I am doing, broadening it. This is a very limiting thing. What I am suggesting to you, Mr. Chairman, is to get a medical certificate indicating illness or physical incapacity is a very, very difficult thing when somebody is simply recuperating or in hospital for a minor transient period. As Mr. Howard has pointed out in his own particular case, and I use it with some force, the argument does not cover adequately people who are in other than active treatment hospitals, which I think would seem to be the vast majority of people in a sense hospitalized in Canada.

The Chairman: Would you then put your motion without restricting the words mentioned?

Mr. Forrestall: No, no. I am leaving "his illness" and I am adding after the comma, at the end of "or physical incapacity," those other words. I think they are specific and I think they do include many thousands of Canadians who are neither physically ill, nor physically incapacitated, but who for another reason are not able to get out and vote. I have another amendment later on.

The Chairman: Mr. Richard, would you speak closer to the microphone?

Mr. Richard: Yes. Mr. Forrestall, are you suggesting that everybody in a nursing home is not able to get out and vote?

Mr. Forrestall: No, I am not suggesting that. What I am saying is that in general

[Interpretation]

aussi loin que lui, d'autre part, si je comprends bien le but qu'il vise, je serais peut-être prêt à l'appuyer.

Le président: Si vous avez une motion à proposer je la présenterai certainement aux membres du Comité.

M. Forrestall: Monsieur le président, j'ai une motion à proposer qui se lit comme suit: je propose que le paragraphe b) de l'article 45A soit modifié en ajoutant après les mots «sa maladie ou son invalidité» les mots suivants: un patient dans un hôpital reconnu par l'une ou l'autre des provinces ou un patient dans un hospice de vieillards reconnu par l'une ou l'autre des provinces».

Le président: Croyez-vous vraiment que cette disposition apporte un élément nouveau? Quand vous examinez les paragraphes qui suivent, ces personnes peuvent obtenir un certificat médical. A mon avis, au lieu d'étendre le champ d'application de la Loi, vous...

M. Forrestall: Monsieur le président, j'ai l'impression de vraiment élargir le champ d'application de la Loi. Cela est très limité. Ce que je veux dire, monsieur le président, c'est qu'il est très difficile d'obtenir un certificat médical, si une personne n'est qu'en convalescence ou qu'elle se trouve dans un hôpital pour une courte période. Comme l'a souligné M. Howard concernant son propre cas, cette disposition ne tient pas suffisamment compte du cas des personnes qui sont dans d'autres conditions que celles des véritables patients dans un hôpital, ce qui, à mon avis, représente la vaste majorité des malades au Canada.

Le président: Voulez-vous présenter votre motion sans restreindre les mots mentionnés?

M. Forrestall: Non. Je laisse l'expression «sa maladie» et j'ajoute ensuite après les mots «ou son invalidité» les autres mots que j'ai mentionnés. Je crois qu'ils sont précis et qu'ils comprennent des milliers de Canadiens qui ne sont pas malades ou invalides, mais qui, pour une autre raison, sont incapables d'aller voter. J'aurais un autre amendement à proposer plus tard.

Le président: Monsieur Richard, pourriez-vous parler plus près de votre microphone?

M. Richard: Oui. Monsieur Forrestall, voulez-vous dire que toute personne qui se trouve dans un hospice de vieillards est incapable d'aller voter?

M. Forrestall: Non, ce n'est pas ce que je veux dire. Je dis simplement qu'en général,

[Texte]

practice these people do not go out and vote, and that they are neither physically incapacitated, nor are they physically ill; they have reached that age in life where to make the effort is very, very difficult for them and there is no other way for them to vote.

Mr. Duquet: Mr. Forrestall, let us take, for instance, the case of a man who has been sick for a week and the vote is on the Sunday. The doctor tells him: "I do not want you to go out before Tuesday or Wednesday next." Do you mean that a man like that could have a proxy. Is that what you mean? You could solve it by that.

Mr. Forrestall: Yes, exactly. These are not my words, these are the words suggested to us: "his illness or physical incapacity." There are many, many thousands of wonderful Canadians, some of whom might be my parents or your parents, who are neither physically, mentally, nor by virtue of illness incapable of going to vote. It may be for another reason that is not easy to define. What I am suggesting is that these people are not capable of going out in the wintertime, or the late spring, or in the rain, or for an awful lot of other reasons to vote. They are as alert and bright, and as intelligent as you or I, but just because of these extra strains simply will not leave a nursing home and go and vote. They have no other way of voting, as I understand under our present Act, and I am wishing to extend that proxy to them. Illness or physical incapacity that has to be supported by a medical certificate will not cover them because a doctor just cannot, you know, I am sure, it is very difficult to use the words, that all the members understand what it is I am talking about. I suggest to you that there are many, many thousands of Canadians in this position.

Mr. Duquet: The only difficulty is to pick them up and know who is the one who can and who is the one who cannot vote.

Mr. Forrestall: We all know who they are and where they are and I think that our individual party organizations, Mr. Chairman, are quite capable and I think our communities individually are quite capable of discerning this. The last place in the world I would ever look for abuse of the Canada Elections Act is in one of our nursing homes in any province, but they do want to vote federally and it is extremely difficult for them to do so under the terms of our present Act.

[Interprétation]

ces personnes ne vont pas voter, même si elles ne sont ni malades ni invalides. A leur âge, l'effort nécessaire pour aller voter est trop grand et elles n'ont pas d'autres moyens de voter.

M. Duquet: Prenez le cas d'une personne qui est malade depuis une semaine et le vote a lieu le dimanche. Le docteur lui dit: «Je ne veux pas que vous sortiez de la maison avant mardi ou mercredi». Voulez-vous dire que cette personne pourrait voter par procuration? Vous pourriez résoudre ce problème par la disposition mentionnée.

M. Forrestall: Oui, exactement. Il ne s'agit pas de mes propres paroles, mais ce sont les mots qu'on nous a proposés: «sa maladie ou son invalidité». Il existe des milliers de Canadiens, et parmi eux, certains pourraient être vos parents comme les miens, qui ne sont pas capables d'aller voter, non pour cause de maladie ou d'invalidité mais pour une autre raison qu'il n'est pas facile de préciser. Je dis simplement que ces personnes ne sont pas capables de sortir pendant l'hiver ou à la fin du printemps ou par temps pluvieux pour se rendre au bureau de scrutin.

Ces personnes sont aussi alertes et intelligentes que vous et moi, mais à cause de ces fatigues supplémentaires, elles ne quitteront pas leur hospice pour aller voter. Ces personnes n'ont aucun autre moyen de voter, en vertu de la Loi actuelle, et c'est pourquoi je voudrais qu'on puisse accorder à ces personnes le vote par procuration. Même la possibilité d'obtenir un certificat médical pour prouver la maladie ou l'invalidité ne s'applique pas à ces personnes, car un docteur ne peut pas, je crois que vous comprenez ce que je veux dire, car il est très difficile de trouver les mots satisfaisants. Je vous fais remarquer que des milliers et des milliers de Canadiens se trouvent dans cette situation.

M. Duquet: La principale difficulté est de les découvrir et de savoir qui est en mesure de voter et qui ne l'est pas.

M. Forrestall: Nous les connaissons tous et nous savons où ils se trouvent. Je crois que nos organisations électorales locales sont très en mesure de s'en rendre compte. Le dernier endroit au monde où je chercherais une infraction à la loi électorale du Canada, c'est dans une clinique; mais il reste que les résidents veulent voter et que la loi actuelle ne leur facilite pas la chose.

[Text]

Mr. Duquet: How would they proceed to nominate their proxy if they cannot go out and do anything? The returning officer would have to send someone into those institutions to see each and every one and ask them if they wanted to go out or not or if they can go out or not, or who they want to designate to vote in their name.

Mr. Forrestall: I am sorry, you are nit picking, if I may say so. If you have any nursing homes in your constituency and you are concerned about the events of the election, you know darned well who they are and why they are there and how they are going to get around to proxy voting.

In my particular case, sir, in the last election the families of every single one in literally every nursing home in my constituency came to me and asked me is there some way without taking mother or dad or mom and dad out of the nursing home to vote that they can exercise their franchise? In the federal election I am sorry, Mr. Chairman, there just was not any way they could and this is what I am trying to cover.

Mr. Forest: Mr. Chairman, I think you have to draw the line somewhere. We have covered all the people, whether they are at home or hospital, provided they have a medical certificate saying that they cannot go to the polls.

The other people can go to advance polls which will be situated in a place where they can easily vote during two days. I do not think we can hope to have every person who is just not able to get out on the day of the election. I think we have got to draw the line somewhere.

The Chairman: I have the motion. I will read it again. Order, please, there is a motion put by Mr. Forrestall that Section 45A (b), after the comma, following the words "or physical incapacity," be amended by adding the words:

"a patient in a hospital recognized by the several provinces and a patient in a Nursing Home recognized by the several provinces."

All those in favour of this motion will please raise their hands.

Mr. Forrestall: Oh, my God, you have disfranchised thousands of Canadians.

The Chairman: All those opposed.

Mr. Forrestall: I would be ashamed of myself if I were all of you.

Motion negatived.

[Interpretation]

M. Duquet: Comment peuvent-ils faire pour désigner leur électeur mandataire s'ils ne peuvent pas sortir ou faire quoi que ce soit? L'officier rapporteur (le président d'élection) devrait s'en occuper, constater qui est en mesure de se déplacer et qui ne l'est pas et si ces gens désirent faire voter quelqu'un en leur nom.

M. Forrestall: Je regrette, mais vous n'y comprenez rien. Supposons que cette clinique soit dans votre circonscription. Vous vous intéressez sûrement à ce qui s'y passe, vous savez bien que les résidents de ces cliniques veulent voter et comment ils vont s'y prendre pour voter par procuration.

Dans mon comté, lors de la dernière élection, je dirais que les familles de presque tous les pensionnaires de ces cliniques sont venus me trouver et m'ont demandé s'il n'y avait pas moyen pour eux d'exercer leur droit de vote sans avoir à se déplacer. Quel dommage que la loi fédérale ne leur permette pas et c'est pourquoi j'essaie d'améliorer les choses.

M. Forest: Monsieur le président, je crois qu'il faut s'imposer des limites. Nous atteignons tous les citoyens, que ce soit à la maison ou à l'hôpital, pourvu qu'un certificat médical établisse qu'ils ne peuvent pas se rendre au bureau de votation.

Pendant deux jours, les gens peuvent également voter par anticipation. Je ne crois pas cependant qu'il soit possible d'atteindre tout le monde. Je croirais qu'il faut s'arrêter quelque part.

Le président: Je vais relire de nouveau le projet d'amendement. M. Forrestall propose que l'article 45A (1) b) soit modifié par l'adjonction, après la virgule, qui suit les mots «ou sont invalidités», des mots suivants:

«ou un patient dans un hôpital reconnu par les diverses provinces ou d'un patient dans une clinique reconnue par les diverses provinces».

Tous ceux qui sont en faveur, veuillez lever la main.

M. Forrestall: Oh mon Dieu! Vous venez de priver des milliers de Canadiens de leur droit de vote.

Le président: Ceux qui s'y opposent.

M. Forrestall: J'aurais honte si j'étais à votre place.

La motion est rejetée.

[Texte]

An hon. Member: It is interpretation.

Mr. Forrestall: It is not interpretation at all.

The Chairman: Order, please.

Mr. Forrestall: I am sorry, Mr. Chairman, but I must say it is my fault. I did not properly say what I was trying to.

The Chairman: Mr. Howard.

Mr. Howard (Skeena): I would like to make an amendment by way of a motion to deal with a particular category of people. I will read it first and then explain what I am getting at afterwards. I hope the amendment is structured in such a way that it makes sense.

I move, that paragraph (a) of Section (1) be amended by adding between the words "fisherman" and "or" the words "or a person employed in the fishing industry."

If it is accepted paragraph (a) would then read:

(a) his absence from the polling division in the course of his employment as a fisherman or person employed within the fishing industry or mariner, or...

As I say there is no definition of a fisherman conceived within the Act at the moment—I think I am correct in that—nor consideration about defining a fisherman for the purposes of this Section 45A.

I think we would have some difficulty classifying a "camp tenderman" for arguments sake as a fisherman. This is a person who operates a place that sells supplies to fishermen and receives their fish either as an independent buyer and pays cash for them, or receives their fish on behalf of a particular fishing company and keeps the records and credits the fishermen with the delivery of a certain poundage of fish. He is out on the fishing grounds with a barge or a scow and proper facilities and so on for icing fish and keeping them and a store with tobacco and groceries and a few things of that sort. His position is not as a fisherman, yet because of the nature of the fishing industry he is still out on the fishing ground and he still has an inability to vote. In fact, he has a greater inability than the fisherman, at least the fisherman may own his own boat and may be able to travel back to his home community in order to vote, but the camp tenderman does not even have that facility.

In addition there are people who work within the fishing canneries as shoreworkers so-called, engineers, women in the cannery

[Interprétation]

Une voix: C'est de l'interprétation.

M. Forrestall: Il ne s'agit pas d'interprétation du tout.

Le président: A l'ordre, s'il vous plaît.

M. Forrestall: Monsieur le président, je dois dire que c'est ma faute. Je ne me suis pas bien fait comprendre.

Le président: Monsieur Howard.

M. Howard (Skeena): Je voudrais présenter un amendement concernant une certaine catégorie de gens. Je vais d'abord le lire, puis ensuite l'expliquer. J'espère qu'il est présenté d'une façon acceptable.

Je propose que l'alinéa a) du paragraphe (1) soit modifié par l'adjonction entre les mots «pêcheurs» et «ou» des mots «ou une personne employée dans l'industrie de la pêche».

Si ma proposition est acceptée, l'alinéa a) se lira comme suit:

a) Son absence de l'arrondissement de votation pendant l'exercice de sa fonction comme pêcheur ou comme une personne employée dans l'industrie de la pêche ou marin...

La loi actuelle ne donne pas la définition d'un pêcheur et l'on envisage pas de le faire pour les fins de l'article 45A.

Je crois cependant qu'on pourrait difficilement classer parmi les pêcheurs cette sorte de «marchands côtiers» dont l'activité consiste à vendre des agrès aux pêcheurs et à prendre livraison de leurs prises. Ils agissent soit comme acheteur indépendant ou au nom d'une société et paye comptant la livraison d'une certaine quantité de poissons. Ils exploitent sur les lieux de pêche avec une barque ou un chaland et possèdent les installations nécessaires pour congeler le poisson; il peut arriver qu'ils tiennent une épicerie et vendent aussi de menus articles. Ce ne sont pas des pêcheurs quoiqu'ils soient sur les lieux de pêche mais ils ne peuvent aller voter. En fait, sa situation est pire que celle du pêcheur puisque ce dernier possède au moins sa propre barque, qu'il peut se rendre dans sa localité pour voter, alors que le commerçant lui, ne le peut pas.

En outre, il y a aussi les gens qui travaillent dans les conserveries de la côte et qui ne sont pas, à proprement parler des pêcheurs,

[Text]

canning fish, cutting fish, picking and this sort of thing, who are not fishermen, but who because of the nature of the industry by the same token have to leave their home community and go to another community. Sometimes this is within the same riding, in which case I think they can exercise their swearing in procedure as in a rural polling division. In some cases it is outside of the riding, in which case they are disfranchised and the intent of the amendment is to include, as it says, those who are engaged in the fishing industry.

The Chairman: I do not want to discuss it with you Mr. Howard because you have put your point very well. I just want to ask you a question for clarification. In trying to define a fisherman do you not give some minor sense to the word in itself than the one which could be interpreted favourably in all the cases that you have referred to in explaining your point? This is the question I am asking myself. Instead of amending this we could try to define what constitutes a fisherman.

Mr. Howard (Skeena): If we can come to a determination which embraces the concept of setting out a definition in the definition section of a fisherman, or within this paragraph what is a fisherman if it is all inclusive, that is satisfactory to me. So long as we provide the opportunity to these people to exercise this privilege or this right as a fisherman itself. The point is that words are exclusive things and once we spell something out in a word you will find that in a legal sense lawyers and courts will tend to narrow its effect. They tend to narrow it and say that a fisherman is a guy who fishes, he is not a camp tenderman, for arguments sake, and a fisherman is not a person who fillets fish in a fish plant.

The Chairman: He is not a clerk in an office, too.

Mr. Howard (Skeena): That is right and this is another category, it is a broad inclusive thing.

The Chairman: Yes.

Mr. Howard (Skeena): If you think, Mr. Chairman, or if the Committee thinks the easier way or the better way to do it is to define fisherman for inclusion in another section I would be quite agreeable to that.

Mr. Duquet: May I ask a question, Mr. Howard?

The Chairman: Mr. Duquet, would you address yourself to the Chair, please.

[Interpretation]

mais qui, vu la nature de l'industrie de la pêche, doivent quitter leur localité pour aller travailler ailleurs. Parfois cette localité est située dans la même circonscription électorale et ils peuvent alors exercer leur droit de vote en prêtant serment. Dans d'autres cas, ils travaillent en dehors de la circonscription où ils sont inscrits et ne peuvent ainsi exercer leur droit de vote. L'amendement que je présente vise, suivant l'énoncé, les personnes employées dans l'industrie de la pêche.

Le président: Je crois, monsieur Howard, que vous avez très bien décrit la situation, mais je désire avoir une précision. En essayant de définir un pêcheur, ne donnez-vous pas un sens plus restreint au mot que celui que vous avez tenté d'expliquer? Au lieu de modifier la loi, nous pourrions essayer de décrire ce que désigne un pêcheur.

M. Howard (Skeena): Si l'on prend la peine de définir dans la loi ce que représente un pêcheur, je serai satisfait. Nous devons donner l'occasion à ces gens d'exercer leur droit de vote. Le fait est que les mots désignent des choses précises et, lorsqu'on essaie de désigner ces choses par un mot, les tribunaux tendent à en restreindre la portée. Pour eux, le pêcheur est un type qui s'adonne à la pêche, pas le commerçant dont j'ai parlé; ce n'est pas non plus une personne qui travaille dans une conserverie de poisson.

Le président: Ce n'est pas un commis de bureau non plus.

M. Howard (Skeena): Ce qui représente une autre catégorie qui est très large.

Le président: En effet.

M. Howard (Skeena): Si le comité est d'avis, monsieur le président qu'il serait mieux de définir ce qu'est un pêcheur et d'inclure cette définition dans un autre article, je serais tout à fait d'accord.

M. Duquet: Puis-je demander une question monsieur Howard?

Le président: Monsieur Duquet, veuillez vous adresser au président, s'il vous plaît.

[Texte]

Mr. Duquet: I am sorry. Those people you are talking about, how far would they be from their normal residence?

Mr. Howard (Skeena): It varies.

Mr. Duquet: I mean approximately.

Mr. Howard (Skeena): If I may be permitted, Mr. Chairman, it varies. In my own constituency, for arguments sake, if people move within the constituency then the fish canneries are in rural polling divisions and the people are able to and do, exercise their right under Section 45 is it, or Section 46, the one that permits swearing in and being vouched for to cast their vote in that division.

In other instances there are people who follow the fishing industry out of Vancouver and come to Prince Rupert and work in the canneries there and that is 500 miles away by coast and there is no road up and down the coast. It is 500 miles by air and if a person

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lived in the city of Vancouver or in that urban area, there would be a span jumping over two federal constituencies.

Mr. Duquet: How long would they be staying at the place where they work temporarily?

Mr. Howard (Skeena): If it is in the salmon industry, and this is the most active time, this would range—depending on the work they do it varies.

Mr. Duquet: Yes.

Mr. Howard (Skeena): Certain people come first and others later on; some in April, some in May, some in June, and into September.

Mr. Duquet: I see. So wherever they are they are working there temporarily?

Mr. Howard (Skeena): Oh, yes.

Mr. Duquet: The main point is that you would prefer those people to vote in their own riding, their own residence riding rather than where they are; otherwise they would be covered by Section 11.

Mr. Howard (Skeena): Mr. Chairman, I would not prefer them to vote anywhere. They vote, I would say, Mr. Chairman, where they desire to vote, but a person—and this could conceivably happen—in the fishing industry could leave his own residence, his own community, his own polling division within that 79 days and thus not be eligible to register and vote under the temporary worker

[Interprétation]

M. Duquet: Pardon, Est-ce que les gens travaillent loin de leur lieu de résidence.

M. Howard (Skeena): Tout dépend.

M. Duquet: Pouvez-vous nous en donner une idée.

M. Howard (Skeena): Dans ma circonscription par exemple, les conserveries de poisson sont situées dans des arrondissements ruraux et les gens peuvent exercer leur droit de vote en vertu de l'article 45 ou 46 qui leur permet, en prêtant serment, d'exercer leur droit de vote dans cet arrondissement.

Par ailleurs, il y a des gens de Vancouver qui travaillent dans les conserveries de Prince Rupert qui est situé à cinq cents milles et il n'existe pas de chemin le long de la côte. Pour un citoyen de Vancouver il lui faut faire 500 milles par voie des airs et traverser deux

autres circonscriptions électorales pour venir exercer son droit de vote.

M. Duquet: Combien de temps vos gens restent-ils à l'endroit où ils travaillent temporairement?

M. Howard (Skeena): Dans l'industrie du saumon par exemple, cela dépend du genre de travail qu'ils font.

M. Duquet: Oui.

M. Howard (Skeena): Certains travailleurs arrivent en avril, d'autres en mai; quelques-uns en juin et en septembre.

M. Duquet: Je vois. De toute façon, il s'agit d'un travail temporaire.

M. Howard (Skeena): C'est ça.

M. Duquet: Vous préféreriez que ces gens votent dans leur propre circonscription, celle où ils résident plutôt que celle où ils travaillent; autrement ils tombent sous le coup de l'article 11.

M. Howard (Skeena): Monsieur le président, peu m'importe où ils exercent leur droit de vote. Qu'ils votent où bon leur semble, mais il pourrait arriver qu'une personne travaillant dans l'industrie de la pêche, puisse quitter son lieu de résidence, son arrondissement dans la période prescrite de 79 jours et n'être plus habiles à voter selon les dispositions s'appliquant aux travailleurs tempo-

[Text]

provisions you referred to, but would be on the voters list in the home constituency a few hundred miles away and not be able to exercise his franchise, except by a system such as this—the same as a fisherman.

The Chairman: Mr. Howard, I have before me the definition in the Nova Scotia Elections Act of a fisherman for the purposes of the Elections Act. I would like to read it just to see if it meets with your approval:

(a) a fisherman or mariner serving in any capacity on a ship, licensed or registered in Canada or the British Commonwealth;...

That is, "serving in any capacity on a ship."

Mr. Howard (Skeena): Not quite, Mr. Chairman, because some people working in the fishing industry do not serve in any capacity on a ship. They are shore workers, they work on shore. They work in the fish canning plants and I do not think the definition is sufficiently broad to encompass a fish canning operation, with respect. It would apply I suppose to a camp tender, a fish buyer's barge or fishing camp. I do not know if that would be a registered ship within the meaning of that definition either.

The Chairman: Yes.

Mr. Forest: Mr. Chairman, the amendment by Mr. Howard is quite extensive. I can understand that some people could be compared to fishermen who are gone for a long period of time, but if we accept your amendment it would mean giving a special privilege to 300 or 400 people employed at a cannery, people who are not moving but who are staying at home—we would be giving them a special privilege which we are not giving to anyone else.

Mr. Howard (Skeena): Mr. Chairman, most shore workers would be glad, 300 or 400 of them, to find some employment in the fishing industry. If you could arrange a cannery that will employ 300 or 400 people at home we would love you to death.

Mr. Forest: I am just giving you an example. It might be 50 or 75, but it still would be a special privilege which we are not giving to anyone else. These might be people who are staying at their home all the time.

Mr. Howard (Skeena): Mr. Chairman, if these are people who are staying at their

[Interpretation]

raires. Il reste cependant qu'ils seraient inscrits dans la circonscription où ils résident, à quelques centaines de milles de là, et ne pourraient exercer leur droit de vote à moins qu'il existe un système comme celui, par exemple, qui s'appliquerait au pêcheur.

Le président: Monsieur Howard, j'ai ici la définition d'un pêcheur aux termes de la loi électorale de la Nouvelle-Écosse. Je vais vous la lire et vous jugerez si elle est conforme à vos vues:

a) un pêcheur ou un marin servant à bord d'un navire, inscrit ou enregistré au Canada ou dans le Commonwealth britannique...

Voilà, on dit «servant à bord d'un navire».

M. Howard (Skeena): Je ne suis pas tout à fait d'accord monsieur le président, parce que certains employés de l'industrie de la pêche ne servent pas à bord d'un navire. Ils travaillent sur le plancher des vaches. Ils travaillent dans des conserveries et je ne pense pas que ce genre d'activités soit en cause. Cela s'appliquerait, je suppose, à un commerçant ou à l'établissement d'un marchand de poisson. Cette définition engloberait un navire enregistré.

Le président: Oui.

M. Forest: L'amendement présenté par M. Howard touche beaucoup de gens. Je crois qu'il en existe qui sont dans la même situation que les pêcheurs, qui s'absentent pour un certain temps; et, si nous acceptons la proposition, elle favoriserait trois ou quatre cents individus travaillant dans les conserveries, des employés sédentaires qui restent chez eux et qui auraient ainsi les privilèges que personne d'autre ne possède.

M. Howard (Skeena): Monsieur le président, la majorité des travailleurs de la côte seraient bien contents si trois à quatre cents d'entre eux trouvaient de l'emploi dans l'industrie de la pêche. Si vous pouviez aménager une conserverie qui emploierait trois à quatre cents personnes, nous vous en serions reconnaissants jusqu'à la mort.

M. Forest: Je ne faisais que donner un exemple. Il peut ne s'agir que de 50 ou 75 personnes mais elles seraient quand même favorisées par rapport à d'autres. Il s'agirait peut-être de gens qui demeurent en permanence dans leur lieu de résidence.

M. Howard (Skeena): Monsieur le président, si ces personnes travaillent dans une

[Texte]

home in the cannery, with respect, then that is their home, that is their residence and they are not disfranchised. They can operate under the normal rules for enumeration. It is the people who move in and out as a result of that. Around some fish canneries outside of Prince Rupert there are people who live there on a year-round basis; there is no difficulty there. They are the same as you, or any other person who has a residence and lives in the residence and that is where they live, in that polling station. It is the smaller number of people who move in and out with the fishing industry.

Mr. Forest: Could you give a better definition than what you have given in our amendment, Mr. Chairman?

Mr. Howard (Skeena): I am stuck in a difficult position here in trying to phrase it. I want it to be as all-inclusive as possible.

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The only other place I can think of where a definition of "fisherman" might exist would be in the Unemployment Insurance Act relative to the amendments for fishermen. From my memory that runs to pages and pages and pages and involves clam diggers and I do not know what sort of definition, but it is the only one I can think of offhand. I would be very happy, Mr. Chairman, if there is some thought that it is too far embracing—I do not think it is really, but if there is—to let the matter stand to see if we can find a definition. I am very concerned about the valuable point of giving people the opportunity or the right to vote where they are now disfranchised.

Mr. Forrestall: Mr. Chairman, could I ask Mr. Howard whether or not he has read the definition under the Unemployment Insurance Act?

Mr. Howard (Skeena): Some time ago, I just do not recall what it is.

Mr. Forrestall: You are not familiar enough with it to accept it?

Mr. Howard (Skeena): To say it—I do not know what it is. It may just say fisherman means a person employed in the fishing industry, I really do not know.

The Chairman: We are discussing the proxy voting system for people who would be absent from their ordinary place of residence on election day. This is the reason we are talking in terms of fishermen and this is the

[Interprétation]

conserverie de leur localité, elles ne perdent pas leur droit de vote. On peut les traiter selon les règles normales. Certains travailleurs des conserveries de Prince Rupert demeurent dans cette ville toute l'année durant et n'ont aucun problème. Ils restent dans leur domicile comme vous et moi, près du bureau de scrutin. C'est la minorité des travailleurs de l'industrie de la pêche qui doivent se déplacer.

M. Forest: Pourriez-vous nous donner une meilleure définition que celle que vous donnez dans votre amendement?

M. Howard (Skeena): Je crois que j'aurai de la difficulté à bien l'énoncer, pour qu'elle soit aussi large que possible. Le seul endroit où il existe une définition du pêcheur c'est dans la Loi sur l'assurance-chômage.

De mémoire, je ne puis citer cette définition, mais je crois que c'est la seule qui soit acceptable. Je serais très heureux monsieur le président, si l'on avait la chance d'y repenser afin de pouvoir trouver une définition. Je me préoccupe beaucoup de donner à des personnes l'occasion d'exercer le droit de vote dont ils sont privés présentement.

M. Forrestall: Monsieur le président, j'aimerais demander à M. Howard s'il a lu la définition que renferme la loi sur l'assurance-chômage?

M. Howard (Skeena): Je l'ai lue il y a quelque temps, mais je ne m'en souviens pas exactement.

M. Forrestall: Vous ne la connaissez pas assez bien pour l'accepter?

M. Howard (Skeena): En vérité, j'en ignore l'énoncé. Peut-être qu'elle dit qu'un pêcheur désigne une personne employée dans l'industrie de la pêche. Je ne sais réellement pas.

Le président: Nous discutons présentement du système du vote par procuration dont peuvent se prévaloir des gens qui seraient absents de leur lieu de résidence ordinaire le jour de l'élection. C'est pourquoi nous sommes

[Text]

reason the Nova Scotia Act defines it as someone related to a ship.

Mr. Howard (Skeena): Yes.

The Chairman: Otherwise he is on land and he would be at home. So if the is a fisherman or not, do we believe that this proxy system should be extended to anyone who is related directly or indirectly to the fishing industry?

Mr. Howard (Skeena): With respect, Mr. Chairman, I submit that is not the point at all.

The Chairman: No, I agree with you, but we must draw the line somewhere to give this additional right to some special people. We are talking in terms of fishermen and perhaps we could try to define a term which would cover some of the points. Your point is to give any of these people the right to vote if, because of their employment, they would be absent. I fully agree with you.

Mr. Howard (Skeena): Well, I started from that.

The Chairman: Yes.

Mr. Howard (Skeena): However, dealing particularly with the fishing industry, because in the initial concept we all appear to agree that a fisherman, as such, would be eligible to operate under this proxy voting system, if he meets the other criteria, I am simply saying in that context the word "fisherman" is too narrow a definition when we take into account what the fishing industry involves and that there are people, employees, other than the actual fishermen, other than the actual person who goes out and catches the fish on a line or in nets and this sort of thing. We should think in terms of the ancillary occupations. I phrased the amendment the way I did because I conceived that working within the fishing industry would be sufficiently encompassing without trying to spell out each occupation, which is going to be difficult; yet I think confining enough because it confines it to the fishing industry and to that employment and to a person who, in the course of his employment, is not able to attend at the advance poll or regular polling day.

Mr. Duquet: Mr. Chairman, without being definitely opposed to Mr. Howard's proposition, I still cannot see how we would work that out. I have noted that Mr. Howard has answered my question by saying that those

[Interpretation]

en train de parler des pêcheurs et c'est pour-quoi la loi de la Nouvelle-Écosse les définit comme étant des personnes travaillant à bord d'un navire.

M. Howard (Skeena): En effet.

Le président: Sinon la personne est à terre, donc chez elle. Qu'il s'agisse d'un pêcheur ou non, croyez-vous que ce système de vote par procuration pourrait être appliqué aux personnes reliées directement ou indirectement à l'industrie de la pêche?

M. Howard (Skeena): Monsieur le président, me permettez-vous de dire que ce n'est pas la question.

Le président: D'accord, mais nous devons quand même limiter les droits que nous nous disposons à donner à certains individus. Nous nous intéressons au pêcheur et il faudrait peut-être trouver une définition qui convienne à la situation. Vous voulez donner le droit de vote à tous les gens qui, en raison de leur travail, sont absents de leur domicile. Je suis parfaitement d'accord avec vous.

M. Howard (Skeena): Eh bien! C'était mon point de vue.

Le président: Bien.

M. Howard (Skeena): Cependant, en ce qui concerne l'industrie de la pêche, puisqu'il nous a semblé au début qu'un pêcheur pourrait se prévaloir du système de procuration à condition qu'il réponde aux autres exigences, je dis simplement que la définition du mot «pêcheur» est trop restreinte et que l'industrie de la pêche comprend également des travailleurs qui ne sont pas réellement pêcheurs au sens strict du mot. Nous devrions également nous occuper des activités connexes. Dans mon projet d'amendement, je parle de l'industrie de la pêche sans en définir chacune des occupations parce que ce serait trop difficiles et qu'essentiellement, il s'agit de l'industrie de la pêche et d'une personne qui, en raison de son emploi, ne peut aller voter dans les bureaux provisoires ou le jour même de l'élection.

M. Duquet: Monsieur le président, sans m'opposer catégoriquement à la proposition de M. Howard, je ne vois pas comment l'on peut s'en sortir. M. Howard a répondu à ma question en disant que ces travailleurs peu-

[Texte]

people might be there from April to September, or if they are there from April to September, there is a very great chance that they would be there for enumeration during an election and then could, as I said before, be able to vote under subsection (11). I am willing, Mr. Howard, to co-operate with you 100 per cent, but we have to find a way to permit them.

Mr. Howard (Skeena): I do not want to hog the conversation, Mr. Duquet, but I submit that my amendment seeks to find a way and does find a way.

Mr. Duquet: That may be.

Mr. Howard (Skeena): Mr. Chairman, if we had an election in June, for argument sake—and there is no guarantee that this is always going to be the case. We have had them at other times during a year depending on factors beyond our control and beyond the fisherman's control, but if there were an election on June 30, right at the last possible moment in June and a person came to work at this place from his home community in the first part of April, 79 days thereabouts—this would be closer to 90 days, but give or take a week or two—he would be eligible to exercise his right to enumerate in the new constituency under this subsection (11) that we dealt with.

Remember it is not everybody who starts up right at the start. There are varying degrees. If a person came 78 days before polling day to work in the industry he would not have that right.

• 2120

Mr. Duquet: I do not quite understand the 79-day period.

The Chairman: Mr. Howard has the floor and I believe he should be allowed to finish.

Mr. Howard (Skeena): I think I am correct in assuming 79 days. I gather this is right that under Clause 8, subsection (11) of Section 16 a person who is a temporary worker or has temporary employment in another area can be enumerated and vote in the other constituency if he is there 30 days before the start of enumeration. Enumeration starts 49 days before polling day. Thirty days before that is 79 days. I say the seventy-ninth day is the cut off point there, and if a person arrived on the seventy-eighth day before polling day, he would not be eligible to exercise his opportunity under subsection (11). This is quite likely to be the case.

You know we cannot narrow this down and start to spell everything out. Fishermen them-

[Interprétation]

vent être occupés d'avril à septembre, et qu'ils peuvent fort bien y être encore au moment de l'énumération en vue d'une élection et comme je l'ai dit tantôt ils pourraient voter en vertu du paragraphe (11). Je suis bien disposé à collaborer avec M. Howard, mais il faut trouver un moyen de leur permettre de voter.

M. Howard (Skeena): Je ne veux pas la conversation monsieur Duquet, mais je crois que mon amendement vous propose précisément un moyen.

M. Duquet: La chose se peut.

M. Howard (Skeena): Monsieur le président, supposons qu'une élection ait lieu en juin. Je dis supposons, parce que nous ne sommes pas assurés qu'elle ait toujours lieu en juin. Elles peuvent avoir lieu à d'autres moments de l'année, en raison de circonstances indépendantes de notre volonté et de celle des pêcheurs. Supposons que cette élection ait lieu le 30 juin et qu'une personne ait quitté son lieu de résidence au début d'avril, ce qui ferait une période de 90 jours plutôt qu'une période de 79 jours, mais arrondissons les chiffres. Notre individu pourrait être inscrit dans sa nouvelle circonscription en vertu du paragraphe (11) que nous avons étudié.

Remarquez que tout le monde ne commence pas à travailler en même temps. Si une personne commence à travailler 78 jours avant la journée de l'élection, elle n'aura pas le droit de voter.

M. Duquet: Je ne vois pas bien ce que vient faire la période de 79 jours.

Le président: Monsieur Howard a la parole et laissons-le terminer.

M. Howard (Skeena): Je crois que j'ai raison en parlant de 79 jours. En effet, en vertu de l'article 16, paragraphe 11, une personne qui occupe un emploi temporaire ou travaille dans un autre région peut être inscrite et voter dans l'autre circonscription, si elle y réside trente jours avant le début de l'énumération. L'énumération commence 49 jours avant la journée du scrutin. Trente jours plus quarante-neuf jours, cela fait 79 jours. Le 79^e jour est la journée décisive et, si une personne arrive le 78^e jour avant la journée du scrutin, elle ne sera pas habile à voter en vertu du paragraphe 11. C'est probablement ce qui se passerait.

Nous ne pouvons pas tenir compte de toutes les éventualités. Les pêcheurs eux-mêmes

[Text]

selves may fall within that class depending on when they go out fishing, depending on whether there are in halibut or not, whether they are on a lay-up period, whether they go home on a lay-up period, and whether the lay-up period just happens to be when the election takes place.

There are fishermen who would not have to operate by proxy but there are some who would. I think this is the concept that we are trying to get across. It is just to take account of those who by circumstance, accident, things beyond their control, in so far as the opening and the closing of the fishing seasons are concerned, find that they would not be able to exercise that right to vote in their home community. All that I am asking is that we extend it to apply to that group of people.

The Chairman: I would like to read the amendment proposed by Mr. Howard.

that paragraph (a) of Section 45A(1) be amended by adding between the words "fisherman" and "or" the words "or a person employed within the fishing industry".

Mr. Forest: Mr. Chairman, could you read again the definition of fisherman in the Nova Scotia Act to see if we could not agree on the definition of fisherman.

Mr. Forrestall: Mr. Chairman, on a point of order. If you are going to read that and if we are going to use what the Nova Scotia act interprets then I suggest that we have also got to read the interpretation of proposed Section 45A(1) (b). Mr. Chairman, if what we are going to do is adopt the Nova Scotia act, let us adopt it. I am all for it, a thousand per cent for it. I think it is a good act, but let us not use it in one case and avoid it in another case.

We need a definition and I would suggest that the project paper in front of us, with all due respect to Mr. Hamel, avoids this issue. I can only assume that it is deliberately avoided. It is a little dangerous to go back to the Nova Scotia act to try and find a way out of the present dilemma we are in. If we are going to do that, I am going to insist that we reopen my amendment. The essence of my amendment was the interpretation of certain words in the Nova Scotia act.

• 2125

The Chairman: Your point could be raised at some other instance, Mr. Forrestall, but I believe it has no bearing on the amendment

[Interpretation]

peuvent entrer dans cette catégorie, selon qu'ils sont en train de pêcher, ou selon qu'ils sont en période d'inaction et que cette période coïncide avec la date des élections.

Certains pêcheurs n'auraient pas à faire appel au vote par procuration, mais d'autres y sont obligés. Je crois que c'est du principe que nous discutons ici. Nous considérons la situation de ceux qui en raison de circonstances, d'accidents et de circonstances indépendantes de leur volonté, comme l'ouverture et la fermeture de la saison de la pêche, sont incapables d'exercer leur droit de vote dans leur lieu de résidence. Tout ce que je veux, c'est de faire appliquer la loi à cette catégorie de personnes.

Le président: Je vais lire l'amendement proposé par M. Howard.

que l'alinéa a) du paragraphe (1) de l'article 45A soit modifié par l'adjonction entre les mots «pêcheurs» et «ou» des mots «ou une personne employée dans l'industrie de la pêche».

M. Forest: Monsieur le président, pourriez-vous relire la définition du mot pêcheur qui se trouve dans la loi de la Nouvelle-Écosse. Nous pourrions peut-être nous entendre sur la définition de pêcheur.

M. Forrestall: J'invoque le Règlement, monsieur le président. Si nous utilisons l'interprétation de la loi de la Nouvelle-Écosse, je propose d'utiliser également celle de l'article 45A (1) b). Monsieur le président, s'il nous faut adopter la définition de la loi de la Nouvelle-Écosse, adoptons-la. Je suis tout à fait d'accord. C'est une loi bien faite, mais on ne peut l'utiliser dans un cas et ne pas en tenir compte dans l'autre.

Nous devons définir le mot pêcheur et je m'aperçois que le texte que nous avons devant nous, avec tout le respect que j'ai pour M. Hamel, ne parle pas de cette question. Je suppose qu'on l'a évité volontairement. Je vois mal qu'on puisse devoir consulter la loi de la Nouvelle-Écosse pour trouver une solution à notre problème actuel. S'il nous faut agir ainsi, j'insiste pour que l'on reprenne mon amendement. Ce dernier porte essentiellement sur l'interprétation de certains mots dans la loi de la Nouvelle-Écosse.

Le président: Vous pourriez nous parler de votre objection à un autre moment, monsieur Forrestall, car elle ne porte pas sur l'amende-

[Texte]

that I have just read. The amendment that I have read consists simply of adding after the word fisherman "or a person employed within the fishing industry". I am reading the text prepared by the Clerk, Mr. Virr. Does it define precisely the purpose of your amendment, Mr. Howard?

Mr. Howard (Skeena): As a fisherman or a person employed in the fishing industry.

The Chairman: That is it.

Mr. Howard (Skeena): If it makes structural sense to someone skilled in drafting then, it seems to me to mean what I am trying to get across.

The Chairman: Shall the amendment carry?

Amendment negated.

Mr. Howard (Skeena): Mr. Chairman, I would like to establish some roll call procedure on this or some indication of the yeas and nays.

The Chairman: I will start again. Would you like to have a recorded vote?

Mr. Howard (Skeena): Yes, please.

Yeas, 2; Mr. Forrestall, Mr. Howard (Skeena).

Nays, 9; Mr. Badanai, Mr. Duquet, Mr. Forget, Mr. Forest, Mr. Howe, Mr. Lefebvre, Mr. Marceau, Mr. Thomas (Maisonneuve), Mr. Trudel.

Mr. Gendron abstains.

Amendment negated.

Mr. Howard (Skeena): Mr. Chairman, I had drafted some amendments to deal with people employed in the logging industry and in the mining industry because they are in a similar condition. But because it is an impossible task, apparently, to get anything sensible or reasonable through to members of the Committee who just do not want to see beyond the end of their nose, I will not...

The Chairman: Order. I do not want to interrupt you, Mr. Howard.

Mr. Howard (Skeena): Mr. Chairman, if you do not want to interrupt me, do not.

The Chairman: I believe that I should act as Chairman of this Committee and I will inform you, Mr. Howard, very politely that I would not allow any members of the Commit-

[Interprétation]

ment que je viens de lire. Ce dernier consiste simplement à ajouter après le mot «pêcheur» «ou une personne employée dans l'industrie de la pêche». J'ai lu le texte rédigé par le greffier, M. Virr. N'est-ce pas précisément le but de votre amendement, monsieur Howard?

M. Howard (Skeena): Comme pêcheur ou comme une personne employée dans l'industrie de la pêche.

Le président: C'est exact.

M. Howard (Skeena): Si ces mots veulent dire quelque chose à un rédacteur expérimenté, il me semble également que c'est conforme à mon objectif.

Le président: L'amendement est-il accepté?

L'amendement est rejeté.

M. Howard (Skeena): Monsieur le président, j'aimerais que l'on procède par appel nominal ou du moins qu'on ait les indications de ceux qui sont pour et de ceux qui sont contre.

Le président: Je recommence. Voulez-vous que le vote soit enregistré?

M. Howard (Skeena): Oui, s'il vous plaît.

En faveur: 2; M. Forrestall, M. Howard (Skeena). Contre, 9; M. Badanai, M. Duquet, M. Forget, M. Forest, M. Howe, M. Lefebvre, M. Marceau, M. Thomas (Maisonneuve), M. Trudel.

Abstention, M. Gendron.

L'amendement est rejeté.

M. Howard (Skeena): Monsieur le président, j'ai rédigé d'autres amendements ayant trait aux travailleurs de l'industrie forestière et de l'industrie des mines, car ils sont dans des conditions semblables. Étant donné cependant qu'il semble impossible de faire entendre raison aux membres du Comité qui ne sont pas disposés à regarder plus loin que le bout de leur nez, je ne...

Le président: A l'ordre. Je compte bien ne pas avoir à vous interrompre, monsieur Howard.

M. Howard (Skeena): Monsieur le président si nous ne voulez pas m'interrompre, ne le faites pas.

Le président: Je crois que je dois agir à titre de président du Comité et à cet égard, je me permets de vous dire, monsieur Howard, que je ne permettrai à aucun membre du

[Text]

tee to interfere with or to interpret either the feelings or the views of any of the other members. You have the right to express yourself, to give your views, and to be opposed, and to say anything except, 'I believe, to interpret or to give some opinion as to the feelings or the thinking of the other members.

Mr. Howard (Skeena): Mr. Chairman, I think if you look at the rules or get some advice about them you will see that I am perfectly in order. I am not talking about any particular member or attributing any motives. I am just making an observation in a general way. What I wanted to get across through you, sir, to the Committee is that I had other thoughts about other classes of employees who likewise have lost for many elections in the past and are still going to lose their opportunity to vote. Because it was impossible to get an eminently reasonable and sensible thought across, I will refrain from boring the Committee with the difficulties that other employees and other workmen face.

We are now embarking upon new ground and I thought it much easier for us to consider doing it now than to try to insert additional categories in there next year or after the next election.

The Chairman: Mr. Forrestall.

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Mr. Forrestall: Mr. Chairman, now that we have disposed of both my amendment and Mr. Howard's amendment and his contemplated amendment or amendments that he would have liked to have moved, might I now ask whether it is in order to discuss a definition of the terms, "fisherman" and "mariner" as set out in proposed Section 45A (1) (b)? Is it now in order to discuss the appropriateness of the words "illness or physical incapacity" as it pertains to a legal or otherwise interpretation?

The Chairman: I believe that this is surely in order, Mr. Forrestall.

Mr. Forrestall: Mr. Chairman, might I suggest for the benefit of those who must interpret the deliberations of our Committee that the term "fisherman", indeed as Mr. Howard has pointed out, does involve an awful lot more than the individual that is in the boat. I believe Mr. Howard is speaking specifically about the seasonal occupations of a large number of British Columbians who are involved in the salmon runs. I would not really choose to deal with that but because this is my understanding of what he is talking

[Interpretation]

Comité de présumer des sentiments ou des vues de l'un ou l'autre des autres membres du Comité. Vous pouvez exprimer votre opinion, exposez vos points de vue, et manifester votre opposition, dire d'importe quoi, sauf interpréter ou donner votre avis sur la façon de penser des autres membres.

M. Howard (Skeena): Monsieur le président, si vous consultez le Règlement et si vous vous renseignez, vous verrez que mes propos sont parfaitement recevables. Je ne m'attaque à aucun membre en particulier, ni présume de leurs motifs. Je n'ai fait qu'une observation générale. Ce que je désirais vous faire comprendre, à vous et aux membres du Comité, c'est que je pensais également à d'autres catégories de travailleurs qui, à l'occasion de plus d'une élection ont perdu leur droit de vote. Puisqu'il a été impossible d'obtenir quelque chose qui semblait éminemment raisonnable et sensé, je m'en voudrais d'ennuyer le Comité avec des problèmes que certaines catégories de travailleurs doivent envisager.

Nous entreprenons maintenant l'étude de nouveaux problèmes et j'ai cru qu'il serait plus facile de les résoudre maintenant au lieu d'attendre à l'année prochaine ou après les prochaines élections.

Le président: Monsieur Forrestall.

M. Forrestall: Monsieur le président, maintenant que nous avons décidé de mon amendement, de celui de M. Howard ainsi que de ceux qu'il envisageait, j'aimerais savoir s'il serait à propos de discuter une définition des mots «pêcheur et marin» qu'on retrouve à l'article 45A (1) b)? S'il serait également à propos de discuter des mots «maladie ou invalidité» envisagés sous leur aspect juridique ou autrement?

Le président: Je crois que votre proposition est très recevable, monsieur Forrestall.

M. Forrestall: Monsieur le président, puis-je proposer pour ceux qui doivent interpréter les délibérations de notre Comité, que le terme «pêcheur» comme l'a souligné M. Howard a un sens plus large que simplement celui de personne qui fait la pêche. Je crois que M. Howard parle de l'occupation saisonnière d'un grand nombre d'habitants de la Colombie Britannique qui pêchent le saumon. Je ne choisirais pas d'étudier cette question, mais c'est ainsi que je comprends ses paroles. Je veux simplement souligner que, parce qu'il

[Texte]

about, I would simply indicate that because there are a very substantial number of Canadians involved in the salmon run that we do have a responsibility to indicate to people who will read the deliberations of this Committee exactly what it is that we do mean.

I think we should do that without reference to what the Nova Scotia act has interpreted because in that interpretation, in terms of the word "fisherman", you will not find that the word "salmon" is mentioned nor indeed did it enter into any discussions whatsoever because it was not a consideration. What I am suggesting of course, Mr. Chairman, is that it might be misleading for people who find us making reference to the Nova Scotia act and who refer to that for their own advice and information find the absence of that word. There is a tendency or a very distinct possibility for them to make a wrong conclusion from what is intended by the law. Sometimes this is very important.

Getting down to proposed Section 45A(1) (b), might I make the suggestion that there is an equal importance and responsibility for us to describe what it is that we intend by the words "illness or physical incapacity". I suggest that there is a medical difficulty in describing illness and physical incapacity. We should not let this part of the Act go by. I say this in charity. I apologize to the members for my apparent anger before. It seems to me that in the absence of definition what we have done is place an onus upon somebody else. I am not suggesting that the onus is on the returning officer or on any other election official, but rather on a professional person who must at some point, if it becomes an issue, make a value judgment as to when or not a person is ill or physically incapacitated under the terms of what we are proposing here. I am suggesting that those words can be extended, quite possibly indeed, without any difficulty at all to include other interpretations. In the absence of clear direction as to what it is that we mean by those words, we are forcing upon a group of individuals a responsibility that in fact is not theirs but is indeed ours. I would wish or hope that other members, including yourself Mr. Chairman as a learned individual, would make some comment as to what you understand the words "fisherman" and "illness or physical and incapacity" to mean? "Mariner" is quite clear.

The Chairman: I just would like to refer to, and maybe read again for the purpose of the members, this article which you have before you.

You must read the words "fisherman or mariner", and "illness or physical incapacity"

[Interprétation]

Il y a un grand nombre de Canadiens qui pratiquent la pêche au saumon, nous devons indiquer aux personnes qui liront le compte rendu de nos délibérations ce que nous désignons par le mot «pêcheur». Je pense que nous devons procéder sans nous référer à l'interprétation qu'offre la loi de la Nouvelle-Écosse, dans l'interprétation du mot pêcheur, le terme «saumon» n'y figure pas; il n'a jamais été mentionné dans aucune de leurs discussions parce qu'ils n'en ont jamais tenu compte. Naturellement, monsieur le président, je veux signaler que les gens qui voient que nous citons la Loi de la Nouvelle-Écosse et qui s'y reportent pour se renseigner, constatant l'absence de ce mot, seraient peut-être induits en erreur. Il y a la tendance ou une forte possibilité qu'ils arrivent à la mauvaise conclusion, différente de ce que prévoit la loi. C'est très important quelquefois.

Au sujet du projet d'article 45A, paragraphe (1) alinéa b), puis-je signaler qu'il est important que nous expliquions ce que nous entendons par «maladie ou invalidité». Il y a des difficultés à décrire la maladie et l'invalidité au point de vue médical, mais nous devons le faire. Je le dis poussé par un sentiment de charité. Je m'excuse auprès des membres du Comité pour la façon dont j'ai réagi plus tôt. Il me semble qu'en l'absence d'une définition, ce que nous avons fait, nous avons rejeté la responsabilité sur quelqu'un d'autre. Je ne crois pas que ce soit à l'officier rapporteur, le président d'élection ou à quelque autre agent électoral qu'incombe cette responsabilité. S'il y a un litige, un médecin peut porter un jugement valable et établir si une personne est malade ou invalide aux termes de ce que nous proposons. Je crois que l'on peut donner à ces mots un sens plus large afin qu'on puisse en tirer sans difficulté d'autres interprétations. En l'absence de directives précises, nous obligeons un groupe d'individus à accepter des responsabilités qui ne sont pas les leurs, mais les nôtres. J'espère que les autres membres du Comité et vous-même, monsieur le président en tant qu'homme cultivé ferez des commentaires quant à ce que vous comprenez tout d'abord par le mot «pêcheur»—le mot «marin» est assez clair—ensuite par les mots «maladie» et «invalidité».

Le président: Je voudrais lire à nouveau cet article que vous avez devant vous. Vous devez tenir compte surtout des mots «pêcheur», «marin», «maladie» ou «invalidité» dans le

[Text]

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in connection with the preceding words. The article says very precisely that at an election:

Where an elector whose name appears on the list of electors for a polling division at an election is qualified to vote in the polling division at the election and has reason to believe that he will be unable to vote...

because of illness or physical incapacity at the election date. This is the definition. I am not going to push the discussion in any way but if you take a word in itself you must take it in accordance with the preceding words and try to put it in its context. I just would like to ask you, Mr. Forrestall, if you could define in a more precise term what is the intent? This is the whole intent, the whole purpose. For the benefit of the members, could you try to define more precisely what you intend to do if you want to change this the whole concept and meaning of the words as they are composed there?

Mr. Forrestall: Mr. Chairman, rather than attempt to define it better than you have and better than the Act has, I am trying to interpret it. If your definition is valid, the preamble to the words that we are talking about means that the individual concerned decides whether or not in his own mind he is physically incapacitated or physically ill, or if he is a fisherman.

I accept that and I think that what I am about to say could be properly interpreted. A person in a nursing home, if I understand you correctly, could then on his own volition indicate that he is unable to go and vote because he is physically incapacitated or ill whether or not he really is either of those two things.

The Chairman: Well, this is the point.

Mr. Forrestall: If I might just finish this? This is exactly the point I am addressing myself to. Who makes that ultimate decision? I would not want to place this responsibility on somebody else when I clearly understand and believe it to be our responsibility. A man and a woman in their eighties might very well believe in the potential of illness and physical incapacity were they to expose themselves to elements, for example outdoors. I am asking you, Mr. Chairman, and other learned members of the Committee to direct a few words to precisely this point.

Mr. Richard: Mr. Chairman, I thought that in proposed Section 45A (3) (b) illness is only

[Interpretation]

cadre de ce que dit d'abord l'article, conçu dans les termes suivants:

45A. (1) Lorsqu'un électeur, dont le nom figure sur la liste des électeurs d'un arrondissement de votation à une élection, est habile à voter dans l'arrondissement de votation à l'élection et qu'il a des motifs de croire qu'il sera incapable de voter...

en raison de sa maladie ou son invalidité, le jour du scrutin.

Voilà la définition. Je ne veux pas forcer la discussion, mais dans l'interprétation d'un mot, il faut tenir compte du contexte.

J'aimerais vous demander, monsieur Forrestall, si vous pourriez préciser davantage l'intention, l'objectif, le but. Je vais vous demander de définir, pour le bénéfice des autres membres du Comité, ce que vous proposez de faire? Voulez-vous changer le concept et le sens des mots employés ici?

M. Forrestall: Monsieur le président, plutôt que de tenter de définir ces termes mieux que vous ne l'avez fait, et que ne le fait la loi, je vais tenter une interprétation. Si votre définition est valable, le préambule des mots que nous employons signifie que la personne en cause décide elle-même si elle est malade ou invalide ou pêcheur.

J'accepte cette façon de s'exprimer et je pense que ce que je vais dire peut être interprété correctement. Une personne qui est dans un hôpital, si je comprends bien vos termes, pourrait ainsi de son propre chef, signifier qu'elle est incapable d'aller voter par suite de sa maladie ou de son invalidité, même si ce n'est réellement pas le cas.

Le président: Toute la question est là.

M. Forrestall: J'aimerais terminer. Voilà le point sur lequel j'aimerais obtenir des éclaircissements. Qui décide finalement? Je ne voudrais pas laisser cette responsabilité à quelqu'un d'autre, quand je sais pertinemment que c'est à nous de définir ces termes. Des personnes de 80 ans, par exemple, peuvent concevoir les risques de maladie ou d'invalidité lorsqu'elles doivent s'exposer à des éléments, par exemple au dehors. C'est justement ce point que j'aimerais demander, Monsieur le président et membres du comité, de commenter.

M. Richard: Monsieur le président, si je comprends bien, à l'article 45A paragraphe (3)

[Texte]

in the case where you get a medical certificate. It is defined right here in the section.

The Chairman: Well this is the reason Mr. Forrestall that I indicated to you earlier. Your amendment is included in the section if you read it correctly. At least this is my belief.

Mr. Forrestall: My learned friend has said no. He has said otherwise.

The Chairman: No, if you take the case of a person in a nursing home who feels that he is not capable of going out to vote, do you not believe then that his doctor is going to be in a position to judge with her, if it is going to affect her health? She will get a medical certificate. She will not complain.

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Mr. Forrestall: My dear Mr. Chairman, you are a professional man and you are not going to assume anything in law on your own, nor is a professional colleague who might happen to be a medical man. He certainly is not. He is going to make a decision based on facts.

The Chairman: Do you allow anyone in a nursing home to say that she will not go out and vote and to be entitled to get a proxy voting form just because she says that? Would you go that far? This is the point.

Mr. Forrestall: I think that perhaps because there are other aspects to this suggestion, although this is probably the main one, we are probably getting closer and closer to a clear understanding of what is intended.

I am prepared to accept your interpretation if other members are, that in essence there is an area of judgment that can be, by and large, left with the individual in the narrow case that we are talking about, and these are the cases of people in nursing homes, homes which are neither hospitals as recognized by our various hospital commissions or hospital boards from province to province, or are recognized as nursing homes with a paramedical authority by various acts from province to province.

If I understand your interpretation, then I think that I am quite prepared to accept that because I think it is a charitable interpretation, Mr. Chairman, and it gets at the fact that I was trying to get at. I would dearly love to hear the Chief Electoral Officer address himself to the narrowness of this point if he could feel free to do so as an individual and not in his official capacity, because I think it would be helpful to myself anyway.

[Interprétation]

alinéa b) il y a maladie quand on peut produire un certificat médical comme attestation. C'est stipulé dans cet article.

Le président: Voilà pourquoi je vous ai dit auparavant que votre projet de modification se trouve dans l'article, si vous l'aviez lu attentivement. C'est ce que je pense.

M. Forrestall: Un de mes collègues a dit le contraire.

Le président: Si vous prenez le cas d'une personne hospitalisée qui estime ne pas être en mesure d'aller voter, ne croyez-vous pas que son médecin soit en mesure de juger si le fait de sortir affectera sa santé? Le médecin lui donnera un certificat médical.

M. Forrestall: Monsieur le président, vous exercez une profession libérale et vous n'avez pas agi en fonction de la loi, un collègue qui serait médecin ne le ferait pas non plus. Il prendra une décision reposant sur les faits.

Le président: Permettriez-vous à une personne dans une maison de repos, uniquement parce qu'elle se dit incapable d'aller voter, de voter par procuration, iriez-vous jusque-là? C'est ce dont il s'agit.

M. Forrestall: Je pense que, peut-être en raison du fait que cette suggestion présente d'autres aspects, bien que celui-ci soit peut-être le principal, nous arrivons de plus en plus à comprendre clairement ce que veut exprimer cette loi.

Je suis prêt à accepter votre interprétation si les autres membres du Comité l'acceptent eux-même, mais il me semble que c'est là un secteur où le jugement de l'individu risque d'être le critère prédominant. Je pense, par exemple, aux personnes qui sont dans des maisons de convalescence, non reconnues comme des hôpitaux par nos différentes commissions hospitalières, ni comme maisons de convalescence auxquelles s'ajoutent les services paramédicaux permis par diverses lois provinciales.

Si je comprends bien votre interprétation, je crois que je puis l'accepter, parce qu'il s'agit d'une interprétation charitable. M. le Président, voilà ce que l'on devrait décider. J'aimerais que le directeur général des élections nous donne son opinion sur ce point, s'il croit qu'il peut le faire, en tant qu'individu peut-être et non pas en tant que directeur général des élections. J'aimerais avoir des éclaircissements.

[Text]

The Chairman: Again, if you take the fishermen, anyone among the fishermen who has reason to believe that he would be away on election day is entitled to use the proxy system. I believe this covers most of the points raised by Mr. Howard also, if you want to read the article as it is.

Mr. Forrestall: I would suggest, with some degree of humility, that I am sure both Mr. Howard and myself read the preamble to this very carefully and it was precisely to get at what we felt was a privation of the provision. However, I must say that I am much more satisfied, Mr. Chairman, having heard you.

The Chairman: Perhaps we could ask Mr. Hamel to speak on it. Would you care to?

Mr. Hamel: I am wondering whether I should. In this case, what we tried to reprepare was a result of the discussions the Committee had before, particularly in Toronto, and I tried to get as clear a picture as possible of the views of the members of the Committee. If I failed, I apologize. Anyway, I tried to do my best on this and I passed this information on to the law officers of the Department of Justice, and we also took into consideration the provisions which are already available in the Canada Elections Act, namely the extension of the voting privileges at the advance poll, for instance, including handicapped people or elderly people, and so on.

This is what we prepared last week with the law officers of the Department of Justice, and we felt that this could cover most of the cases because in any event if you want to include other categories of people, there is still a decision, it seems to me, that will have to be made by a third person, because in this case I agree that this is putting a medical officer somewhat on the spot. However, on the other hand, unless you want to open the door quite large—and of course this is your decision—if a person wishes to avail himself of the facilities of the proxy and if it were to be extended to some other group of people, it seems to me that the returning officer should not be left with the decision whether the case is valid or not. The application should be supported by some other authority, be it the

[Interpretation]

Le président: Si vous revenez au cas du pêcheur, toute personne qui a des raisons de croire qu'elle sera absente le jour du scrutin aura la possibilité de voter par procuration. Cela couvre également les points soulevés par M. Howard, si vous voulez vous référer à l'article tel qu'il se présente.

M. Forrestall: Je suis certain que M. Howard et moi-même avons lu avec soin le préambule et nous avons tenté d'éliminer les lacunes de la disposition. Cependant, depuis que j'ai entendu vos commentaires, M. le Président, je trouve l'article plus satisfaisant.

Le président: Devrions-nous entendre ce qu'en pense M. Hamel maintenant?

M. Hamel: Je me demande si je devrais faire de tels commentaires. Ce que nous avons tenté de préparer, s'est produit, par suite des discussions que le Comité a eues, particulièrement, à Toronto, et j'ai tenté de donner un aperçu aussi clair que possible de l'opinion du Comité. Si je n'y ai pas réussi, je m'en excuse, mais j'ai fait de mon mieux. J'ai donné les renseignements aux fonctionnaires compétents du ministère de la Justice et nous avons également tenu compte des dispositions déjà existantes dans la Loi électorale du Canada, par exemple, soit l'élargissement des possibilités de voter par l'utilisation de bureaux provisoires de scrutin, pour les personnes handicapées et les personnes âgées, etc...

Ce que nous avons préparé la semaine dernière avec les fonctionnaires compétents du ministère de la justice doit s'appliquer à la plupart des cas, parce que, si vous voulez comprendre d'autres catégories de personnes, il y a toujours, à mon avis, une décision qui doit être prise par une tierce personne. Dans ce cas-ci, je crois que de ce fait un agent médical se trouve dans l'eau bouillante. D'autre part, à moins de laisser la porte grande ouverte—c'est à vous de prendre la décision—si une personne décide de se prévaloir du vote par procuration et si l'on devait étendre ce privilège à d'autres groupes de gens, il me semble qu'on ne devrait pas laisser à l'officier rapporteur le soin de prendre la décision, à savoir si cette personne a le droit ou non de voter par procuration. Il faudrait que quel-

superintendent of the nursing home or the head nurse of the institution. So in this case I must admit that, after discussing with the law

qu'un d'autre accepte cette responsabilité, soit le surintendant de la maison de santé ou l'infirmière en chef de l'institution.

[Texte]

officers, we felt that this would cover, considering all the other provisions in the Act, most of the cases.

Mr. Howe: You just mentioned the superintendent or the matron in the nursing home. Was there any consideration given in Section 45A(3) (b) "to the case of an elector referred to in paragraph (b) of Subsection (1) who receives a medical certificate completed by a legally qualified medical practitioner, or the superintendent in charge of a nursing home? The lady who works with these people all the time might be able, or would be able, to decide whether they are able to go or not.

Mr. Lefebvre: Mr. Chairman, would it be all right to suggest that maybe we should look into putting polling booths in each one of these homes, rather than go through all this?

The Chairman: This has already been settled by the Committee when we discussed the amendment to advance polls. It has been amended in saying that anyone who believes or anyone who thinks that he would be incapable of going to the poll on the election date, could use the facilities of the advance polls.

Mr. Forrestall: I think the interpretation that you are intending by that is quite valid in terms of meeting Mr. Lefebvre's point.

Mr. Lefebvre: I think we studied this before, and you will have to excuse me, but what is the great complaint against having polling booths in homes for the aged and nursing homes?

The Chairman: It is when the institution itself or the authorities of the institution refuse to have the polling station in their institution.

Mr. Lefebvre: Would that be a valid excuse if it was in the Act? Could they refuse?

Mr. Forrestall: Very much so, I think, Mr. Chairman.

Mr. Duquet: Mr. Chairman, there was also another argument brought up. It was the identification of the votes given in that particular institution. If there are 200 people in an institution and they all vote in the institution, there is a poll there, and one can guess what tendency is being attached to the votes.

[Interprétation]

Après avoir étudié la question avec les agents juridiques, nous avons cru que cela couvrirait la plupart des cas, compte tenu des autres dispositions qui existent ailleurs dans la loi.

M. Howe: Vous parlez du surintendant ou de l'infirmière en chef de la maison de convalescence. A-t-on tenu compte de l'alinéa b) de l'article 45A (3), dans le cas d'un électeur, dont on parle à l'alinéa b) du paragraphe (1), qui reçoit un certificat médical dûment rempli par un médecin de famille reconnu légalement, ou le surintendant d'une maison de santé? L'infirmière qui travaille toujours avec ces personnes pourrait prendre la décision à savoir si ces mêmes personnes peuvent se rendre voter ou non.

M. Lefebvre: Monsieur le président, pourquoi ne pas installer des bureaux de scrutin dans ces maisons de convalescence, plutôt que de nous compliquer la tâche comme c'est le cas présentement.

Le président: Le Comité a déjà établi ce fait lorsque nous avons étudié l'amendement concernant les bureaux provisoires de votation. Il a été convenu dans cet amendement que toute personne qui croit ou pense ne pouvoir se rendre au bureau de votation le jour de l'élection peut se prévaloir des bureaux provisoires de votation.

M. Forrestall: Je crois que votre interprétation est valable et qu'elle rencontre la pensée de M. Lefebvre.

M. Lefebvre: Nous avons déjà étudié cette question, veuillez m'en excuser, mais pourquoi n'a-t-on pas de bureaux de scrutin dans les maisons de convalescence?

Le président: Eh bien, les autorités de l'institution peuvent refuser l'installation d'un bureau de scrutin.

M. Lefebvre: Est-ce là une excuse valable, si l'on prévoyait des dispositions à cet effet dans la Loi? Est-ce que les autorités pourraient encore refuser?

M. Forrestall: Sûrement, M. le président.

M. Duquet: M. le président, il y a un autre point qu'on a soulevé. Il faudrait isoler les votes dans cette institution, c'est-à-dire que, s'il y a 200 personnes dans l'institution, on saura quelle est la tendance du vote de ces personnes parce qu'il n'y aura qu'un bureau de scrutin pour toutes ces personnes. C'est ce

[Text]

That is what the people do not want. The same thing happens in other institutions.

Mr. Lefebvre: Yes, I know. What is the difference between a small village like I have in my constituency with one poll, and one poll in an institution. What is the difference? They do not get the people of this village to go all over the map and vote because they might be identified.

Mr. Duquet: Mr. Chairman, I would have no objection to Mr. Howe's suggestion. It may simplify the whole thing if we would add, as suggested, the superintendent or the director of such an institution. I would see no objection to that. Usually those people are competent; they know the people living there; they know their habits; they know their way of living; they know their strength. I would see no objection to that, to adding those words to the Act.

The Chairman: The question is simply whether any superintendent, if he is not a doctor, can give a medical certificate. How can the superintendent, if he is not a doctor, say that this person is ill?

Mr. Howe: Well, of course, you have been in nursing homes and I have, and we have had some of our families in them. The superintendents in those nursing homes sometimes know the patients better than the medical practitioners because they see them every day and care for them and look after them, and they have formed an opinion about their ability.

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The Chairman: The trouble, Mr. Howe, with respect, is that the doctor would give a medical certificate with the reliability he has, and the superintendent may have the full control in the nursing home.

Mr. Howe: This gets back into the argument of Mr. Forrestall that some of these people—we have an election in March; we have cold, wet, miserable weather. People 80 and 85 years of age are not able to go out and the superintendent knows that those people should not go out any time within the coming week or 10 days or a month.

Mr. Duquet: So would the doctor, Mr. Howe. There is always a doctor there.

Mr. Howe: But they are not physically incapacitated.

[Interpretation]

qu'on ne veut pas. C'est la même chose pour d'autres institutions.

M. Lefebvre: Alors, quelle est la différence entre cette institution et des petits villages en commun, comme ma circonscription, où il n'y a qu'un bureau de votation à chaque endroit? On n'oblige pas ces villageois à aller voter un peu partout simplement parce qu'on pourrait les faire reconnaître.

M. Duquet: Je ne m'opposerais pas à la proposition de M. Howe. Pourquoi ne pas ajouter, comme le proposait M. Howe, et dire: un certificat émanant du surintendant du directeur de l'institution. Je n'y vois aucune objection. Ces personnes, qui occupent des postes d'autorité, connaissent les malades inscrits auprès de l'institution; ils connaissent leurs habitudes, leur façon de vivre et leur capacité.

Je ne vois aucune objection à l'addition de ces termes à la Loi.

Le président: L'objection est la suivante: comment un surintendant qui n'est pas médecin peut-il donner un certificat médical? Comment un surintendant peut-il prétendre qu'une personne est malade?

M. Howe: Vous, comme moi et comme certains membres de notre famille, ont séjourné un jour dans une maison de convalescence. Souvent, le surintendant connaît mieux les patients d'une maison de convalescence que le médecin lui-même, parce qu'il doit s'occuper de ces personnes tous les jours et il a une opinion bien formée quant à leur capacité de voter.

Le président: Monsieur Howe, le problème est le fait que le médecin soit le seul à pouvoir donner un certificat médical tandis que le surintendant a à voir à l'administration générale de la maison de convalescence.

M. Howe: L'argument de M. Forrestall porte toujours. Pensez au cas de température inclemente lorsqu'une élection a lieu en mars; lorsque des personnes de 80 ou 85 ans doivent aller voter. On ne devrait pas les obliger à se rendre au bureau de votation. Le surintendant sait fort bien que ces personnes ne doivent sortir en aucun temps pour une période d'une semaine, de dix jours ou un mois.

M. Duquet: Oui, monsieur Howe. Mais le médecin pourrait faire la même chose, parce qu'il y a toujours un médecin dans ces institutions.

M. Howe: Le surintendant a la même possibilité.

[Texte]

Mr. Richard: This would also apply to your father if he happened to be living at your home.

Mr. Duquet: I think we have discussed those sections quite thoroughly. In Section 45A (1) we say "if the voter has reason to believe." We would go much further than that. In paragraph (3) (b) we say a doctor's certificate is required. Yet after we have said that a certificate must be produced...

Mr. Forest: Mr. Howe's suggestion might be a good one, but in a nursing home where the superintendent is very friendly with all the patients, she would have a temptation to give out those certificates. A doctor has his professional reputation and he has to give a medical certificate that would stand, while the superintendent might be inclined to give certificates to everybody.

Mr. Howe: There are an awful lot of people in those nursing homes who insist on going out. They want you to come and take them out.

Mr. Richard: But then, Mr. Chairman, there are an awful lot of people who are not in nursing homes, who live in their children's homes or somewhere else, who could be in the same condition and would not have the same privilege. I want to say one thing—I hope we are not rushing. I voted against Mr. Howard's amendment because I think it was not properly drafted. I come back and speak to this because he did not put any further amendments. I do feel that it is too bad that we cannot find a definition for certain employments depriving people on account of temporary employment, not just fishermen. I am thinking, as he is, about loggers and such people. I am not very happy about leaving the subject dry. I would like to have found some sort of definition that would not be as specific and which would cover the case—something broader which would not just apply to the coast of British Columbia. I am sure there are similar situations in other provinces and that is the only thing that disturbs me. I do not like to specify only the fishing industry. That is not good enough because it does not solve the problem of other people who are possibly in a worse situation than, say, clerks employed in a cannery or such people. If Mr. Hamel thinks there is any possibility of finding a definition for those people, I would be very happy to support it.

Mr. Hamel: Mr. Chairman, this is a weakness inherent in our system and there are certainly thousands of people who are in that

[Interprétation]

M. Richard: Ce fait s'appliquerait également à votre père, s'il lui arrivait de demeurer chez vous.

M. Duquet: Je crois que nous avons discuté à fond les articles. À l'article 45A (1), nous disons que si l'électeur a raison de croire, on pourrait aller plus loin dans le cas de l'alinéa 3b), nous disons qu'il faut un certificat médical et nous précisons ensuite qu'on doit produire un certificat.

M. Forest: La proposition de M. Howe est peut-être juste, mais, dans le cas d'un surintendant de maison de convalescence, celui-ci connaît fort bien les patients, il leur est un compagnon et sera tenté de distribuer libéralement les certificats. Un médecin, de par son statut professionnel, se doit de donner un certificat médical qui convienne.

M. Howe: Nombreux sont ceux qui, dans ces maisons de convalescence, insistent pour aller voter à l'extérieur. Ils désirent que vous veniez les chercher pour les conduire à l'extérieur.

M. Richard: Il y a bien des personnes qui ne sont pas dans des maisons de convalescence et qui habitent, par exemple, chez leurs enfants ou ailleurs. Ces personnes devraient jouir des mêmes privilèges, parce qu'ils sont dans la même situation. Je veux ajouter quelque chose. J'espère que nous ne sommes pas trop pressés. J'ai voté contre l'amendement de M. Howe parce qu'il était mal rédigé. Je veux à nouveau en discuter, parce que M. Howard n'y a pas ajouté d'autres modifications. Il est regrettable de ne pouvoir trouver une définition qui tienne compte des personnes qui risquent de perdre leur emploi, et il ne s'agit pas seulement des pêcheurs. J'aimerais trouver une définition plus large. Une définition qui ne serait pas restreinte à la côte de la Colombie-Britannique. Il y a, j'en suis sûr, des situations analogues dans les autres provinces. Je n'entends pas seulement l'industrie de la pêche, car nous ne résoudrions pas ainsi le problème des personnes qui travaillent dans les conserveries. Si, d'après M. Hamel, il est possible de trouver une meilleure définition de ces personnes, je serais heureux de l'appuyer.

M. Hamel: C'est justement là un point faible de notre système. Les plaintes que nous avons reçues lors des dernières élections pro-

[Text]

position. Most of the complaints we received at the last election came from wives of servicemen whose husbands had been transferred from one end of the country to the other. Their husbands, by virtue of the Canadian forces voting rules, could still vote. However, they could not because they were not in residence at the other place at the time of the issue of the writ or at the time of the beginning of the enumeration.

• 2155

There is something I would like to add, if I may. Perhaps I was overly conscious of this when some of the discussions took place in this Committee years ago in 1963 and before, but proxy voting was always considered more or less the lesser of two evils, the other evil being the loss of the right to vote. It is more or less in that context that we tried to prepare the initial draft for your discussion.

The Chairman: Mr. Forrestall.

Mr. Forrestall: Mr. Chairman, I hate to move away from this into another area, but in a sense it is a further amendment to Section 45A, and that is the type of amendment proposed again by the Chief Electoral Officer in his suggested draft dealing with the question of students. I wonder if possibly we might get this in and out of the way and then come back to any further peripheral discussion that we might have about other classifications. Although the two documents are in front of us, I assume that the document to which we are addressing ourselves is the discussion draft on the Canada Elections Act which suggests an amendment to Section 45A. Having read the amendment already before us quite carefully two or three times, I think it does reflect and does encompass the views that we discussed at an earlier meeting. This is the wording of the Chief Electoral Officer, where he suggests the following addition as paragraph (c) to section 45A (1):

(c) his absence from the polling division while a full-time student duly registered at a recognized educational institution in Canada during an academic term,

together with the consequential additions that would go hand in hand with that dealing with entitlement to appoint, conditions of appointment, certain prerequisites required under the Act such as the completion of a statement by the registrar of the educational institution concerned to the effect that the elector is a full-time student duly registered, so on and so forth. May I introduce a motion to that effect

[Interpretation]

venaient des épouses des membres des Forces canadiennes qui avaient été transférés et qui, en vertu des Règles électorales concernant les forces canadiennes, avaient droit de voter. Pourtant, ils ne le pouvaient pas parce qu'ils ne résidaient pas à l'autre endroit, lors de l'émission du bref ou au moment où commençait l'énumération.

Encore un mot. Je me suis peut-être trop soucié de cette particularité, dans le cadre des discussions qui ont eu lieu à ce propos en 1963. Le vote par procuration a toujours été considéré comme le moindre de deux maux, et c'est dans cet esprit que nous avons rédigé le projet initial qui vous a été soumis.

Le président: M. Forrestall.

M. Forrestall: Je regrette de m'engager dans un autre domaine qui, dans un sens, n'est qu'un amendement à l'article 45A qui se rapporte aux étudiants. Après avoir lu attentivement l'amendement, je crois qu'il englobe les vues que nous avons exprimées au cours des séances antérieures. Voici le libellé même du directeur général des élections qui proposait d'ajouter ce qui suit à l'article 45A.

«c) son absence de l'arrondissement de votation alors qu'il est un étudiant à plein temps régulièrement inscrit à une institution d'enseignement reconnue, durant l'année scolaire,»

...ainsi que les additions qui découlent par voie de conséquence qui sont compatibles avec la nomination, les conditions d'emploi et les prérequis décrétés en vertu de la loi, tels que la rédaction d'une déclaration par le registraire de la maison d'enseignement en cause, à l'effet que l'électeur est un étudiant inscrit à plein temps etc... Puis-je proposer une motion à ce sujet, à titre d'amendement à

[Texte]

so that it might be included for the purposes of our discussion as an amendment to Section 45A, and be worded, as is suggested, as Section 45A, paragraph (c)?

The Chairman: There is an addition to the working draft prepared since the discussion earlier, which reads as follows:

Subsection (1) of section 45A of the Discussion Draft relating to Proxy voting is amended by deleting the word "or" after paragraph (a) thereof, by adding the word "or" after paragraph (b) thereof, and by adding, immediately after, the following paragraph:

"(c) his absence from the polling division while a full-time student duly registered at a recognized educational institution in Canada during an academic term,"

This relates to the brief presented by Grant Deachman in the discussion that took place when you raised the point, Mr. Forrestall. At this point I want to remind the members of the discussions we had on the point that the students have the privilege of being on two lists, and that if this amendment applied, we would then delete one of the privileges they have, of being registered either at their ordinary place of residence or at the institution they attend.

• 2200

Mr. Forrestall: I am very conscious of that. Having said that, I would still like to bring the two documents together as one document for the purposes of a formal motion to which we could then direct ourselves.

The Chairman: I would like to know the feelings of the members about adjourning and starting with this at the next session. Mr. Howard.

Mr. Howard (Skeena): Just before we do, would my friend, Mr. Richard, wait just a moment. He said we should find definitions of categories of employment to afford those employees the opportunities and the rights to vote under this Section. Would the following motion, which I have just drafted, be acceptable to the Committee?

I move that subsection (1) be referred to the Subcommittee on Agenda and Procedure for determination as to whether additional categories may be agreed upon as eligible to vote by the proxy system.

The idea is that it is easier for a smaller group of people in the Committee to work towards something than it is for a larger group, and if it is possible to do it that way it

[Interprétation]

l'article 45A c) dont le libellé serait comme suit:

Le président: Il s'agit donc d'ajouter le texte suivant:

Le paragraphe (1) de l'article 45 de l'avant-projet relatif au vote par procuration est modifié par la suppression du mot «ou» à la fin de l'alinéa a), par l'addition du mot «ou» à la fin de l'alinéa b) et par l'adjonction de l'alinéa suivant:

«c) son absence de l'arrondissement de votation alors qu'il est un étudiant à plein temps régulièrement inscrit à une institution d'enseignement reconnue, durant l'année scolaire,»

Ce texte se rapporte au mémoire soumis par Grant Deachman à l'égard de la discussion que vous avez soulevée en mentionnant ce point, M. Forrestall. Je veux, d'ores et déjà, vous rappeler, messieurs, que les étudiants ont droit de figurer sur deux listes et que, si vous approuvez le présent amendement vous les priverez d'un de leurs droits, qu'il s'agisse d'être inscrits à leur lieu normal de résidence ou à l'institution qu'ils fréquentent.

M. Forrestall: Je sais, mais je voudrais quand même fonder en un seul ces deux documents aux fins de présenter officiellement une motion propre à nous orienter plus tard.

Le président: Voulez-vous que nous levions la séance?

M. Howard (Skeena): Mais auparavant, M. Richard, un instant. Il a dit qu'il nous faudrait trouver des définitions de catégories d'emploi à l'égard des employés à qui nous voulons fournir l'occasion de voter en vertu du présent article.

J'ai préparé une motion qui se lit comme suit; le Comité l'accepterait-il?

Je propose que le paragraphe (1) soit renvoyé au sous-comité du Programme et de la Procédure pour savoir si on est capable de déterminer les catégories auxquelles s'appliquerait le vote par procuration.

Il est en effet plus facile à un nombre restreint de personnes qu'à un groupe plus nombreux au sein du Comité de travailler. Il sera plus facile au sous-comité d'apporter des pré-

[Text]

may be easier for the subcommittee to make some determinations than it would be if there were 15 or so people sitting around a large table, and then they can report back at a convenient time.

Mr. Forrestall: I would like to speak to that. I think that it will meet it in the sense that Mr. Howard has just outlined, that possibly there is some other area and that it would not do any harm for the steering committee to take a final look at it before we decide, because hopefully we will be finished with this at the next meeting.

Mr. Lefebvre: Does this only apply Mr. Howard, to fishermen or does it apply to all...

Mr. Forrestall: Oh no, to all other categories.

Mr. Howard (Skeena): My motion is that subsection (1) be referred to the Subcommittee on Agenda and Procedure to see whether or not we can make a determination about additional categories.

The Chairman: I am quite willing to have a steering committee meeting tomorrow in order to discuss fully all the points and to try to meet the requests of the members. Is that agreed?

Some hon. Members: Agreed.

[Interpretation]

cisions que s'il y a une quinzaine de personnes assis autour d'une table et ils peuvent alors en faire rapport en temps opportun.

M. Forrestall: J'aimerais appuyer cette motion. A mon avis, comme M. Howard l'a souligné, il y aura peut-être d'autres domaines et il conviendra que le Comité de direction y jette un coup d'œil avant de prendre une décision, parce que nous espérons pouvoir terminer à la prochaine séance.

M. Lefebvre: Est-ce que cela ne s'appliquerait qu'aux cas des pêcheurs ou à toutes les autres catégories?

M. Forrestall: A toutes les autres catégories.

M. Howard (Skeena): Ma motion porte que le paragraphe (1) soit renvoyé au sous comité du programme et de la procédure pour voir si l'on ne pourrait pas déterminer les autres catégories.

Le président: Je suis prêt à convoquer le Comité de direction demain pour discuter à fond tous les points et la demande des membres du Comité.

Vous êtes d'accord messieurs?

Des voix: D'accord.

OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

Second Session

Twenty-eighth Parliament, 1969-70

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Deuxième session de la

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

ON

COMITÉ PERMANENT

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 17

THURSDAY, FEBRUARY 26, 1970

LE JEUDI 26 FÉVRIER 1970

Canada Elections Act

La Loi électorale du Canada

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir les *Procès-verbaux*)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président

and Messrs.

et MM.

Badanai
Benjamin
Code
Comtois
Cyr
Duquet

Forget
Forest
Forrestall
Fortin
Howard (*Skeena*)
Howe

¹Jerome
Macquarrie
Marceau
Peddle
²Richard
³Thomas (*Maisonneuve*)

(Quorum 11)

Le greffier du Comité,
R. V. Virr
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),

Suivant l'article 65(4)b) du Règlement,

¹ Replaced Mr. Thomas (*Maisonneuve*) on
Feb. 25, 1970.

¹ Remplace M. Thomas (*Maisonneuve*) le
25 février 1970.

² Replaced Mr. Lefebvre on Feb. 25, 1970.

² Remplace M. Lefebvre le 25 février 1970.

³ Replaced Mr. Major on Feb. 25, 1970.

³ Remplace M. Major le 25 février 1970.

⁴ Replaced Mr. Gendron on Feb. 25, 1970.

⁴ Remplace M. Gendron le 25 février 1970.

⁵ Replaced Mr. Trudel on Feb. 26, 1970.

⁵ Remplace M. Trudel le 26 février 1970.

Corrigendum to Issue 11

1. On page 11:5 on lines, 4, 5 and 6 of subparagraph (h) of the French text only delete the words "du Canada, tiré sur une banque à charte faisant affaires au Canada."

2. On page 11:10 in section 43 in the English text delete the words "the third day before" from lines 3 and 4 and replace by "immediately preceding" and on line 5 of the French text delete the words "mardi sixième jour avant" and replace by "vendredi précédant immédiatement".

Corrections au fascicule 11.

1. Page 11:5, lignes 4, 5 et 6 du sous-alinéa h) du texte français seulement, supprimer les mots «du Canada, tiré sur une banque à charte faisant affaires au Canada.»

2. Page 11:10 de l'article 43 du texte anglais, supprimer les mots «the third day before» au lignes 3 et 4 et les remplacer par l'expression «immediately preceding»; à la ligne 5 du texte français, supprimer les mots «mardi sixième jour avant» et les remplacer par l'expression «vendredi précédant immédiatement».

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, February 26, 1970.
(23)

The Standing Committee on Privileges and Elections met this day at 11:05 a.m. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Badanai, Code, Comtois, Cyr, Duquet, Forget, Forrest, Forrestall, Howard (*Skeena*), Howe, Jerome, Laflamme, Macquarrie, Marceau, Paproski, Thomas (*Maisonneuve*)—(16)

Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee resumed discussion of the proposed new section 45A to the Canada Elections Act.

Section 45A

Mr. Forrestall moved

That paragraph (b) of sub-section (3) of proposed section 45A be amended by adding, at the end of line 3 after the words "medical practitioners", the words "or by the superintendent, or other person from time to time in charge, of a recognized Nursing Home." Motion negatived.

Mr. Forrestall moved

That subsection 1 of proposed section 45A be amended by adding thereto, new paragraph (c) as follows

"(c) his absence from the polling division while a full-time student duly registered at a recognized educational institution in Canada during an academic term,"

Amendment carried.

The Committee agreed to the proposed new section 45A, as amended, to the Canada Elections Act as follows

Proxy Voting

45A. (1) Where an elector whose name appears on the list of electors

[Traduction]

PROCÈS-VERBAL

Le JEUDI 26 février 1970
(23)

Le Comité permanent des privilèges et élections se réunit ce matin à 11h 05. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Code, Comtois, Cyr, Duquet, Forget, Forest, Forrestall, Howard (*Skeena*), Howe, Jerome, Laflamme, Macquarrie, Marceau, Paproski, Thomas (*Maisonneuve*)—(16).

Témoin: M. J.-M. Hamel, directeur général des élections.

Le Comité reprend l'étude du nouvel article 45A de la Loi électorale du Canada.

Article 45A

M. Forrestall propose

Que l'alinéa b) du paragraphe (3) dudit article soit modifié par l'adjonction, à la ligne 3, après les mots «médecin qualifié à exercer», des mots «ou par le surintendant, ou une autre personne d'une clinique reconnue» qui est parfois de service.

La proposition est rejetée.

M. Forrestall propose

Que le paragraphe (1) dudit article soit modifié par l'adjonction du nouvel alinéa c) suivant

«c) son absence de l'arrondissement de votation alors qu'il est un étudiant à plein temps régulièrement inscrit à une institution d'enseignement reconnue au Canada, durant l'année scolaire,»

La modification est adoptée.

Le Comité adopte le projet d'article 45A ci-après, sous sa forme modifiée, à la Loi électorale du Canada:

Vote par procuration

45A. (1) Lorsqu'un électeur, dont le nom figure sur la liste des électeurs d'un

for a polling division at an election is qualified to vote in the polling division at the election and has reason to believe that he will be unable to vote in the polling division at the election, during the hours for voting, on the days fixed for the advance poll and the ordinary polling day by reason of

(a) his absence from the polling division in the course of his employment as a fisherman, mariner or prospector,

(b) his illness or physical incapacity, or

(c) his absence from the polling division while a full-time student duly registered at a recognized educational institution in Canada during an academic term,

he may, in Part I of Form No. 45A, appoint another elector whose name appears on that list of electors and is qualified to vote in the polling division at the election to be his proxy voter to vote for and in place of him at the election.

“(2) At any time prior to ten o'clock in the evening of the Friday immediately preceding polling day at an election, an elector who has appointed a proxy voter pursuant to subsection (1) or a proxy voter appointed pursuant to that subsection may apply in person for a proxy certificate to the returning officer for the electoral district in which the elector is eligible to vote.

(2a) In any electoral district specified in Schedule III, an application pursuant to subsection (2) may be made in person to the election clerk who may then issue a proxy certificate in the manner prescribed in this section.

(2b) In any rural polling division situated in an electoral district specified in Schedule III, if neither the elector who has appointed a proxy voter pursuant to subsection (1) nor the proxy voter appointed pursuant to that subsection is able, because of distance, to

arrondissement de votation à une élection, est habile à voter dans l'arrondissement de votation à l'élection et qu'il a des motifs de croire qu'il sera incapable de voter dans l'arrondissement de votation à l'élection, durant les heures de vote, les jours fixés pour le scrutin provisoire et comme jour ordinaire de l'élection, en raison de

a) son absence de l'arrondissement de votation pendant l'exercice de sa fonction comme pêcheur, marin ou prospecteur,

b) sa maladie ou son invalidité, ou

c) son absence de l'arrondissement de votation alors qu'il est un étudiant à plein temps régulièrement inscrit à une institution d'enseignement reconnue, au Canada durant l'année scolaire,

il peut, selon la Partie I de la formule n° 45A, nommer un autre électeur, dont le nom figure sur la liste des électeurs et qui est habile à voter dans l'arrondissement de votation à l'élection, comme son électeur mandataire, pour voter à sa place à l'élection.

(2) En tout temps avant dix heures du soir le vendredi précédant le jour du scrutin, à une élection, un électeur qui a nommé un électeur mandataire en conformité du paragraphe (1) ou un électeur mandataire nommé en conformité de ce paragraphe peut se présenter en personne pour obtenir un certificat de procuration de l'officier rapporteur du district électoral dans lequel l'électeur est habile à voter.

(2a) Dans tout district électoral mentionné à la troisième annexe, une application faite en conformité du paragraphe (2) peut être présentée en personne au secrétaire d'élection qui peut alors délivrer un certificat de procuration de la façon prescrite au présent article.

(2b) Dans tout arrondissement rural situé dans un district électoral mentionné à la troisième annexe, si ni l'électeur qui a nommé l'électeur mandataire en conformité du paragraphe (1) ni l'électeur mandataire nommé en conformité de ce paragraphe n'est capable,

apply in person as prescribed in subsection (2) or (2a), an appointment under oath in Form No. 45A shall be treated as a proxy certificate by the deputy returning officer of the polling station in which the elector and the proxy voter are qualified to vote."

(3) Where the returning officer referred to in subsection (2)

(a) receives a completed appointment of a proxy voter in Form No. 45A during an election prior to the expiration of the time for applying for a proxy certificate,

(b) In the case of an elector referred to in paragraph (b) of subsection (1), receives a medical certificate completed by a legally qualified medical practitioner certifying that the elector is unable to vote at the polling station at the election because of his illness or physical incapacity,

(c) is satisfied that

(i) the elector is entitled to appoint a proxy voter under subsection (1),

(ii) the names of the elector and proxy voter both appear on the list of electors prepared during the election for the polling division in which the elector is qualified to vote,

(iii) a proxy certificate has not been issued by him during the election to any other person to act as a proxy voter for the elector, and

(iv) the proxy voter has not previously been appointed during the election to be a proxy voter for any other elector,

the returning officer shall, unless the proxy voter has already completed and signed the consent in writing set out, under his appointment, in Part II of Form 45A, require the proxy voter to complete and sign that consent and shall thereupon complete and issue a proxy certificate in triplicate in Part I of Form No. 45B.

en raison de la distance, de se présenter en personne comme le prescrit le paragraphe (2) ou (2a), une nomination sous serment doit être considérée comme un certificat de procuration par le sous-officier rapporteur du bureau de votation où l'électeur et l'électeur mandataire sont habiles

(3) Lorsque l'officier rapporteur mentionné au paragraphe (2)

a) reçoit une nomination d'un électeur mandataire établie selon la formule n° 45A, au cours d'une élection, avant l'expiration du délai pour la présentation d'une demande de certificat de procuration,

b) dans le cas d'un électeur mentionné à l'alinéa b) du paragraphe (1), reçoit un certificat rempli par un médecin qualifié à exercer, attestant que l'électeur est incapable de voter au bureau de votation à l'élection, à cause de sa maladie ou son invalidité, c) est d'avis

(i) que l'électeur a droit de nommer un électeur mandataire en vertu du paragraphe (1),

(ii) que le nom de l'électeur et celui de l'électeur mandataire figurent tous deux sur la liste des électeurs préparée, durant l'élection, pour l'arrondissement de votation dans lequel l'électeur est habile à voter,

(iii) qu'il n'a pas émis un certificat de procuration, durant l'élection, en faveur d'une autre personne pour qu'elle agisse en qualité d'électeur mandataire pour cet électeur, et

(iv) que l'électeur mandataire n'a pas déjà été nommé, durant l'élection, pour agir en qualité d'électeur mandataire d'un autre électeur,

l'officier rapporteur doit, à moins que l'électeur mandataire n'ait déjà rempli et signé l'acceptation par écrit, au-dessous de sa nomination, selon la Partie II de la formule n° 45A, demander à l'électeur mandataire de remplir et signer cette acceptation et doit alors remplir et signer cette acceptation et doit alors remplir et délivrer un certificat de procuration en triple exemplaire selon la Partie I de la formule n° 45B.

(4) Upon the completion of a proxy certificate pursuant to subsection (3), a returning officer shall

(a) deliver the original copy of the certificate to the elector or proxy voter who has applied to him;

(b) where possible, transmit a copy of the certificate to the deputy returning officer for the polling division in which the elector is qualified to vote; and

(c) retain a copy of the certificate together with the appointment of the proxy voter.

(5) An appointment of a proxy voter and a proxy certificate shall be open for public inspection in the office of the returning officer who issued the certificate at all reasonable times prior to ten o'clock in the evening of the Saturday immediately preceding polling day.

(6) Where an elector

(a) requests, in writing on a proxy certificate issued during an election in relation to him, that the certificate be cancelled, and

(b) has the certificate returned to the returning officer who issued it before ten o'clock in the evening on the Saturday immediately preceding polling day,

the returning officer shall cancel the certificate.

(7) Subject to subsection (2), where a proxy certificate has been returned to a returning officer for cancellation, the elector to whom it relates may appoint another proxy voter and thereupon the returning officer shall, subject to this section, complete and issue another proxy certificate.

(8) Where, on the ordinary polling day, a proxy voter appointed in accordance with this section delivers to the deputy returning officer for the polling division in which he and the elector who appointed him to be his proxy voter are qualified to vote a proxy certificate issued under this section and takes the oath set out under that certificate in Part II of Form 45B,

(4) Une fois le certificat de procuration établi en conformité du paragraphe (3), un officier rapporteur doit

a) remettre l'original du certificat à l'électeur ou à l'électeur mandataire qui le lui a demandé;

b) si possible, transmettre un exemplaire du certificat au sous-officier rapporteur de l'arrondissement de votation où l'électeur est habile à voter; et

c) conserver un exemplaire du certificat avec la nomination de l'électeur mandataire.

(5) Une nomination d'un électeur mandataire et un certificat de procuration doivent être mis à la disposition du public, pour inspection, au bureau de l'officier rapporteur qui a délivré le certificat, en tout temps raisonnable avant dix heures du soir le samedi précédant le jour du scrutin.

(6) Lorsqu'un électeur

a) demande, en écrivant sur le certificat de procuration délivré pendant une élection et le concernant, l'annulation du certificat, et

b) retourne le certificat à l'officier rapporteur qui l'a délivré avant dix heures du soir le samedi précédant le jour du scrutin,

l'officier rapporteur doit annuler le certificat.

(7) Sous réserve du paragraphe (2), lorsqu'un certificat de procuration a été retourné à l'officier rapporteur pour annulation, l'électeur qu'il concerne peut nommer un autre électeur mandataire et, sur ce, l'officier rapporteur doit, sous réserve du présent article, remplir et délivrer un autre certificat de procuration.

(8) Lorsque, le jour ordinaire du scrutin, un électeur mandataire nommé conformément au présent article remet au sous-officier rapporteur de l'arrondissement de votation où il est lui-même habile à voter (ainsi que l'électeur qui l'a nommé pour agir en tant que son électeur mandataire) un certificat de procuration délivré en vertu du présent article et qu'il prête le serment porté au-dessous du certificat, selon la Partie II à la formule n° 45B,

(a) the proxy voter may thereupon, subject to any other provision of this Act other than subsection (3) of section 37, vote at the election for and in the place of that elector;

(b) the poll clerk shall enter in the poll book opposite the elector's name, in addition to any other required entry, the fact that the elector voted by proxy together with the name of the proxy voter; and

(c) the deputy returning officer shall, in accordance with subsection (9) of section 50, transmit the proxy certificate to the returning officer.

(9) An elector who

(a) has been appointed, in accordance with this section, to be a proxy voter at an election, and

(b) votes as a proxy voter at the election,

is, notwithstanding subsection (3) of section 37 but subject to any other provision of this Act, entitled to vote in his own right at the election.

(10) a proxy certificate issued during an election is valid only on the ordinary polling day at that election.

(11) Every one is guilty of an offence against this Act who, at an election,

(a) appoints more than one proxy voter;

(b) being ineligible to vote by proxy, fraudulently appoints a proxy voter;

(c) having appointed a proxy voter and not having had the appointment cancelled in accordance with this section, himself votes;

(d) applies to vote as a proxy voter for more than one elector;

(e) not being qualified to vote in a polling division, completes and signs a consent in writing pursuant to this section whereby he consents to be a proxy voter for an elector in that polling division; or

(f) except in accordance with this section, applies for a proxy certificate

a) l'électeur mandataire peut alors, sous réserve de toute disposition de la présente loi autre que le paragraphe (3) de l'article 37, voter à l'élection à la place de cet électeur;

b) le greffier du scrutin doit noter vis-à-vis le nom de l'électeur dans le cahier du scrutin, en plus de toute autre inscription requise, le fait que l'électeur a voté par procuration et le nom de l'électeur mandataire; et

c) le sous-officier rapporteur doit, en conformité du paragraphe (9) de l'article 50, transmettre le certificat de procuration à l'officier rapporteur.

(9) Un électeur

a) qui a été nommé, conformément au présent article, pour être un électeur mandataire, et

b) qui vote à l'élection à titre d'électeur mandataire,

est admis à voter pour son propre compte à l'élection, nonobstant le paragraphe (3) de l'article 37, mais sous réserve de toute autre disposition de la présente loi.

(10) Un certificat de procuration délivré pendant une élection est valable seulement le jour ordinaire du scrutin à cette élection.

(11) Est coupable d'une infraction à la présente loi, quiconque, à une élection,

a) nomme plus d'un électeur mandataire;

b) n'étant pas admissible à voter par procuration, frauduleusement nomme un électeur mandataire;

c) ayant nommé un électeur mandataire, vote lui-même sans avoir fait annuler la nomination conformément au présent article;

d) demande à voter à titre d'électeur mandataire pour plus d'un électeur;

e) n'étant pas habile à voter dans un arrondissement de votation, remplit et signe une acceptation écrite conformément au présent article, par laquelle il accepte d'être l'électeur mandataire d'un électeur dans cet arrondissement de votation; ou

f) demande un certificat de procuration ou vote à titre d'électeur manda-

or votes as a proxy voter at an election."

Section 16

Mr. Howard moved that subsection (7) of section 16 of the said Act be amended by striking out the word "or" at the end of paragraph (a) thereof, by adding the word "or" at the end of paragraph (b) thereof, and by adding thereto the following paragraph:

"(c) being seasonally employed in the fishing industry, other than as a fisherman, is engaged in the pursuit of his ordinary gainful occupation at a plant or factory situated in or near the polling division to which he was removed."

Motion carried.

Consequential to a previous decision to include party affiliation on official ballots, the Committee agreed that the said Act be further amended by adding thereto, immediately after section 13 thereof, the following heading and section:

Registration of Political Parties

13A. (1) The Chief Electoral Officer shall maintain a registry of political parties and subject to this section shall register therein any political party that files with him an application for registration signed by the leader of the party, setting out

- (a) the full name of the party;
- (b) the party name or the abbreviation, if any, of the party name to be shown in any election documents;
- (c) the name and address of the leader of the party;
- (d) the address of the office of the party where records are maintained and to which communications may be addressed; and
- (e) the names and addresses of the officers of the party.

(2) Upon receipt of an application for registration of a political party pursuant to subsection (1), the Chief Electoral Officer shall examine the application and determine whether the party can be registered under this section and

taire autrement qu'en conformité du présent article.»

Article 16

M. Howard propose que le paragraphe (7) de l'article 16 de ladite loi soit modifié par le retranchement du mot «ou» à la fin de l'alinéa a), par l'insertion du mot «ou» à la fin de l'alinéa b) et par l'adjonction de l'alinéa suivant:

«c) étant employé de façon saisonnière dans l'industrie du poisson autrement qu'à titre de pêcheur, travaille à la poursuite de son occupation rémunérée ordinaire dans une fabrique ou conserverie située dans l'arrondissement de votation où il a déménagé, ou près de celui-ci.»

La proposition est adoptée.

Par suite d'une décision préalable visant à insérer l'appartenance politique sur les bulletins de vote officiels, le Comité accepte que ladite loi soit en outre modifiée par l'insertion de la rubrique et de l'article suivants:

«Enregistrement des partis politiques

«13A. (1) Le directeur général des élections doit tenir un registre des partis politiques où, sous réserve des dispositions du présent article, il doit enregistrer tout parti politique qui lui produit une demande d'enregistrement signée par le chef du parti, énonçant:

- a) le nom intégral du parti;
- b) le nom du parti ou, le cas échéant, l'abréviation du nom du parti qui doit figurer aux documents d'élection;
- c) le nom et l'adresse du chef du parti;
- d) l'adresse du bureau du parti où sont conservées les archives et où les communications peuvent être adressées; et
- e) les nom et adresse des dirigeants du parti.

(2) Au reçu d'une demande d'enregistrement d'un parti politique en conformité du paragraphe (1), le directeur général des élections doit étudier la demande et décider si le parti peut être enregistré en vertu du présent article et

- (a) if the party can be registered, register it and so inform the leader of the party; or
- (b) if the party cannot be registered, so inform the leader of the party.

(3) A registration of a political party pursuant to this section has effect

- (a) if the application for registration is filed at a general election on or before the enumeration date, commencing on the day on which the party is registered; or
- (b) if the application for registration is filed at any other time, commencing at the general election next following the day on which the party is registered.

(4) The Chief Electoral Officer shall not register a political party where,

- (a) in the case of an application for registration made in the period commencing on the coming into force of this Act and terminating on the enumeration date at the general election next following the coming into force of this Act, he is of opinion that the name or abbreviation of the name of the party so nearly resembles the name or abbreviation of the name of a party that was represented in the House of Commons immediately prior to the coming into force of this Act as to be likely to be confused with the party that was so represented;
- (b) in the case of an application for registration made at any other time, he is of opinion that the name or he is of opinion that the name or party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with that registered party; or
- (c) in the case of any application for registration, the name of the party includes the word "independent".

(5) The Chief Electoral Officer may, upon receipt of an application for variation of registration signed by the leader of a registered party and containing the information required to be contained in an application for registration, vary the name

- a) si le parti peut être enregistré, l'enregistrer et en informer le chef du parti; ou
- b) si le parti ne peut pas être enregistré, en informer le chef du parti.

(3) Un enregistrement d'un parti politique en conformité du présent article prend effet

- a) si la demande d'enregistrement est produite à une élection générale, au plus tard à la date de l'énumération, à dater du jour d'enregistrement du parti; ou
- b) si la demande d'enregistrement est produite à tout autre moment, à dater de l'élection générale qui suit l'enregistrement du parti.

(4) Le directeur général des élections ne doit pas enregistrer un parti politique si,

- a) dans le cas d'une demande d'enregistrement présentée dans la période commençant avec l'entrée en vigueur de la présente loi et se terminant à la date de l'énumération à l'élection générale qui suit l'entrée en vigueur de la présente loi, il est d'avis que le nom ou l'abréviation du nom du parti ressemble, de près au nom ou à l'abréviation du nom d'un parti qui était représenté à la Chambre des communes juste avant l'entrée en vigueur de la présente loi, au point qu'il risque d'être confondu avec le parti qui était ainsi représenté;
- b) dans le cas d'une demande d'enregistrement présentée à tout autre moment, il est d'avis que le nom ou l'abréviation du nom du parti ressemble de près au nom ou à l'abréviation du nom d'un parti enregistré au point qu'il risque d'être confondu avec ce parti enregistré; ou
- c) dans le cas d'une demande d'enregistrement le nom du parti contient le mot «indépendant».

(5) Le directeur général des élections peut, au reçu d'une demande de changement d'enregistrement signée par le chef d'un parti enregistré et contenant les renseignements qu'une demande d'enregistrement doit contenir, changer le nom du

of the party in the registry in accordance with the application to any other name that can be registered pursuant to this section.

(6) A variation of registration made pursuant to subsection (5) has effect on the day on which it would have effect pursuant to subsection (3) if it were a new registration.

(7) At a general election, every registered party that has been registered prior to that election shall, not later than the enumeration date, file with the Chief Electoral Officer a statement in writing signed by the leader of the party

(a) confirming or bringing up to date the information contained in the application for registration of the party; and

(b) where the leader wishes to designate a representative to endorse candidates at the election, designating that representative.

(8) The Chief Electoral Officer may at a general election, on or after the forty-eighth day before polling day delete from the registry any registered party that

(a) was not represented in the House of Commons on the day before the dissolution of Parliament immediately preceding the election; and

(b) has not complied with subsection (7); or does not have candidates officially nominated in at least ten per cent of the electoral districts in Canada on the twenty-eighth day before polling day.

The Committee agreed to the following amendments to the said Act consequential to section 13A.

Section 2

Section 2 of the said Act be amended by adding thereto, immediately after paragraph (23) thereof, the following paragraph:

(23a) "political affiliation" means, in respect of a candidate at an election, the designation, if any, that pursuant to subsection (3a) of section 21A is to be used to describe the candidate at the election;

parti dans le registre, en accord avec la demande, en tout autre nom qui peut être enregistré en conformité du présent article.

(6) Un changement d'enregistrement fait en conformité du paragraphe (5) prend effet le jour où, en conformité du paragraphe (3), il aurait pris effet s'il s'agissait d'un nouvel enregistrement.

(7) A une élection générale, tout parti enregistré qui été enregistré avant cette élection doit, au plus tard à la date de l'énumération, produire au directeur général des élections une déclaration écrite signée par le chef du parti

a) conformément ou mettant à jour les renseignements contenus dans la demande d'enregistrement du parti; et

b) si le chef désire désigner un représentant pour parrainer les candidats à l'élection, désignant un représentant.

(8) Le directeur général des élections peut, à une élection générale, le jour du scrutin ou dans les quarante-huit jours qui le précèdent, radier des registres, un parti enregistré qui

a) n'était pas représenté à la Chambre des communes le jour précédant la dissolution du Parlement juste avant l'élection; et

b) ne s'était pas conformé au paragraphe (7), ou n'a pas de candidats officiellement mis en présentation dans au moins dix pour cent des districts électoraux au Canada le vingt-huitième jour avant le jour du scrutin.

Le Comité accepte les modifications suivantes à ladite loi, qui découlent de l'article 13A.

Article 2

L'article 2 de ladite loi est modifié par l'insertion, immédiatement après le paragraphe (23), de l'alinéa suivant:

«(23a) «appartenance politique» signifie, en ce qui concerne un candidat à une élection, la désignation, le cas échéant, devant être employée en conformité du paragraphe (3a) de l'article 21A pour décrire le candidat à l'élection.»

Section 2 of the said Act be further amended by adding thereto, immediately after paragraph (30) thereof, the following paragraph:

(30a) “registered party” means a political party that is registered pursuant to section 13A;

Section 21A

Proposed section 21A of the said Act be amended by striking out subparagraph (i) of paragraph (a) of subsection (2) of section 21A and substituting therefor the following:

(i) the name, address, occupation and political affiliation of the candidate;

Subsection (2) of section 21A of the Act, be amended by striking out the word “and” at the end of paragraph (g) thereof and by adding thereto, immediately after paragraph (g) thereof, the following paragraphs:

(ga) where the candidate has the endorsement of a registered party and wishes to have the name of the party shown in the election documents relating to him, an instrument in writing, signed by the leader of the party or by the representative designated by the leader pursuant to subsection (7) of section 13A and stating that the candidate is endorsed by the party, shall be filed with the returning officer at the time the nomination paper is filed;

(gb) where an instrument referred to in paragraph (ga) is not filed in accordance with that paragraph and the candidate does not wish to be described in the election documents relating to him by the word “independent” a request in writing, signed by the candidate and asking that the word “independent” be omitted from his description in the election documents, shall be filed with the returning officer at the time the nomination paper is filed; and

(2) L'article 2 de ladite loi est modifié par l'insertion, immédiatement après l'alinéa (30), de l'alinéa suivant:

«(30a) «parti enregistré» désigne un parti politique qui est enregistré en conformité de l'article 13A;»

Article 21A

L'article 21A de ladite loi est modifié par le retranchement du sous-alinéa (i) de l'alinéa a) du paragraphe (2) et l'adjonction de l'alinéa suivant:

«(i) le nom, l'adresse, l'occupation et l'appartenance politique du candidat;»

Le paragraphe (2) de l'article 21A du projet de modifications à ladite loi est en outre modifié par le retranchement du mot «et» à la fin de l'alinéa g) et par l'adjonction, immédiatement après l'alinéa g) des alinéas suivants:

«ga) lorsque le candidat a le parrainage d'un parti enregistré et désire voir figurer le nom du parti sur les documents de l'élection le concernant, un acte écrit, signé par le chef du parti ou par son représentant désigné en conformité du paragraphe (7) de l'article 13A et énonçant que le candidat est parrainé par le parti, doit être produit à l'officier rapporteur au moment de la production du bulletin de présentation;

gb) lorsqu'un acte écrit mentionné à l'alinéa ga) n'est pas produit conformément à cet alinéa et que le candidat ne désire pas être décrit dans les documents de l'élection le concernant par le mot «indépendant», une requête écrite, signée par le candidat et demandant que le mot «indépendant» ne figure point dans sa description dans les documents de l'élection, doit être produite à l'officier rapporteur au moment de la production du bulletin de présentation; et»

Section 21A of the Act be further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

(3a) For the purpose of subparagraph (i) of paragraph (a) of subsection (2)

(a) if an instrument is filed in accordance with paragraph (ga) of subsection (2), the political affiliation of the candidate shall be stated as being the registered party named in the instrument;

(b) if no instrument or request is filed in accordance with paragraph (ga) or (gb) of subsection (2), the political affiliation of the candidate shall be described by the word "independent"; and

(c) if a request is filed in accordance with paragraph (gb) of subsection (2), the candidate shall not be described as having any political affiliation or described by the word "independent."

Section 25

Section 25 of the said Act be repealed and the following substituted therefor:

"25. (1) Where more than one candidate is officially nominated in the manner required by this Act, the returning officer shall, forthwith after the close of nominations, grant a poll for taking the votes of the electors.

(2) Where a poll is granted pursuant to subsection (1), the returning officer shall, within the two days immediately following the day on which the poll is granted, deliver or send by registered mail to each candidate officially nominated in his electoral district ten copies, and to the Chief Electoral Officer twenty-five copies, of the Notice of Grant of a Poll in Form No. 30 issued by him indicating

(a) the name, address, occupation and political affiliation, if any, of each officially nominated candidate in that electoral district, as stated in the

L'article 21A du projet de modifications à ladite loi est en outre modifié par l'adjonction, immédiatement après le paragraphe (3), du paragraphe suivant:

«(3a) Aux fins du sous-alinéa (i) de l'alinéa a) du paragraphe (2)

a) si un acte écrit est produit conformément à l'alinéa ga) du paragraphe (2), l'appartenance politique du candidat doit être indiquée comme étant celle du parti enregistré nommé dans l'acte;

b) si aucun acte ou requête n'est produit conformément à l'alinéa ga) ou gb) du paragraphe (2), l'appartenance politique du candidat sera décrite par le mot «indépendant»; et

c) si une requête est produite conformément à l'alinéa gb) du paragraphe (2), le candidat ne doit pas être décrit comme ayant une quelconque appartenance politique ou être décrit par le mot «indépendant».

Article 25

L'article 25 de ladite loi est abrogé et remplacé par ce qui suit:

«25. (1) Lorsque plus d'un candidat est officiellement mis en présentation de la manière prescrite par la présente loi, l'officier rapporteur, *immédiatement après la clôture des présentations*, doit consentir à la tenue d'un scrutin pour recevoir les votes des électeurs.

«(2) Lorsqu'il est consenti à la tenue d'un scrutin en conformité du paragraphe (1), l'officier rapporteur doit, dans les deux jours qui suivent celui de l'octroi du scrutin, remettre ou envoyer candidats officiellement mis en présentation sous pli recommandé à chacun des candidats officiellement mis en présentation dans son district électoral, dix copies, et au directeur général des élections vingt-cinq copies, de l'avis de l'octroi d'un scrutin selon la formule n° 30, émis par lui et indiquant:

a) le nom, l'adresse, l'occupation et l'appartenance politique, le cas échéant, de chaque candidat officiellement mis en présentation dans ce

nomination papers, in the order in which those names are to be placed on the ballot papers;

(b) the name, address and occupation of the official agent of each officially nominated candidate in that electoral district, as stated in the nomination papers; and

(c) the name, if any, the boundaries and the number of each of the polling divisions and the address of the polling stations in that electoral district.

(3) Where a poll is granted pursuant to subsection (1), the returning officer shall, within the two days immediately following the day on which the poll is granted, deliver or send by registered mail to the postmaster of each post office situated in a rural area of his electoral district one copy of the Notice of Grant of a Poll referred to in subsection (2).

(4) Every postmaster shall, forthwith after receipt of the Notice of Grant of a Poll referred to in subsection (2), post up the notice in some conspicuous place within his post office to which the public has access and maintain it posted there until the time fixed for the closing of the poll has passed and, for the purpose of this subsection, the postmaster shall be deemed to be an election officer."

Section 28

Subsections (1) and (2) of section 28 of the said Act be repealed and the following substituted therefor:

"28. (1) All ballot papers shall be of the same description and as nearly alike as possible and each ballot paper shall be a printed paper on which

(a) the names of the candidates, alphabetically arranged in the order of their surnames, shall be set out as those names appear in their nomination papers; and

(b) the political affiliation of each candidate, if any, as indicated pursuant to section 21A in the nomination

district électoral, selon ce qui est indiqué dans les bulletins de présentation, suivant l'ordre dans lequel ces noms doivent être placés sur les bulletins de vote;

b) le nom, l'adresse et l'occupation de l'agent officiel de chaque candidat officiellement mis en présentation dans ce district électoral, selon ce qui est indiqué dans les bulletins de présentation; et

c) le nom, s'il en est, les limites et le numéro de chacun des arrondissements de votation et l'adresse de chacun des bureaux de votation dans ce district électoral.

(3) Lorsqu'il est consenti à la tenue d'un scrutin en conformité du paragraphe (1), l'officier rapporteur doit, dans les deux jours qui suivent celui de l'octroi pli recommandé au maître de poste de chaque bureau de poste situé dans la partie rural de son district électoral, une copie de l'avis de l'octroi d'un scrutin mentionné au paragraphe (2).

(4) Immédiatement après avoir reçu l'avis de l'octroi d'un scrutin, mentionné au paragraphe (2), chaque maître de poste doit l'afficher dans un endroit bien en vue de son bureau de poste où le public est admis et l'y tenir afficher jusqu'à l'heure fixée pour la clôture du scrutin, et aux fins du présent paragraphe, le maître de poste est censé être un officier d'élection."

Article 28

Les paragraphes (1) et (2) de l'article 28 de ladite loi sont abrogés et remplacés par ce qui suit:

«28. (1) Tous les bulletins de vote doivent être de la même description et aussi semblables que possible et chaque bulletin de vote doit être un papier imprimé sur lequel

a) les noms des candidats, inscrits dans l'ordre alphabétique par leurs noms de famille, sont énoncés tels qu'ils figurent sur leur bulletin de présentation; et

b) l'appartenance politique de chaque candidat, le cas échéant, telle qu'indiquée en conformité de l'article 21A

paper of that candidate, shall be set out, in such forms as has been indicated by the leader of the party pursuant to section 13A, after or under the name of the candidate.

(2) Each ballot paper shall be in Form No. 35 and shall have a counterfoil and a stub, with a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub."

The Committee also agreed to consequential amendments to Forms numbered 27, 35 and 37 to the said Act.

Section 14

Consequential to previous decisions taken by the Committee regarding qualifications of electors, Mr. Hamel tabled an amendment to section 14 of the said Act which was agreed to as follows:

Subsection (1) of section 14 of the said Act, be repealed and the following substituted therefor:

"14 (1) Subject to this Act, every man and woman in Canada who is

(a) eighteen years of age, and

(b) a Canadian citizen,
is qualified as an elector.

(1a) Every person who, on the date of the issue of a writ ordering an election, has not attained the age of eighteen years but who will attain that age on or before polling day at the election is, for the purposes of this Act, deemed to have attained that age on the date of the issue of the writ.

(1b) Every person who, on the date of the issue of a writ ordering an election, is not a Canadian citizen but who expects to become a Canadian citizen on or before polling day at the election is, for the purposes of this Act, deemed to have become a Canadian citizen on the date of the issue of the writ except that, if he does not on or before polling day in fact, become a Canadian citizen, he is not qualified as an elector.

(1c) Every person who is a British subject other than a Canadian citizen and was ordinarily resident in Canada

dans le bulletin de présentation de ce candidat, doit être énoncée de la façon que le chef du parti aura indiquée en conformité de l'article 13A, après ou sous le nom du candidat.

(2) Le bulletin de vote doit être selon la formule n° 35 et doit avoir un talon et une souche avec ligne perforée entre le bulletin de vote et le talon et entre le talon et la souche.»

Le Comité accepte également les modifications qui en découlent aux formules n° 27, 35 et 37.

Article 14

Par suite de décisions déjà prises par le Comité au sujet des titres et qualités des électeurs, M. Hamel dépose un projet de modifications à l'article 14 de ladite loi qui est accepté comme il suit:

Le paragraphe (1) de l'article 14 de ladite loi est abrogé et remplacé par ce qui suit:

«14. (1) Sous réserve des dispositions de la présente loi, tout homme ou toute femme au Canada qui

a) a atteint l'âge de dix-huit ans, et

b) est citoyen canadien,
a qualité d'électeur.

(1a) Toute personne qui, à la date de l'émission du bref ordonnant une élection, n'a pas atteint l'âge de dix-huit ans mais qui atteindra cet âge le ou avant le jour du scrutin à l'élection est, aux fins de la présente loi, censée avoir atteint cet âge à la date de l'émission du bref.

(1b) Toute personne qui, à la date de l'émission du bref ordonnant une élection, n'est pas citoyen canadien mais qui s'attend à le devenir le ou avant le jour du scrutin à l'élection est censée, aux fins de la présente loi, être devenue citoyen canadien à la date de l'émission du bref, sauf que, si elle ne devient pas en fait citoyen canadien le jour du scrutin ou avant, elle n'a pas qualité d'électeur.

(1c) Toute personne qui est un sujet britannique autre qu'un citoyen canadien et qui résidait ordinairement au

on the twenty-fifth day of June, 1967, is for the purposes of this Act, deemed to be a Canadian citizen."

At 1:00 p.m., the Committee adjourned to the call of the Chair.

Canada le vingt-cinq juin 1967 est censée, aux fins de la présente loi, être citoyen canadien.»

A 1 h 00, la séance du Comité est levée jusqu'à nouvelle convocation du président.

Le greffier du Comité,

R. V. Virr,

Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, February 26, 1970

●1108

The Chairman: Order, please, we have a quorum. As you know, yesterday afternoon the steering committee met in my office. Present were Mr. Michael Forrestall, Mr. Frank Howard, Mr. Jim Jerome and me. Just to make a report to you of the discussions that took place, we unanimously agreed when studying the draft proposal of proxy voting system you have before you that Section 45A subsection (1) (a) would read as follows:

(a) his absence from the polling division in the course of his employment as a fisherman, mariner, or prospector, or

The word "prospector" has been unanimously added to subsection (a). Is it agreed?

Amendment agreed to.

The Chairman: There was no amendment to paragraph (b) in the text you have before you and subsection (2) of Section 45A of the said draft has been replaced by the following:

(2) At any time prior to ten o'clock in the evening of the Friday immediately preceding polling day at an election, an elector who has appointed a proxy voter pursuant to subsection (1) or a proxy voter appointed pursuant to that subsection may apply in person for a proxy certificate...

This change was made at the request of Mr. Duquet and Mr. Howard who made representations to the effect that we had better specify who would be entitled to get the proxy form. This new text, if it meets with your approval, instead of saying "an elector or a proxy voter" which is the text before you, would read:

... an elector who has appointed a proxy voter pursuant to subsection (1) or a proxy voter appointed pursuant to that subsection...

Amendment agreed to.

The Chairman: It has also been agreed that after subsection (2) paragraphs (a) and (b) would be added.

[Traduction]

TÉMOIGNAGES

(Enregistrement électronique)

Le jeudi 26 février 1970

Le président: Messieurs, nous avons un quorum. Le Comité directeur s'est réuni hier après-midi dans mon bureau. Étaient présents à cette réunion, MM. Michael Forrestall, Frank Howard, Jim Jérôme et moi-même. Nous avons alors décidé à l'unanimité que le paragraphe (1) (a) de l'article 45 A qui concerne le vote par procuration, se lirait comme suit:

a) Son absence de l'arrondissement de votation pendant l'exercice de ses fonctions comme pêcheur, marin ou prospecteur ou...

Nous avons décidé à l'unanimité d'ajouter le mot «prospecteur» au paragraphe (a) Êtes-vous d'accord?

L'amendement est accepté.

Le président: Aucun amendement n'a été apporté à l'alinéa (b) dans le texte que vous avez devant vous et le paragraphe 2 de l'article 45 A est remplacé par ce qui suit:

(2) En tout temps avant dix heures du soir le vendredi précédant le jour du scrutin, à une élection, un électeur qui a nommé un électeur mandataire en conformité du paragraphe (1) ou un électeur mandataire nommé en conformité de ce paragraphe, peut se présenter en personne pour obtenir un certificat de procuration...

Cette modification a été faite à la demande de M. Duquet et de M. Howard qui ont pensé qu'il serait bon de préciser qui aurait le droit de se procurer la formule de procuration. Si vous donnez votre approbation, au lieu de dire un «électeur» ou un «électeur mandataire» qui est indiqué dans le texte actuel on lirait ce qui suit:

...un électeur qui a nommé un électeur mandataire en conformité du paragraphe (1) ou un électeur mandataire nommé en conformité de ce paragraphe...

L'amendement est adopté.

Le président: Il a également été décidé d'ajouter les alinéas (a) et (b) après le paragraphe (2).

[Text]

This was suggested to avoid having anyone who requests a proxy form having to travel miles and miles to get the form. This is the reason in subsection (2) (a) we specified any electoral district in Schedule III. What does Schedule III mean? It means the 21 huge constituencies where if the present text were followed anyone requesting a proxy form would have to go to the returning officer and travel miles to get this form. So subsection (2)(a) would read:

In any electoral district specified in Schedule III, an application pursuant to subsection (2) may be made in person to the election clerk who may then issue a proxy certificate in the manner prescribed in this section.

The Chairman: Is this amendment agreed to?

Mr. Howard (Skeena): No. I have to apologize because yesterday at the steering committee meeting I did not look and the bells rang which kind of speeded things up a little bit in any event. However, for some reason I assumed that in British Columbia the constituency of Comox-Alberni was included in Schedule III but it is not. Comox-Alberni has within it a number of fishermen who are in almost an equally difficult position and are equally far removed from where the returning officer is now or even where he might be if a new returning officer were chosen. People in that constituency will find themselves in a difficult position, an impossible position, having to travel by boat in some cases, by ferry, by plane and by car to get from where they live, a distance perhaps of a couple of hundred of miles in some cases, to the returning officer. The intent that we were talking about would not be equally applicable to Comox-Alberni and yet I think it should be because of the geography there. I apologize for not having raised this earlier.

•1115

The Chairman: I believe your point is well taken Mr. Howard because the purpose of the amendment was precisely to solve the problem you have mentioned.

Mr. J. M. Hamel (Chief Electoral Officer): The point I want to make is that the elector and the proxy voter do not have to go together to the returning officer or the election clerk, just one of the two. This may not solve all the problems you raised but in most cases

[Interpretation]

Cette proposition avait pour objet d'éviter à la personne qui désire obtenir une formule de procuration d'avoir à voyager des milles et des milles. C'est pourquoi, au paragraphe (2) A, nous avons précisé qu'il s'agissait de tout district électoral mentionné à l'annexe (3). Quel est l'objet de l'annexe (3)? D'après l'ancien texte, un résident d'une des 21 grandes circonscriptions qui voudrait obtenir une formule de procuration, aurait dû se rendre auprès de l'officier rapporteur et parcourir ainsi une grande distance. Le paragraphe (2) (a) se lira donc comme suit:

Dans tout district électoral mentionné à l'annexe (3), une application faite en conformité du paragraphe (2) peut être présentée en personne au secrétaire d'élection qui peut alors délivrer un certificat de procuration de la façon prescrite au présent article.

Le président: Cet amendement est-il approuvé?

M. Howard (Skeena): Non. Je m'excuse, car à la réunion du Comité directeur, hier, je n'ai pas remarqué l'heure et nous avons dû précipiter les choses. Je croyais donc, pour une raison quelconque que la circonscription de Comox-Alberni en Colombie-Britannique était mentionnée dans l'annexe (3), mais elle ne l'est pas. La Circonscription de Comox-Alberni comprend un grand nombre de pêcheurs qui résident assez loin de l'endroit où se trouve l'officier rapporteur à l'heure actuelle, ou pourrait de trouver si l'on en nommait un autre. Pour se rendre auprès de l'officier rapporteur ces gens auront donc à parcourir des centaines de milles par bateau, par chemin de fer, par avion et par voiture. Ce dont nous parlions ne s'appliquerait pas à la circonscription de Comox-Alberni, et cependant je dois, admettre qu'on devrait l'appliquer en raison des facteurs géographiques. Je m'excuse de n'avoir pas soulevé cette question plus tôt.

Le président: Je crois que vous nous en parlez au bon moment monsieur Howard puisque le but de cet amendement est précisément de trouver une solution au problème que vous avez mentionné.

M. J. M. Hamel (Directeur général des élections): Je voudrais mentionner que l'électeur et l'électeur mandataire n'ont pas à se rendre ensemble auprès de l'officier rapporteur ou du secrétaire d'élection, il suffit que l'un d'eux s'y rende. Ceci ne résout peut-être pas tous

[Texte]

if the elector, in that case the fisherman, cannot go to the returning officer, perhaps his proxy voter will be able to do so. The form could be sent to him through the mail, he could sign it and return it to the proxy voter, so that then the proxy voter could obtain from the returning officer the proxy certificate. As I said, it is only one of the two who has to make a personal appearance before the returning officer, not both of them.

Mr. Howard (Skeena): Yes. I can appreciate that but they both must be on the same voters' list in the same polling division, which means they must be in the same community and that one or the other of them still has to travel this 100 or 200 miles or whatever distance it is, in order to get this proxy certificate. Or, did I understand Mr. Hamel to say that it is possible to do this by mail. Is this his interpretation of the approach here, that applying in person can be an application by mail?

Mr. Hamel: No.

Mr. Howard (Skeena): No, I did not think so.

Mr. Hamel: One of the two has to make a personal appearance, but if the elector himself cannot appear in person he may sign the appointment form and send it through the mail to his proxy voter.

Mr. Howard (Skeena): The proxy voter then appears before the election clerk?

Mr. Hamel: That is correct. In this case it would be strictly the returning officer only. I should explain this. You will remember yesterday we spoke about this problem in large constituencies and we felt that in urban areas the authority should be restricted to the election clerk in addition to the returning officer. Election clerk here means the additional election clerk as well. You will recall that you authorized in Schedule III districts the addition of some clerks to help the returning officer. Then in rural areas that an application under oath may be received by any person listed, I believe it is, in Section 103 of the Act and that includes the Postmaster, a Justice of the Peace and quite a large category of people.

Mr. Howard (Skeena): Yes.

Mr. Hamel: If I may add this, unless the Committee is prepared to extend this to every rural area—I do not know whether the Committee would be prepared to extend this—I

[Interprétation]

les problèmes mais dans la plupart des cas, si l'électeur ne peut se rendre auprès de l'officier rapporteur peut-être que son mandataire pourrait-il le faire. Il peut également recevoir la formule par le courrier, la signer et la retourner à son électeur mandataire qui lui obtiendra ainsi le certificat de procuration. Comme je l'ai dit, un seul des deux doit se présenter en personne devant l'officier rapporteur.

M. Howard (Skeena): Je comprends, mais les deux personnes doivent être inscrites sur la même liste, dans le même arrondissement de votation, ce qui veut dire que l'un ou l'autre aura à faire 100 ou 200 milles pour obtenir le certificat de procuration. Si j'ai bien compris, monsieur Hamel, le certificat peut-être envoyé par le courrier. Dans ce cas, toute personne peut commander une demande de procuration par voie du courrier.

M. Hamel: Non.

M. Howard (Skeena): Non, je ne le croyais pas non plus.

M. Hamel: L'un des deux doit se présenter en personne et si l'électeur ne peut se présenter, il peut signer la formule de demande et l'envoyer par la poste à son mandataire.

M. Howard (Skeena): Dans ce cas c'est l'électeur mandataire qui doit se présenter au secrétaire d'élection?

M. Hamel: C'est exact, mais dans ce cas-ci, ce serait strictement l'officier rapporteur. Et je m'explique. Vous vous rappelez hier j'ai parlé de ce problème qui était propre aux grandes circonscriptions, et nous avons pensé que dans les régions urbaines, ce pouvoir devrait être attribué au secrétaire d'élection, en plus de l'officier rapporteur. Le terme «secrétaire d'élection» s'applique également au secrétaire auxiliaire d'élection. Vous vous rappelez que dans les districts énumérés à l'annexe (3) vous avez permis la nomination de quelques secrétaires additionnels pour venir en aide à l'officier rapporteur. Dans les régions rurales, les dépositions sous serment peuvent être faites devant les personnes énumérées à l'article 103 de la Loi je crois, soit le maître de poste, un juge de paix et un certain nombre d'autres personnes.

M. Howard (Skeena): En effet.

M. Hamel: Et je me permets d'ajouter qu'à moins que le Comité soit disposé à étendre cette prérogative à chaque région rurale,—je ne saurais dire si le comité serait d'accord—je

[Text]

really do not see where we should put the demarcation line unless we restrict it to these 21 districts which are, in fact, the largest districts. I think the smallest has something like 35,000 to 40,000 square miles. I believe that in many rural districts this would not be required because the person may have to travel perhaps 15, 20 or 25 miles. I quite agree that a district like Comox-Alberni might be on the fringe. Comox-Alberni is 11,000 square miles so it is fairly large.

Mr. Howard (Skeena): It is complicated further by the fact that it is an island. It is part of Vancouver Island, the upper portion, and it includes islands other than Vancouver Island. So there are distances of water inbetween where some people live and the Island and there is no true road connection from north to south or east to west. There is quite a complication of modes of transportation. If it were a plot of land, say, in Alberta or Saskatchewan, or any area like that, where you did not have a coast line and did not have islands and did not have salt water involved, it might apply. There are some peculiarities I think should be taken into account there.

•1120

Again, this is a kind of parochial approach to it because I am familiar with the area and I am not in such detail with the east coast, but I would be partial to expanding the application of (2a) to include Schedule III and enumerate Comox-Alberni as a particular constituency to which this would apply.

Mr. Hamel: I do not think it is (2a) that should be extended, because there is no additional election clerk in those districts and such person is usually located at the same place as the returning officer. It should be perhaps under (2b).

Mr. Howard (Skeena): I am sorry.

Mr. Hamel: The Chairman just mentioned that you have in the Province of Quebec the electoral district of Bonaventure to which is attached Magdalen Islands and it would not be easy for an elector from Magdalen Islands to come to Carleton or wherever the returning officer is located.

The Chairman: The Gaspé is 200 miles.

M. Cyr: M. Hamel a souligné un peu les comparaisons avec certains comtés de la pro-

[Interpretation]

me demande où cela pourrait nous mener à moins de nous en tenir à ces 21 districts qui sont d'ailleurs les plus importants. Je crois que la superficie varie entre 35,000 à 40,000 milles carrés. Je ne crois pas que cette mesure soit nécessaire dans bien des districts ruraux puisque la personne aura peut-être à faire 15, 20 ou 25 milles. J'accorde qu'un district comme celui de Comox-Alberni peut se trouver à la limite. La superficie de ce district est de 11,000 milles carrés, ce qui est très grand.

M. Howard (Skeena): Le problème se complique encore plus par le fait que c'est une île. Elle englobe la partie nord de l'île de Vancouver ainsi que certaines autres îles. Les localités sont donc séparées par ces bras de mer et il n'existe pas de système routier. Il devient donc difficile de voyager dans ces conditions. Ce n'est pas une superficie continue comme en Alberta ou en Saskatchewan où il n'existe ni rivages, ni des îles, ni de l'eau salée. Je crois que nous devrions nous arrêter à certaines particularités de ce district.

Je le répète, il faut connaître la région pour pouvoir en juger, et je la connais très bien, alors que je ne connais rien de la côte est, mais j'aimerais bien qu'on élargisse le paragraphe (2a) pour inclure l'annexe (3) et y englober la circonscription de Comox-Alberni.

M. Hamel: Je ne crois pas qu'il soit nécessaire d'élargir la portée du paragraphe (2a) parce qu'il n'existe pas de secrétaire auxiliaire d'élection dans ces districts et que le secrétaire d'élection réside ordinairement au même endroit que l'officier rapporteur. On devrait peut-être le mentionner au paragraphe (2b.)

M. Howard (Skeena): Eh bien, c'est regrettable.

M. Hamel: Le président vient de signaler que, dans la province de Québec, les districts électoraux de Bonaventure comprennent les îles de la Madeleine. Il ne serait donc pas facile à un électeur des Îles de la Madeleine de se rendre à Carleton ou encore à tout endroit où réside l'officier rapporteur.

Le président: C'est à deux cents milles de la côte de Gaspé.

Mr. Cyr: Mr. Hamel emphasized somehow the comparisons between some constituencies

[Texte]

vince de Québec. J'allais aussi mentionner l'île Anticosti qui est dans le comté de Manicouagan.

Le président: Manicouagan est déjà compris dans la troisième annexe. Dans les comtés mentionnés à la troisième annexe, il y a, pour la province de Québec, Abitibi et Manicouagan.

Une voix: Bonaventure?

Le président: On pourra l'ajouter, ainsi que Comox-Alberni, à l'alinéa b du paragraphe 2.

Do you agree that we raise Mr. Howard's point under section (2b), or would you rather discuss (2a) and (2b) together?

Mr. Howard (Skeena): I wonder about that. As I say, I just got this to read and I have been trying to read and listen at the same time, which is difficult.

In the light of what was mentioned about Bonaventure and Anticosti Island, would it be agreeable to hold this matter over so that it can be drawn to the attention of members—perhaps we can do it through our respective parties or areas—to ascertain whether or not there are other constituencies in a similar situation that we might not identify and enumerate? I did not mean the 264, or whatever it was.

Le président: Monsieur Comtois.

M. Comtois: On pourrait peut-être régler le problème immédiatement.

M. Hamel: Il y a un danger d'énumérer les districts électoraux dans la loi. D'ici quelques années, vous aurez un remaniement de la carte et la loi, si elle n'est pas modifiée, deviendra inopérante parce que les districts seront changés. Il faudrait peut-être trouver une solution autre que celle de mentionner spécifiquement des districts. Car, dès que le remaniement de la carte électorale est complété, la troisième annexe est modifiée en conséquence; cela se fait automatiquement. Par contre, les autres districts peuvent complètement disparaître ou leur nom peut être changé; à ce moment-là, cela devient inopérant.

M. Duquet: Sera-t-il possible, monsieur Hamel, d'apporter une modification à l'annexe? On pourrait peut-être ajouter: «ou tout autre comté que le directeur général des élections jugera à propos d'ajouter».

Une voix: Oui.

Mr. Duquet: What do you think of that?

[Interprétation]

in the Province of Quebec. I was going to mention Anticosti Island which is in the constituency of Manicouagan.

The Chairman: Manicouagan is already covered in Schedule III. In the constituencies mentioned in Schedule III, for the Province of Quebec you have Abitibi and Manicouagan.

An hon. Member: And Bonaventure?

The Chairman: We could add it with Comox-Alberni in subsection (2).

Voulez-vous que nous discutons du point soulevé par M. Howard à propos de (2b) ou préférez-vous étudier en même temps (2a) et (2b)?

M. Howard (Skeena): Je me le demande. Comme je vous le disais tantôt, j'essayais de lire et d'écouter en même temps, ce qui s'avère souvent difficile. À la lumière de ce qu'on a mentionné à propos de Bonaventure et de l'île d'Anticosti, serait-il possible de réserver cette question et d'attirer ainsi l'attention des députés. Peut-être que nous pourrions le faire individuellement pour s'assurer que la même chose ne se répète pas dans d'autres circonscriptions. Je ne parle pas évidemment des 264 comtés.

The Chairman: Mr. Comtois.

Mr. Comtois: Well, perhaps this problem could be settled right away.

Mr. Hamel: The danger of enumerating electoral districts in the act is that you will have a new electoral map in a few years. If the act is not changed, it will not be applicable because the districts will be changed. We will have to find another solution rather than just mention districts. As soon as the electoral map is changed, Schedule III is also amended automatically. On the other hand the other electoral districts may disappear completely and the name be changed. This will change completely the situation.

Mr. Duquet: Mr. Hamel, could it be possible to change the Schedule? Perhaps we could add, for instance, "or any other constituency that the Chief Electoral Officer will find appropriate to add."

An hon. Member: Yes.

M. Duquet: Qu'en pensez-vous?

[Text]

Mr. Hamel: Sure, why not?

Mr. Howard (Skeena): I believe Mr. Hamel is trying to rid himself of these discretionary powers though.

I wonder, as an alternate, Mr. Chairman, if we might not consider developing a new schedule called Schedule IV, or whatever seems appropriate, and make reference to Schedule IV, or whatever the number is, and enumerate in that Schedule the constituencies simply to which proxy voting would apply. This would get away from the position of making it a statutory provision and leave it as an Order in Council alteration. I understood this to be partially the thought that Mr. Hamel suggested as being objectionable—and an agreeable thought too, I would say. Could we do it that way?

• 1125

Mr. Hamel: An other approach, although this may not be very realistic because this is the information we would have to transmit quite early in the election, would be to work on the basis of the area covered by each electoral district and say, "in every electoral district the area of which exceeds 10,000 square miles," or something like that. But that may not be very realistic from your point of view.

Mr. Howard (Skeena): I do not think it is the area in square miles that is involved. To an extent it is, but it is the lack of communication and transportation between one end and the other.

The Chairman: Mr. Hamel, would there be any possibility of saying in a section that for the application of section 45A Schedule III will comprise these constituencies, and then name them. Is that feasible?

Mr. Hamel: We would have to make some study of the geography of those districts because, as Mr. Howard quite accurately pointed out, area is one thing but it is not only area—at times it is the problem of communication.

I really do not like those discretionary powers and in fact suggested quite a few amendments to take some discretionary powers away from the Chief Electoral Officer. However, as a start, we may put as an addition to Schedule III, not in (2a) but in (2b), "any other electoral district where in the opinion of the CEO this would be required". Then, as usual, I certainly would not act

[Interpretation]

M. Hamel: Certainement, pourquoi pas?

M. Howard (Skeena): Je crois que M. Hamel est en train de se défaire de ces pouvoirs discrétionnaires.

Je me demande, monsieur le président, si l'on ne pourrait pas établir une nouvelle annexe qui serait appelée annexe 4 et qui comprendrait les circonscriptions auxquelles s'appliquerait le vote par procuration. Ainsi nous éviterons d'en faire une disposition statutaire; ce serait simplement une modification par décret. Je crois comprendre que M. Hamel y voit également des avantages et des inconvénients. Pourrions-nous procéder ainsi?

M. Hamel: Un autre moyen, quoique très peu réaliste, étant donné que l'information devrait être transmise au tout début de l'élection, serait de tenir compte de la superficie de chaque district électoral qui dépasserait les 10,000 milles carrés. Mais à votre point de vue ce serait peu pratique.

M. Howard (Skeena): Ce n'est pas une question de superficie. Il s'agit surtout d'un manque de communication et de moyens de transport entre diverses localités.

Le président: Monsieur Hamel, serait-il possible de mentionner dans un article qu'aux fins de l'application de l'article 45A, l'annexe 3 englobe ces circonscriptions, après quoi on pourra les énumérer?

M. Hamel: Je crois qu'il nous faudrait faire une étude géographique de ces districts parce que comme l'a souligné très justement monsieur Howard, il n'y a pas que la superficie qui compte. Il y a aussi le problème des communications.

Je n'aime vraiment pas ces pouvoirs discrétionnaires, et en fait j'ai proposé un certain nombre d'amendements pour enlever au directeur général des élections certains pouvoirs discrétionnaires. Cependant, comme début nous pourrions ajouter à l'annexe 3 et non pas au paragraphe (2a) mais au paragraphe 2(b) «tout autre district électoral, où de l'avis du directeur général des élections, cette

[Texte]

unless I got representations from the various political organizations active in that district.

Mr. Duquet: I think that would be satisfactory, Mr. Howard.

Mr. Howard (Skeena): It is satisfactory to me. My initial reaction to it was based upon Mr. Hamel's desire to curtail discretionary power. But that is fine.

Mr. Hamel: My main concern is that if we have to prepare a list of the districts for, let us say, the next meeting of the Committee, it might be next to almost impossible because we would have to look into the various problems inherent to each electoral district.

Mr. Forest: I do not think we have any other choice. If we examined them we might find there are five, six or ten such similar cases.

The Chairman: Then it might be easier to ask the Chief Electoral Officer to look into giving him the discretionary power, if there is any request made by one of the official parties, to make a decision—but restricted to rule. Would you agree then that in all other rural areas not enumerated in Schedule III the Chief Electoral Officer would have the discretionary power?

Mr. Forrestall: Mr. Chairman, I would not leave it dangling. I am prepared to accept that, and I am sure we all are, but I would add the other sentence, "where upon application or representation to".

The Chairman: Surely that means that the Chief Electoral Officer will not act on his own, that he would have to have requests or applications from one of the official parties.

Mr. Forrestall: Mr. Chairman, I am assuming that this would be the type of discretionary power that the Chief Electoral Officer would pass along to the returning officer, as a matter of simply handling or dealing with them.

The Chairman: Mr. Hamel.

Mr. Hamel: I think it must be restricted to rural, for one thing because there you have a built-in control because of the local knowledge. Furthermore, I would appreciate it if we could put in the Act some criteria such as local geography and local conditions or such things so that I would have at least some guide in making my decision. I would respectfully suggest that this is not a decision that should be left to the returning officer because

[Interprétation]

mesure serait rendue nécessaire». Et comme d'ordinaire je n'agis pas avant d'avoir reçu des représentations de la part des diverses organisations politiques du district concerné.

M. Duquet: Je crois que c'est une solution satisfaisante, monsieur Howard.

M. Howard (Skeena): Elle me paraît acceptable. J'ai réagi à la proposition de M. Hamel de restreindre le pouvoir discrétionnaire. Cependant, j'accepte la solution.

M. Hamel: Je me demande cependant s'il nous sera possible de dresser une liste de ces districts pour la prochaine réunion du Comité. Car il faudrait étudier les problèmes propres à chaque district électoral.

M. Forest: Nous n'avons pas le choix. En les examinant, nous pourrions découvrir qu'il y en a cinq ou six ou dix dans le même cas.

Le président: Ce serait peut-être plus simple de demander au directeur général des élections si un des partis officiels a présenté une demande en ce sens, et de décider de la question, tout en tenant compte des règlements. Accepteriez-vous que le directeur général des élections détienne les pouvoirs discrétionnaires dans tous les autres districts ruraux qui sont pas mentionnés à l'annexe 3?

M. Forrestall: Monsieur le président, je suis disposé à donner mon consentement et je suis sûr que nous le sommes tous, mais j'ajouterais cette autre phrase «à la suite de demande ou de représentation».

Le président: Bien sûr, le directeur général des élections n'agira pas de son propre chef; il n'agira qu'à la demande de l'un ou l'autre des partis officiels.

M. Forrestall: Monsieur le président, c'est peut-être ce genre de pouvoir discrétionnaire que le directeur général des élections confierait à l'officier rapporteur simplement aux fins de la procédure.

Le président: M. Hamel.

M. Hamel: Je crois que cette mesure devra se limiter aux districts ruraux parce que la connaissance du milieu local vous permet d'exercer un meilleur contrôle. D'autre part, nous pourrions mentionner dans la loi certains critères comme la géographie locale et les conditions locales sur lesquelles on pourrait se baser pour prendre des décisions. On ne devrait certainement pas laisser à l'officier rapporteur le soin de prendre cette décision

[Text]

the danger is that there would be too much difference in interpretation. Some may be much more lenient than others and we may end up with an almost chaotic situation.

Mr. Duquet: Mr. Chairman, in response to Mr. Forrestall's remarks, I think that the request might be made to the returning officer but that he could pass it to the Chief Electoral Officer, who would make the decision. It would be very accurate. I think that the request might be made to the returning officer of the riding but for passing over to the Chief Electoral Officer for decision. This does not have to be in the Act but we could proceed that way. It would be passed directly from the returning officer to Mr. Hamel, who would make the decision.

Mr. Forrestall: That is fine.

The Chairman: Is it agreed?

Some hon. Members: Agreed.

The Chairman: We would then give the Chief Electoral Officer alone the power to add some constituencies to solve the problems of communication.

Monsieur Thomas.

M. Thomas (Maisonnette): Est-ce que vous acceptez les suggestions de M. Hamel, afin qu'il ait toujours les mains libres?

Le président: Oui.

Is this agreed?

Some hon. Members: Agreed.

Mr. Hamel: I am sorry, Mr. Chairman. Do you mean to amend Schedule III or only to say in 2(b) "in any rural polling division situated in an electoral district specified in Schedule III, as well as—I am not reading but just saying this off the top of my head—as well as in any electoral district where, in the opinion of the Chief Electoral Officer, because of local conditions", etc.—something like that.

The Chairman: That is correct. Agreed?

Some hon. Members: Agreed.

Mr. Howard (Skeena): Before you proceed from that, I am having some difficulty here and I will try to read and to think at the same time and will ask Mr. Hamel if I am correct in this.

[Interpretation]

parce qu'il y aurait trop de divergences dans l'interprétation. Certains seraient beaucoup plus indulgents que d'autres et la situation pourrait devenir trop confuse.

M. Duquet: Monsieur le président, pour répondre aux remarques de M. Forrestall, je dirais que la demande pourrait être soumise à l'officier rapporteur qui la transmettrait au directeur général des élections qui à son tour prendrait la décision qui serait très précise. Je crois que la demande pourrait être adressée à l'officier rapporteur du comté, mais qui la transmettrait au directeur général des élections en vue de prendre une décision. Il n'est pas nécessaire d'inclure ces détails dans la loi, mais nous pourrions procéder de cette façon. La demande serait transmise directement de l'officier rapporteur à M. Hamel qui, lui, prendrait la décision.

M. Forrestall: C'est très bien.

Le président: La proposition est-elle acceptée?

Des voix: Acceptée.

Le président: Nous laissons donc le soin au directeur général des élections d'ajouter quelques circonscriptions pour que soient résolus les problèmes de communications.

Mr. Thomas.

Mr. Thomas (Maisonnette): Do you agree with Mr. Hamel's suggestions that he be free at all times?

The Chairman: Yes.

Accepté?

Des voix: Accepté.

M. Hamel: Pardon Monsieur le président, est-ce qu'il s'agit de modifier l'annexe 3 ou seulement d'insérer au paragraphe (2b) «dans tout arrondissement de votation rural situé dans un district électoral mentionné à l'annexe 3, ou encore dans tout district électoral où de l'avis du directeur général des élections, en raison des conditions locales» etc. et quelque chose du genre.

Le président: C'est juste. La proposition est-elle acceptée?

Des voix: Acceptée.

M. Howard (Skeena): Avant d'aller plus loin, j'aimerais demander à M. Hamel de me fournir quelques explications.

[Texte]

Under 2(a) the application can be made to the election clerk, who is in the same place as the returning officer. I do not recall in detail the previous amendments which were made, but are you talking there in terms of the proposition where an additional election clerk may be appointed? Is he also an election clerk?

Mr. Hamel: That is correct.

Mr. Howard (Skeena): I see. That is fine.

Mr. Hamel: And he has all the powers of the ordinary election clerk plus some powers given to him by virtue of the amendment which was approved by the Committee earlier. What this means in essence is in an urban area, in every electoral district, the returning officer only; in Schedule III districts, in addition to the returning officer, the election clerk as well as any additional election clerks; and finally, in the rural areas, only in Schedule III, a sworn application; plus the other electoral districts which, in the opinion of the Chief Electoral Officer, should be treated as Schedule III.

Mr. Howard (Skeena): And in that case, the DRO accepts the sworn declaration as in fact a proxy certificate.

Mr. Hamel: That is correct. This is the intent of this. I must mention, though, that we drafted this last night and that Justice have not had a look at it. The language may be changed slightly.

Mr. Howard (Skeena): This is the next point I was getting at because in subsection (3), pursuant to an application under (2), it just treats the returning officer to issue this certificate. Would you not have to include something in there about the election clerks?

Mr. Hamel: Yes.

Mr. Howard (Skeena): That was the next one I wanted to get to. That is fine, Mr. Chairman.

The Chairman: Paragraph (b) of subsection (3) which you have before you is replaced, or the suggestion is that it be replaced by the following:

(b) In the case of an elector referred to in paragraph (b) of subsection (1)...

which reads "his illness or physical incapacity"

[Interprétation]

Selon le paragraphe (2a), la demande peut-être présentée au secrétaire d'élection qui réside au même endroit que l'officier rapporteur. Je ne me rappelle pas la teneur exacte des amendements précédents, mais s'agit-il de la nomination d'un secrétaire d'élection additionnel? N'est-il pas aussi un secrétaire d'élection?

M. Hamel: C'est juste.

M. Howard (Skeena): J'ai compris.

M. Hamel: Et son secrétaire officiel a tous les pouvoirs d'un secrétaire ordinaire plus certains autres pouvoirs que lui attribue l'amendement approuvé plus tôt par le Comité. Essentiellement, l'amendement s'applique uniquement à l'officier rapporteur dans le secteur urbain de chaque district électoral; dans les districts mentionnés à l'annexe 3, outre l'officier rapporteur, le secrétaire d'élection ainsi que tout autre secrétaire auxiliaire d'élection et en fin de compte, dans les régions rurales mentionnées à l'annexe 3, une demande présentée sous serment; également dans les autres districts électoraux qui de l'avis du directeur général des élections, devraient être traités comme ceux de l'annexe 3.

M. Howard (Skeena): En pareil cas, l'officier rapporteur du district accepte la déclaration faite sous serment au même titre qu'un certificat de procuration.

M. Hamel: C'est juste. Je dois dire que nous avons rédigé ce passage hier soir et qu'aucun conseiller juridique ne l'a examiné. Les libellés peuvent donc en être légèrement modifiés.

M. Howard (Skeena): Je voudrais également faire remarquer qu'au paragraphe 3 qui fait état d'une demande au paragraphe (2) on permet à l'officier rapporteur d'émettre le certificat. Ne faudrait-il pas y inclure également une disposition à propos des secrétaires d'élection?

M. Hamel: En effet.

M. Howard (Skeena): C'étaient les deux points que je voulais souligner. C'est très bien monsieur le président.

Le président: On propose de remplacer l'alinéa (1) du paragraphe (3) par ce qui suit:

(b) Dans le cas d'un électeur mentionné à l'alinéa (b) du paragraphe (1)...

On y trouve les mots «sa maladie ou son invalidité»

[Text]

receives a medical certificate completed by a legally qualified medical practitioner certifying that the elector is unable to vote at the polling station at the election because of his illness or physical incapacity.

Mr. Forrestall: I can use Mr. Howard's words—I am still a little confused. I had understood that we had found some way of getting around the requirement of a legally qualified medical practitioner signing the certificate. I attempted to move an amendment to 45A to add "registered or licensed nursing homes" and I know the Committee's wishes on that. It is with some respect, Mr. Chairman, that I ask the indulgence of the Chairman and the members, without explaining again because it is too lengthy, to move an amendment to paragraph (b) of subsection (3) of 45A, after the words "medical practitioner" to add the words "or by the superintendent or other person from time to time in charge of a licensed nursing home".

The Chairman: Mr. Howe.

Mr. Howe: Mr. Chairman, this is something we were discussing the other night and I am sorry I was late. Many of us who come from smaller communities know the difficulty of finding a doctor at any time, and I think that if we are going to leave it only to a medical practitioner to give those certificates, we are going to have a lot of difficulty in finding a doctor at that time to go to all the nursing homes to provide these certificates. I think the superintendent or person in charge of the nursing home should be entitled to give that certificate. I know that in any kind of problem you practically have to take the patient to the hospital to get service and we cannot be doing that at election time. I would certainly endorse Mr. Forrestall's amendment.

The Chairman: Mr. Forest.

Mr. Forest: The medical certificate can be given any time after the election and up to the Friday before the date of the election so in those two months' time certainly they would have time to see a doctor. A doctor gives a certificate on his professional reputation. What I am afraid of is that in a small nursing home, where the superintendent is friendly with the people there, he would be inclined to give a certificate to everybody. With a doctor, you have somebody who stakes his professional reputation on giving a certificate and I think that is a guarantee.

[Interpretation]

reçoit un certificat rendu par un médecin qualifié à exercer, attestant que l'électeur est incapable de voter au bureau de votation à l'élection à cause de sa maladie ou de son invalidité.

M. Forrestall: Je ne comprends pas très bien. Je croyais que nous avions contourné la difficulté qui consistait à faire remplir le certificat par un médecin qualifié. J'ai essayé de faire modifier l'article 45A en ajoutant «clinique enregistrée ou autorisée» et je me rends compte des désirs du Comité à sujet. Me permettra-t-on monsieur le président de vous demander ainsi qu'aux membres du Comité sans reprendre toutes mes longues explications, de proposer un amendement à l'alinéa (b) du paragraphe 3 de l'article 45A. Après les mots «médecin qualifié» on ajouterait les mots «ou par le surintendant ou par toute personne chargée de temps à autre d'une clinique autorisée.»

Le président: Monsieur Howe.

M. Howe: Monsieur le président, nous avons discuté, de cette proposition l'autre soir malheureusement j'étais en retard. Beaucoup d'entre nous qui résident dans des petites localités savent combien il est difficile de trouver un médecin à certains moments, et si c'est un médecin qui doit remplir le certificat, ce ne sera pas facile d'en trouver un qui devra se rendre à toutes les cliniques pour fournir ces certificats. Je crois que le surintendant ou la personne responsable de la clinique devrait avoir le droit de délivrer ce certificat. Je sais que dans certains cas il faudra pratiquement conduire les malades à l'hôpital et c'est très difficile au moment d'une élection. Je suis donc disposé à appuyer l'amendement de M. Forrestall.

Le président: Monsieur Forest.

M. Forest: Le certificat médical peut-être obtenu m'importe quand après l'élection et jusqu'au vendredi qui précède la date de l'élection, de sorte que l'intéressé aura certainement le temps de voir un docteur pendant ces deux mois. En délivrant un certificat, le médecin fait un acte professionnel, et j'ai bien peur que dans les petites cliniques où le surintendant connaît bien les gens, il serait porté à donner un certificat à chacun. Tandis que si cette tâche est confiée à un médecin, il risque sa réputation professionnel en délivrant un tel certificat et je crois que cela constitue une garantie.

[Texte]

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Mr. Forrestall: I refrain from commenting, Mr. Chairman, generally about this, but I cannot resist again impressing upon the members of the Committee the difficulty that is going to be encountered in nursing homes or other registered institutions for the care of elderly people, where there is not a doctor in attendance or in residence. Mr. Howe's comments are a propos and I do suggest to you humbly that in areas where the proxy is in fact being used, that the absence of this type of provision would have meant tremendous difficulty, not only for these people exercising their franchise but for the people responsible for the conduct of elections.

It is a simple amendment and I do not think that it complicates now that we have brought in line the preamble, so to speak, and the requirements section, that is to say 45A, in line with subsection (2b) and a consequential amendment if it is necessary to section 45A (1). Is that serious? And I just would simply end, because I think we have spent lots of time on it, by saying that we are talking about many, many thousands of Canadians who are elderly and who may not during the course of an election be ill at all, they may be quite well and may be up and around watching television, playing cards, doing any one of a number of other things, and may not be physically incapacitated by old age. I cannot imagine a doctor saying, to me anyway if I am well, that you are physically disabled or ill, when in fact I am not.

On the other hand, it may be that the consequences of my going out to cast a vote on a wintry day, or a wet spring day, or a cold fall day might be absolutely disastrous.

The Chairman: Mr. Jerome.

Mr. Jerome: Mr. Chairman, I think there are a couple of difficulties inherent in the amendment. One of them is the type of institution that may be referred to, really as you expand the concept that Mr. Forrestall is putting forward in his amendment from a provincial constituency to a federal one, you expand the variety and the number of institutions of different sorts where people are held, some called nursing homes, some called rest homes, and so on and so on. You expand on the variety and diversity of the qualifications of the people who run them and call themselves superintendents and so on.

Now it seems to me that the spirit of what the amendment dictates would in practice not be very difficult, in that a superintendent who is solicitous of the welfare of the patients in

[Interprétation]

M. Forrestall: Monsieur le président, je m'abtiens généralement de commentaires, mais je ne peux m'empêcher de prévenir les membres du Comité des difficultés qui attendent les cliniques et les autres institutions pour vieillards auxquelles n'est attaché aucun médecin. Les commentaires de M. Howe sont bien à propos et je suis persuadé que dans les endroits où le droit de procuration sera exercé, les électeurs de même que les responsables des élections auront bien des problèmes à résoudre.

Il s'agit d'un simple amendement et je ne crois pas qu'il complique ce que nous avons déjà établi, soit les stipulations du paragraphe (2)b) de l'article 45A.

Est-ce un problème sérieux? Je m'arrête ici parce que je crois que nous avons passé assez de temps sur cette question et je sais qu'il s'agit ici de milliers de canadiens âgés, qui au moment d'une élection peuvent très bien ne pas être malade du tout, ils peuvent regarder la télévision, jouer aux cartes, faire n'importe quoi autrement dit n'être pas malade ou invalide en raison de leur âge. Je vois difficilement comment un médecin pourrait me faire croire que je suis invalide ou malade alors qu'en réalité je ne le suis pas.

D'autre part, peut-être que si j'exerce mon droit de vote une journée d'hiver ou une journée de printemps humide ou une froide journée d'automne, les conséquences au point de vue santé seraient absolument désastreuses.

Le président: Monsieur Jerome.

M. Jerome: Monsieur le président, je crois que l'amendement comporte quelques difficultés. L'une concerne le genre d'institution dont on veut faire allusion; vraiment au fur et à mesure que vous développez le contexte qui a été avancé par M. Forrestall dans son amendement d'une circonscription provinciale à une autre sur le plan fédéral, vous augmentez d'institutions de toutes sortes dont certaines s'appellent cliniques, d'autres maisons de repos etc. Vous augmentez la variété et les qualifications de ceux qui dirigent ces maisons et qui se donnent des titres de surintendants et que sais-je encore.

Mais je crois qu'au fond l'amendement serait assez facile à appliquer. Dans l'espace de deux mois un surintendant soucieux du bien-être de ses malades auraient le temps voulu

[Text]

any nursing or rest home should in the course of two months time be able to convenience the patients by assisting them with the arrangements for getting the medical certificate that is required, if they are in fact eligible for one.

There may not be a doctor on hand in an institution at all times, but there must surely be one medical practitioner, a qualified medical practitioner, who is at least in a consultant capacity or some kind of a professional relationship with that particular institution.

The superintendent I would think, with a minimum of effort, for those patients who are clearly eligible for this kind of thing, should be able to arrange for the doctor to execute certificates for all of those patients who are eligible. The thing I like about retaining the necessity of a medical practitioner is that it gets away from deciding what kind of institutions you can use the superintendent's signature in and what kinds you cannot, of all the different varieties that are involved.

And it also tends to keep tight the requirements for getting a proxy because proxy voting in general, I have said this before, scares me to death as to any looseness that may come into it. The more things that we can do to keep it tight, the happier we are going to be with it; the looser we make it, the more problems it is going to create.

The Chairman: Mr. Comtois.

M. Comtois: Monsieur le président, dans toutes ces maisons, il est courant que le médecin fasse au moins une visite par semaine. Il n'y a donc pas de problème pour que ces formules soient signées par un médecin.

The Chairman: Shall we put the amendment? Moved by Mr. Forrestall that in paragraph (b) of subsection 3 of proposed section 45A, after the words "qualified medical practitioner" be added the words "or by the superintendent or other person from time to time in charge of a licensed nursing home".

Shall the amendment carry?

Amendment negatived.

Mr. Duquet: Mr. Chairman, before we agree on paragraph (b) and so as to at least try and satisfy the request of Mr. Forrestall, I wonder if after...

«à cause de sa maladie ou son invalidité»
l'on ne pourrait pas ajouter
ou son âge trop avancé.

Le président: C'est déjà inclus dans «maladie ou incapacité».

M. Duquet: Oh non.

[Interpretation]

de leur faire obtenir le certificat médical nécessaire s'ils y ont droit.

Peut-être qu'il n'y a pas de médecin tous les jours de service dans une institution de façon permanente, mais il y a eu sûrement un qui est qualifié et qui est attaché à cette institution.

Avec un minimum d'effort, le surintendant pourrait faire en sorte que le médecin remplisse les certificats, de tous les malades qui ont le droit de vote. Le fait d'avoir recours à un médecin élimine les nécessités de préciser le genre d'institution où la signature du surintendant serait suffisante et celles où elle ne suffirait pas.

Cette mesure limiterait le droit à la procuration parce que comme je l'ai déjà mentionné, je crains que ce droit ne devienne trop facile à obtenir. Plus nous rendrons les exigences difficiles moins nous aurons de la difficulté.

Le président: Monsieur Comtois.

Mr. Comtois: I would say, Mr. President, that in those old age homes, a doctor visits the patients once a week at least, therefore, there would be no difficulty in getting the permit signed by a physician.

Le président: Devrions-nous insérer l'amendement proposé par M. Forrestall à l'alinéa (b) du paragraphe (3) de l'article 45A après les mots «médecin qualifié» et qui consiste à y ajouter les mots «ou par le surintendant ou par une autre personne chargée de temps à autre d'une clinique autorisée».

L'amendement est-il accepté?

L'amendement est rejeté.

M. Duquet: Monsieur le président, avant de nous mettre d'accord au sujet de l'alinéa (b) pour satisfaire à la demande de M. Forrestall, je me demande si...

"because of his illness and physical incapacity" "or his old age", without leaving the "too".

The Chairman: This is already mentioned in "sickness or physical incapacity".

Mr. Duquet: Oh, no.

[Texte]

Well, no. As Mr. Forrestall has stated, there are people 80 years of age who feel good. They can go around in the place, as he said, they can play cards and do things like that, yet they may not be able to go out and vote. So if we put it "due to advanced age", or something like that...

Le président: Je voudrais simplement signaler qu'il est inutile de surcharger un texte de loi.

Il s'agit d'une personne qui ne peut voter, «à cause de sa maladie ou de sa condition physique...»

M. Duquet: Non.

Une voix: Mais oui, c'est exact.

Le président: Lisez le texte original.

What I simply submit to you is that if you load the text...

Mr. Forrestall: Just for the record, I suggest we are all going to change it...

The Chairman: Yes.

Mr. Forrestall: ...after the next election.

The Chairman: Is there an objection to it?

Mr. Forrestall: I do not care how it gets in, Mr. Chairman, I just want to look after it. It was not my request. I am not in an old age home and I am a long way from 80 or 75. It was on their behalf that I raised this and born out of practical experience. I have little more...

The Chairman: Just a minute, I am sorry. Are you through Mr. Forrestall? Mr. Comtois.

M. Comtois: Il y a de ces gens qui demeurent dans des maisons privées et qui, à quatre-vingt-cinq ou quatre-vingt-dix ans, ne sont pas invalides ni malades, mais qui ne peuvent pas sortir à volonté. Pour parer à cette difficulté, il s'agirait tout simplement d'ajouter «à cause de son âge trop avancé».

M. Duquet: «...à cause de sa maladie ou son invalidité ou son âge trop avancé». Il n'y a que quelques mots à ajouter...

Mais j'insiste sur le «trop».

Mr. Forrestall: None of the provincial hospital programs that I know of are prepared to pay the doctors for the signing of certificates.

[Interprétation]

Non. Comme M. Forrestall le disait tantôt, il y a des gens de 80 ans et plus qui se sentent en bonne santé. Ils peuvent se déplacer ou jouer aux cartes et faire des choses du genre, mais peut-être qu'ils ne peuvent pas aller exercer leur droit de vote. Si nous précisons en ajoutant «à cause de son âge trop avancé» ou quelque chose du genre en...

The Chairman: I just want to say that it is pointless to overload an act. It says: "When anyone believes that because of his illness or his physical incapacity..."

Mr. Duquet: No.

An hon. Member: Certainly, that is what it says.

The Chairman: Please read the original text. Je disais simplement que si vous surchargez le texte...

M. Forrestall: Juste pour le principe, je propose que nous modifions le texte...

Le président: Oui.

M. Forrestall: ...après les prochaines élections.

Le président: Y a-t-il des objections?

M. Forrestall: La façon dont vous allez l'inclure m'importe peu, monsieur le président, tout ce qui m'intéresse c'est de l'inclure. Ce n'est pas moi qui l'a demandé. Je ne suis pas encore dans une clinique pour vieillards et je suis loin d'avoir 80 ou 75 ans. Je n'ai donc pas d'expérience dans cette pratique. J'ai un peu plus...

Le président: Une minute s'il vous plaît. Avez-vous fini monsieur Forrestall. Monsieur Comtois?

Mr. Comtois: Also those who live in private houses with their children, they can be 85, 90 years of age, they are not disabled nor sick, but they cannot just leave their home when they want to. To cover that situation, we have to add "because of too advanced age."

Mr. Duquet: So this will read: "because of his sickness or physical incapacity or his too advanced age." There are only a few words to add...

But I insist on the word "too".

M. Forrestall: Aucun des hôpitaux provinciaux que je connais n'est disposé à payer les médecins pour signer les certificats. Il en

[Text]

It raises a practical problem and it costs five dollars or more to get the doctor to the house.

Mr. Duquet: I have more confidence than that in doctors in those institutions.

Mr. Forrestall: Have you tried to use one since Medicare came into effect in Canada? At your place of residence?

Le président: Monsieur Duquet, au point de vue rédaction, pouvez-vous me dire en quoi la phrase: «Une personne qui a raison de croire qu'à cause de sa maladie ou de son incapacité physique...» n'inclut pas une personne d'un âge trop avancé?

M. Duquet: Ici, on n'emploie pas l'expression «incapacité physique; on emploie le mot «invalidité». S'il est invalide, c'est certain qu'il n'est pas capable. Mais, s'il est à un âge trop avancé, sans être invalide, il peut ne pas être capable. Si c'était «incapacité physique», je serais d'accord, mais c'est «invalidité».

Le président: Non, non, ce n'est pas «invalidité», c'est «incapacité...»

M. Duquet: Dans la nouvelle formule de ce matin, à l'alinéa b du paragraphe 4, on dit:

...à cause de sa maladie ou son invalidité..

Le président: Le mot «invalidité» n'est pas correct.

M. Duquet: Avez-vous le texte anglais?

The Chairman: I will read the English text.

Mr. Duquet: Just a moment, please.

The Chairman: There is a difference between the French and the English texts. In French they have translated "physical incapacity" as "invalidité" and it does not mean that.

Mr. Duquet: It is not the same at all. The French text should be corrected.

The Chairman: Yes, we will do that. Mr. Macquarrie.

Mr. Macquarrie: I just have one comment to make about this. It is of a general nature but I think it is important. In the opening gambit we refer to a person who has reason to believe that so and so and I think this is a very, very broad basis of self diagnosis and it is one which would give any medical man the creeps. I think it is quite broad and it strikes me that it would be unnecessary to broaden it further by particularization.

[Interpretation]

coûte cinq dollars ou plus pour faire venir le médecin.

M. Duquet: Ma confiance est plus grande dans les médecins de ces institutions.

M. Forrestall: Avez-vous essayé d'en faire venir un à votre maison depuis l'entrée en vigueur du régime d'assurance maladie au Canada?

The Chairman: Mr. Duquet, from a drafting point of view, what tells us that the sentence "a person who is likely to believe that because of his illness or physical incapacity ..", does not include a too old aged person?

Mr. Duquet: The expression "physical incapacity" is not used; the term "disability" is used. If someone is disabled, it is quite clear that he cannot make it. But he may also be incapacitated due to old age, without being disabled. If it were "physical incapacity", I would agree, but it is "disability".

The Chairman: No, it is not "disability", it is "incapacity.."

Mr. Duquet: In the new formula we have here, this morning, subsection 4(b) states:

...because of his illness or physical incapacity...

The Chairman: The term "disability" is not correct.

Mr. Duquet: Do you have the English text?

Le président: Nous allons lire le texte anglais alors.

M. Duquet: Un instant, s'il vous plaît.

Le président: Il y a une différence entre le texte anglais et le texte français. En français, on a traduit «incapacité physique» par «invalidité». Or, ce n'est pas la même chose.

M. Duquet: Ce n'est pas la même chose du tout. Alors, corrigeons le texte français.

Le président: Nous allons le faire, Monsieur Macquarrie.

M. Macquarrie: Une seule remarque, monsieur le président, à ce sujet. Dans le début, nous disons quand une personne qui a raison de penser, etc., etc., pense que c'est une base très vaste du point de vue diagnostique qui pourrait faire peur à un médecin. Je pense que c'est très vaste et je pense que c'est inutile de l'élargir encore, par voie de particularisation.

[Texte]

The Chairman: Mr. Forrestall.

Mr. Forrestall: I just wanted to add, Mr. Chairman, that when we discussed the interpretation the other day your explanation as a learned man was very acceptable to myself and my ploy today is that while it might have been a discourtesy to the Committee to have had to do something twice this is only a slight change and I apologize for it. I wanted to make the observation that your definition was quite acceptable to me and I think anybody reading the Act who is concerned enough about it for one reason or another to advise themselves of the spirit or the intent of it, and in doing so has some cognizance of the discussion we had the other day, that it will be quite clear in his mind. I make that observation because if I were not satisfied with it I would pursue this matter when it comes before the House again, and in accepting it I am quite prepared to accept it totally. I think there is probably sufficient breadth there now to accommodate the ends that we are trying to achieve. My only reason for doing this—and I offer my apologies for raising it again—is that I am certain that when we run into practical difficulties after an election or two that we will want to correct this.

New Section 45A (4) agreed to.

The Chairman: We agree on the consequential amendments to Form 45A, which will be amended accordingly. Mr. Howe.

Mr. Howe: Mr. Chairman, have we dealt with the question of application for proxy certificates in the whole thing?

The Chairman: We are now getting back to the new paragraph (c) that was proposed by Mr. Forrestall at the end of the meeting the other day. He suggested that a new paragraph (c) be added after paragraphs (a) and (b) of Section 45A. I will read Mr. Forrestall's motion:

Subsection (1) of section 45A of the Discussion Draft relating to Proxy voting is amended by deleting the word "or" after paragraph (a) thereof, by adding the word "or" after paragraph (b) thereof, and by adding, immediately after, the following paragraph:

"(c) his absence from the polling division while a full-time student duly registered at a recognized educational institution in Canada during an academic term,"

[Interprétation]

Le président: Monsieur Forrestall.

M. Forrestall: Je voulais simplement ajouter, Monsieur le président, qu'en discutant l'interprétation l'autre jour, votre explication en tant qu'homme de science m'était parfaitement acceptable. Alors, ce que je veux vous dire maintenant c'est qu'il se peut que ce fut un manque de courtoisie envers le Comité de lui imposer de faire la même chose deux fois, mais ceci n'est qu'un petit changement et je m'en excuse. Je voulais vous signaler que je trouve votre définition parfaitement acceptable. Je crois que quiconque a lu la loi et en a saisi l'esprit (et donc aura pu suivre la discussion de l'autre jour), entendoit la chose de façon très claire. Je vous signale ceci car si je n'en étais pas satisfait, je reviendrais à la charge quand la question sera discutée à la Chambre. Donc, en l'acceptant, je suis prêt à l'accepter entièrement. Je crois que le sens en est assez large maintenant pour nous permettre de faire ce dont nous avons l'intention. La seule raison pour laquelle je fais ceci, et je m'excuse encore une fois, c'est parce que je suis sûr que quand nous aurons des difficultés sur le plan pratique après une ou deux élections, nous voudrions corriger cela.

Le nouvel article 45A (4) est adopté.

Le président: Nous sommes d'accord sur la modification des amendements du Nouvel article 45A.

M. Howe: Est-ce que, monsieur le président, on a réglé le cas des demandes de certificats de vote par procuration?

Le président: Bon, revenons maintenant au nouvel alinéa (c) proposé par M. Forrestall à la fin de la dernière séance. Il a suggéré qu'un nouvel alinéa (c) soit ajouté à la suite des alinéas (a) et (b) de l'article 45A. Je vous ferai lecture de ce que propose M. Forrestall:

Le paragraphe (1) de l'article 45A de l'avant-projet a discuter concernant le vote par procuration est modifié par le retranchement du mot «ou» à la fin de l'alinéa (b) et par l'adjonction immédiatement après cet alinéa, de l'alinéa suivant:

(c) son absence de l'arrondissement de votation pendant qu'il est étudiant à plein temps dûment inscrit dans un établissement d'enseignement au Canada pendant un trimestre scolaire.»

This motion was put and it was the subject of discussion at a steering committee meeting

Cette proposition a été faite et discutée hier par le Comité directeur et il avait accepté

[Text]

held yesterday, and the steering committee agreed with the request that if this is approved that one of the privileges the students already have be removed. They are now entitled to have two addresses shown on the lists—their ordinary place of residence and the place where they attend university—and if we approve this the only place they will be allowed to vote is at their homes. If they are at a university, then under the section they could use the proxy voting system, otherwise they will have to vote at home. In this way it will be much better controlled than if they are on two lists.

Mr. Thomas (Maisonneuve): This means that they will not have a choice; it will either be one or the other.

The Chairman: They will no longer have a choice. If they stay at university on election day they can use the proxy system. As it now stands they have the right to be registered at home as well as at the university and they can be on two lists on election day. They could vote at the university and then go back home and vote again. Who would control this? It will now be controlled from home. Mr. Forrestall.

Mr. Forrestall: There is one thing that you perhaps should have mentioned, Mr. Chairman. There should be an understanding and an awareness that the normal place of residence of a student is not necessarily the home of his parents or guardian, it could be a place of his own choosing, in which event he would still in a sense have an option. That is to say, it might be a student who, during the course of his professional studies or advanced studies or even undergraduate studies, left his place of residence in Arnprior and established a permanent residence in Ottawa, in which event he...

The Chairman: It means that he would have to meet the requirements of what his ordinary place of residence was. It might not be at home with his parents. Mr. Macquarrie.

Mr. Macquarrie: I have only one comment to make. I think we must remember all through this discussion of proxy voting that a proxy vote is a dilution of a vote, and what the student now has—because of the fact that he moves from one geographic area to another geographic area—is some convenience whereby he can exercise his vote. We are now giving him an opportunity to use a proxy vote. I do not think it is ever sensible to equate a proxy vote with a vote that a man himself casts. So, to this extent are we not

[Interpretation]

cette demande à l'effet que si c'est approuvé, nous supprimons l'un des privilèges dont bénéficient les étudiants. Ils ont maintenant le droit d'avoir deux addresses sur les listes, leur lieu de résidence et le lieu où ils font leurs études. Alors, si on approuve ceci, le seul endroit où ils auraient le droit de voter, ce serait chez eux à leur domicile. Et s'ils se trouvent à leur université, alors aux termes de l'article, ils pourraient effectuer un vote par procuration, autrement il faudra qu'ils votent chez eux. Je pense que cela permettra un contrôle plus efficace que s'ils sont sur deux listes.

M. Thomas (Maisonneuve): Ils n'auront donc pas de choix, ce sera ou bien l'un ou l'autre.

Le président: Ils ne vont plus avoir le droit. S'ils sont à l'université pendant la journée des élections, ils peuvent profiter du système par procuration. Mais tel que c'est actuellement, ils ont le droit d'être inscrits chez eux et aussi à l'université et ils peuvent figurer sur deux listes le jour des élections. Ils peuvent voter à l'université et ensuite, retourner chez eux et voter une deuxième fois. Qui ferait le contrôle? Maintenant, il y aura un contrôle chez eux, Monsieur Forrestall.

M. Forrestall: Monsieur le président, il y a une chose que vous auriez peut-être dû signaler. Il faudrait que l'on accepte l'idée que le lieu normal de résidence d'un étudiant n'est pas nécessairement la maison de ses parents ou de son tuteur. Sa résidence pourrait être un lieu de son propre choix, et dans ce cas il aurait quand même une option. Il pourrait s'agir d'un étudiant qui, tout en poursuivant ses études professionnelles à n'importe quel niveau, déménage d'Arnprior pour établir sa résidence permanente à Ottawa, et dans ce cas...

Le président: Il reste à savoir quelle est sa place normale de résidence. Ce n'est peut-être pas nécessairement chez ses parents. Monsieur Macquarrie.

M. Macquarrie: Je n'ai qu'une remarque à faire. Je pense que toute cette question de procuration ne doit pas nous faire oublier que la procuration est une exception à la règle. Et l'exception pour l'étudiant qui se déplace d'une région à une autre est de lui donner un moyen d'exercer son vote. Le moyen que nous lui donnons maintenant c'est de voter par procuration. Je ne crois pas qu'il faudrait établir une égalité entre le vote par procuration et le vote ordinaire. Alors, ne croyez-vous pas qu'en agissant ainsi, nous diminuerons pour

[Texte]

diminishing the opportunity for a student to fully participate in the franchise?

The Chairman: Mr. Jerome.

Mr. Jerome: Mr. Chairman, frequently when we discuss the privileges that are going to be extended to a particular class of voters with a special problem we tend to concentrate on the special remedies we are going to give them and overlook the fact that everybody who is entitled to vote has a basic right; that is, to do whatever is necessary to be treated as an ordinary voter. I think we have to start from the premise that every student who is allowed to use a proxy vote, and everybody else to whom we give special consideration, starts with the basic minimum of being registered and enumerated on a voting list and can take the trouble to go and cast his ballot if he wants to. That is everybody's right. Then when we start to discuss the special privileges that we are going to give them we tend to think that the only way they are going to be able to vote is by using these special privileges. All that those people who want to protect the sacred right of casting their own ballot have to do is either go to an advance poll or go to their poll on polling day, which I really do not think is a great deal to ask of a student if he wants to cast his own ballot. If he does not really feel that strongly about it, he has the additional right of voting by proxy. However, I think we should always bear in mind that this additional right is something over and above the right that everybody has to actually go into a polling booth on voting day or on an advance polling day and mark their own ballot.

The Chairman: Mr. Macquarrie.

Mr. Macquarrie: I have an observation I would like to make, Mr. Chairman. I think one would have to consider Mr. Jerome's arguments in the light of what happened to many, many people in November of 1965, and I think we must be pragmatic about these things. When you have sectors of the population that because of the nature of their work or endeavours are forced to be mobile, I think these things have to be considered. To that extent they are not all that special; they are logical, pragmatic, adjustments to what happens to our population.

The Chairman: For the benefit of the members I would like to say that very often students go back to their ordinary place of residence. They can use the facilities of the advance polls and then they can vote at home. While we know that the elections take

[Interprétation]

autant la possibilité de participer entièrement au vote pour les étudiants?

Le président: M. Jerome.

M. Jerome: Monsieur le président, souvent quand nous discutons des privilèges qui vont être accordés à un groupe donné d'électeurs qui ont un problème particulier, on a tendance à penser au remède qu'on leur donnera et à oublier le fait que quiconque a le droit de voter a un droit fondamental, c'est-à-dire de faire tout ce qu'il peut pour être considéré comme un électeur ordinaire. Je pense qu'il faut prendre comme point de départ la prémisse que tout étudiant qui a le droit d'utiliser le vote par procuration, et toute autre personne qui fait l'objet d'un cas particulier, a d'abord un droit de base, c'est-à-dire que cette personne peut se faire inscrire, et étant inscrite sur une liste électorale elle peut aller voter si cela lui en dit. Tout individu a ce droit. Alors, quand on commence maintenant à parler des privilèges spéciaux que nous allons leur donner, on a tendance à penser qu'ils ne pourront voter qu'en se servant de ces privilèges spéciaux. Les gens qui veulent protéger leur droit de voter en personne doivent ou bien aller à un bureau provisoire de votation ou bien à leur bureau de votation, le jour des élections, ce qui n'est pas demander beaucoup d'un étudiant s'il veut déposer lui-même son bulletin de vote. Mais il a également le droit, si cela ne le lui en dit pas, de voter par procuration. Mais le ne faut pas oublier que cela est un droit en sus du droit de chacun qui est d'aller au bureau de votation le jour des élections ou le jour de la votation provisoire afin de déposer son bulletin de vote.

Le président: Monsieur Macquarrie.

M. Macquarrie: Monsieur le président, je voudrais faire une remarque. Je crois qu'il faut envisager l'argument de M. Jerome d'après ce qui s'est passé pour nombre de gens en novembre 1965. Je pense qu'il faut être très pragmatique ici: lorsqu'on a certains éléments de la population qui, à cause du caractère de leur travail, doivent se déplacer souvent, eh bien, je pense que la méthode la plus pratique s'impose ici.

Le président: Enfin, pour les membres du Comité, ce que je voudrais dire ici, c'est que très souvent les étudiants retournent à leur lieu ordinaire de résidence. Ils peuvent à ce moment-là se servir du vote provisoire et voter chez eux. Si par exemple des élections

[Text]

place only on Mondays, when they go home they go on weekends. Furthermore, we have this proxy, and we were told that this would control matters much better than at present. It is going to give privileges to some classes of people.

To allow thousands of people to be on two lists is quite dangerous, and since we have agreed to reduce the voting age to 18 years, we are adding around 300,000 new voters, young people, of whom at least 25 per cent will be students. This comprises many people, and we should stick to the best control that we can exercise. As legislators we can give them this opportunity to exercise their vote by means of the advance poll. They may also be at home on election day. If they cannot do this, then they can use the proxy. Surely there is no student who does not have a friend in whom he has enough confidence to exercise his franchise for him the way he wishes.

Mr. Duquet: Mr. Chairman, I want this to be clear. In my mind they still remain with a choice anyway. They have to register at their residence.

The Chairman: They will be registered.

Mr. Duquet: They will be registered at their residence, but they are making the choice what their residence is. The difference with the actual law is that they will no longer be able to register on two lists. If a man is a student at the University of Ottawa and he has an apartment, he can register there if he wants to. However, contrary to what exists now, he will not be able to register in Ottawa and register also in Sudbury or anywhere else he lives, usually. So, in my mind, he still has a choice. He still has a choice but only one choice. He will not be on our lists and wherever he decides, registers. He will be on one list only, where he is enumerated and at the address he has chosen.

Mr. Macquarrie: If I understand the Act, Mr. Chairman, it is not what he decides but where he happens to be when the enumeration goes on. The student does not choose to register at both places.

Mr. Duquet: But he had the choice before.

Mr. Forrestall: No. It still remains, Mr. Chairman. The Act states wherever he happens to be on the day that enumeration commences, under the amendments that we made to the Act. It had not occurred to me in any of our discussions that the proxy was substituting anything. It was simply protecting the right.

[Interpretation]

ont lieu un lundi, ils peuvent se rendre chez eux les fins de semaine. De plus, on a ce vote par procuration qui nous aidera à mieux contrôler la situation. C'est donner des privilèges à certains secteurs de la population.

Lorsqu'on permet à des milliers de gens d'être ainsi sur deux listes, c'est fort dangereux. Puisque nous nous sommes entendus de réduire l'âge du vote à dix-huit ans, cela veut dire qu'on ajoute à peu près 300,000 jeunes votants dont au moins 25 p. 100 seront des étudiants. Donc je pense qu'il faut s'en tenir au meilleur contrôle que nous puissions exercer. A titre de législateurs nous pouvons permettre à ces gens de se prévaloir du vote provisoire. Il se peut aussi qu'ils soient à la maison le jour des élections. Et s'ils ne peuvent pas le faire en personne, ils peuvent voter par procuration. Il n'y a certainement pas un étudiant qui ne puisse faire confiance à un ami pour aller voter comme mandataire.

M. Duquet: Monsieur le président, je voudrais que ceci soit bien clair. Tel que je le conçois, ils ont encore un choix. Ils doivent s'inscrire à leur lieu de résidence.

Le président: Ils seront inscrits.

M. Duquet: Ils seront inscrits à leur lieu de résidence, mais ils font un choix quant à leur lieu de résidence. La différence avec la loi actuelle c'est qu'ils ne pourraient plus s'inscrire sur deux listes. Si un étudiant est à l'Université d'Ottawa et qu'il a un appartement dans cette ville, il peut s'inscrire là s'il le veut. Mais, contrairement à ce qui existe en ce moment, il ne pourra pas s'inscrire à Ottawa et s'inscrire aussi à Sudbury, ou ailleurs, là où il habite habituellement. Donc, je pense qu'il a encore le choix, mais un choix seulement. Il ne sera pas sur deux listes. Il s'inscrit au lieu de son choix. Il ne sera que sur une liste, là où il sera inscrit et à l'adresse qu'il choisit.

M. Macquarrie: D'après mon interprétation de la loi, monsieur le président, ce n'est pas ce qu'il décide mais c'est là où il se trouve lorsque l'énumérateur passe. Les étudiants ne choisissent pas de s'inscrire à deux endroits.

M. Duquet: Mais avant, ils avaient le choix.

M. Forrestall: Non. Monsieur le président, cela n'a pas changé. La loi stipule que c'est là où il se trouve lorsque l'énumérateur passe, ceci est prévu aux modifications que nous avons apportées à la loi. Dans aucune de nos délibérations, jamais je n'ai pensé que la procuration pouvait se substituer à quelque chose. Il s'agit simplement de protéger le droit.

[Texte]

We have ample historical evidence to support this. There are, by the nature of dates, periods from year to year when this creates damnable problems for students, all classes of students, and it was to guard against the special occasion. For example, had the date of the 1965 elections been altered by only a few days, the problems we had in 1965 would not have occurred.

The nature of other types of educational institutions is such that even if we did change that, we could quite conceivably, from place to place in Canada, be running into exactly the same problem where on the dates that enumeration started, a student happened to be at his place of residence and then commence classes a week or 10 days later in a place far removed from there.

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There is no choice; there is no option. If he were in that position, he would then have an opportunity to exercise his franchise. Then he has all sorts of opportunity. He can go home for the advance poll if it is close enough, or go home for the normal polling day. Or if that is not possible because of classes, distance or other reasons, he has the option of using the proxy. So in that sense it had never occurred to me that it was a substitute.

The other observation is that I think it meets clearly the choice or the right, because in fact in the Act it has been a right. We have given them a special right to be on two lists. I share the concern of the Chairman and others about the abuses that could occur, not necessarily by the person himself, but by other people in a constituency where there was knowledge that the individual was 100 miles or 1,000 miles away and was not likely to be home. If you have a proxy, a person attempting to do that would never really know for sure, without going to an awful lot of trouble, whether or not that person was going to use his proxy and send it back home and have it voted. So it is a built-in protection for them.

The Chairman: Mr. Macquarrie.

Mr. Macquarrie: I have criticized it, but I think the only value that it has really is that it does cover the case of the student who is enumerated at home and is at university when the polling takes place, and because of that virtue, I am prepared to support this suggestion. I presume it would do the opposite for him if he is enumerated at university and the polling—it has value to that extent. I still always say that a proxy vote is something

[Interprétation]

Nous avons d'amples preuves historiques pour appuyer cela. Il y a, à cause des dates, certaines périodes d'une année à l'autre qui font en sorte que les étudiants de toutes catégories ont des problèmes et c'était pour éviter ces situations spéciales. Par exemple, si la date des élections de 1965 avait été changée de quelques jours seulement, nous n'aurions pas eu de problèmes en 1965.

Mais d'autres institutions d'enseignement sont organisées de telle façon que même si on changeait ceci, on pourrait, ici et là au Canada, se retrouver devant le même problème, lorsqu'à la date à laquelle l'énumération commence, l'étudiant est chez lui, et quelques jours plus tard, lorsque commencent ces cours, il est ailleurs, loin de chez lui.

Il n'y a pas de choix. Si l'étudiant se trouve dans cette position-là, il aura donc l'occasion d'exercer son droit de vote, il aura plusieurs options. Il peut retourner chez lui, si c'est assez près, pour le vote provisoire, ou pour le jour normal des élections. Ou si ça ne lui est pas possible, à cause de la distance de ces cours, ou pour d'autres raisons, il peut utiliser le vote par procuration. Donc ce n'est pas un substitut.

L'autre observation que je voudrais faire c'est que ceci répond très bien au droit prévu dans la loi. On leur a accordé le droit d'apparaître sur deux listes. Je partage la préoccupation du président et d'autres membres, en ce qui concerne les abus qui pourraient avoir lieu, pas nécessairement causés par la personne même, mais par d'autres gens d'une circonscription donnée où l'on sait que l'individu en cause est à cent milles ou à mille milles de chez lui et ne pourra probablement pas revenir chez lui. Si vous avez un certificat de procuration, une personne qui essaierait de faire cela ne saurait pas vraiment, à moins de se donner beaucoup de peine, si cette personne utilisera sa procuration et l'enverra chez lui pour voter. C'est donc une protection inhérente pour eux.

Le président: M. Macquarrie.

M. Macquarrie: J'ai critiqué ceci, mais la seule valeur que je puisse voir c'est que ça couvre le cas de l'étudiant qui est énuméré à la maison et qui est à l'université le jour des élections, c'est pourquoi je suis disposé à appuyer cette suggestion. Je pense que ce serait le contraire s'il est énuméré à l'université et si les élections—C'est valable dans ce cas. Je pense néanmoins que le vote par procuration est quelque chose de moins que le

[Text]

less than a poll vote, but I think the amendment is good.

• 1200

M. Thomas (Maisonneuve): Monsieur le président, j'aimerais poser une question à M. Hamel. Lorsqu'il y aura émission d'un certificat de procuration, est-ce qu'il faudra également un certificat de transfert?

M. Hamel: La procédure pour l'émission d'un certificat de procuration est comprise dans ce projet. Lorsque l'officier rapporteur émet un certificat de procuration, il doit le faire en trois copies: il en garde une à son bureau, et tout candidat peut examiner tous les certificats de procuration émis par l'officier rapporteur; une copie reste entre les mains de l'électeur ou de l'électeur mandataire; la troisième copie est envoyée au bureau de votation. Lorsque l'électeur mandataire se présente, il doit remettre son certificat de procuration et jurer sous serment qu'il est bien la même personne et qu'il a le droit d'agir. L'inscription se fera dans le cahier du scrutin.

M. Thomas (Maisonneuve): Lorsque le certificat de procuration est envoyé à l'extérieur, dans une autre province, avons-nous le temps de prévenir l'officier rapporteur du bureau de votation?

M. Hamel: Il peut arriver que le sous-officier rapporteur ne soit pas prévenu qu'un certain électeur va voter par procuration. Mais, il y a une condition qui est essentielle et que nous avons mise dans cette procédure: l'électeur mandataire, c'est-à-dire la personne qui exerce le vote par procuration, doit toujours se présenter avec le certificat de procuration; il ne peut pas voter autrement. Sur présentation du certificat de procuration, il doit prêter serment. Ensuite le certificat est conservé dans les dossiers du bureau de votation et l'inscription requise est faite dans le cahier. Si par la suite il y avait contestation, on pourrait vérifier dans le cahier si la personne a voté correctement.

M. Thomas (Maisonneuve): Je vous pose cette question, monsieur Hamel, parce qu'il y a une possibilité que les parents fassent inscrire le nom de leur fils étudiant et que lui-même soit sur la liste dans la circonscription où il suit ses cours. Il peut alors demander un certificat de procuration dans la circonscription de ses parents. A ce moment-là, est-ce qu'il y a une possibilité qu'il exerce deux fois son droit de vote?

M. Hamel: Il y a cette possibilité, mais je pense que c'est impossible de prévenir absolu-

[Interpretation]

vote au bureau de votation, mais je pense que c'est un bon amendement.

Mr. Thomas (Maisonneuve): Mr. Chairman, may I ask a question to Mr. Hamel? When a proxy certificate is given, will we also need a transfer certificate?

Mr. Hamel: The procedure for issuing a proxy certificate is covered by the draft. When a returning officer issues a proxy certificate, he does so in three copies: he keeps one in his office and all candidates can examine these proxy certificates issued by the returning officer. One copy remains in the hands of the elector or the proxy voter, and the third copy is sent to the polling station. When the proxy voter goes to the poll, he must submit his proxy certificate and he must swear under oath that he is the person whose name is indicated and that he is entitled to act on behalf of the other person. This will be registered in the election register.

Mr. Thomas (Maisonneuve): When the proxy certificate is sent to another province, is there sufficient time to inform the returning officer of the polling station?

Mr. Hamel: In some cases, the deputy returning officer may not be advised that a voter will vote by proxy. But the following condition is essential and has been included in that procedure: the proxy voter must always come to the poll with his proxy certificate, otherwise he cannot vote. When submitting his proxy, he must be under oath. Then the proxy certificate is kept in the files of the polling station and the required registration is made in the register. Should the matter become an issue, then the register can be checked to see whether or not the person voted properly.

Mr. Thomas (Maisonneuve): The reason why I am asking this question, Mr. Hamel, is because there is a possibility that the parents may register their student son in their own riding while he may be registered in the riding where he studies. He may then apply for a proxy certificate in his parents' riding. Should this be the case, is there a possibility of his voting twice?

Mr. Hamel: Of course, the possibility exists, but I think that it is impossible to prevent

[Texte]

ment tout abus. La seule différence avec la condition présente, c'est qu'il serait coupable sous deux chefs: il n'a pas le droit d'être inscrit sur deux listes, et s'il vote deux fois il enfreint un autre article de la Loi.

Le président: Monsieur Comtois.

M. Comtois: Ne permet-on pas ainsi aux gens de voter deux fois?

Une voix: C'est déjà fait.

M. Comtois: Actuellement, c'est le cas surtout dans le milieu rural. Si un étudiant est enregistré, par exemple, à Montréal, et qu'il veuille voter dans le comté de Maskinongé, il faut que lui-même se déplace et aille voter à Maskinongé. D'après cet article, il n'a qu'à signer une procuration et ce sera automatique. Cette mesure rendrait la chose plus facile à tous ceux qui sont dans ce cas. Avec l'ancienne formule, la personne peut voter deux fois, mais elle doit quand même se déplacer, alors qu'avec celle-ci, elle peut simplement signer une formule et son vote sera enregistré automatiquement dans les deux endroits.

Le président: Monsieur Hamel.

M. Hamel: Dans cette proposition, nous disposons d'un élément de contrôle qui n'existe pas présentement. Actuellement, l'étudiant a le droit d'être inscrit sur la liste, par exemple, à Montréal et à Maskinongé. Nous n'avons aucun moyen de contrôler s'il vote au bureau provisoire de votation à un endroit, et le jour du scrutin, à l'autre.

M. Comtois: Il est quand même obligé d'y aller lui-même.

M. Hamel: D'accord. Par contre, de cette façon-ci on peut émettre des instructions, (plus ou moins efficaces, je l'admets à ceux qui feront l'énumération des résidences d'étudiants près des campus universitaires. On peut faire, par exemple, comme dans les endroits où sont concentrés les membres des Forces armées, leur demander de n'inscrire que les étudiants qui considèrent cette résidence comme ordinaire.

Le président: Un instant. L'étudiant, étant sur deux listes, peut voter deux fois. On présume qu'il ne le fait pas mais s'il le fait, personne ne peut contrôler, parce qu'il peut prétendre qu'il y a eu supposition de personne. Mais lorsqu'il vote par procuration, deux affidavits demeurent au dossier, le sien,

[Interprétation]

every abuse. The only difference there would be with the present condition is at that he would be guilty of two things. First of all, he cannot be registered on two lists. and secondly, should he vote twice he would violate another section of the Act.

The Chairman: Mr. Comtois.

Mr. Comtois: Does this not provide an opportunity for double voting?

An hon. Member: It does.

Mr. Comtois: At present, this is so especially in rural areas. If a student is registered at Montreal, for instance, and if he wants to vote in the riding of Maskinongé, he has to go to Maskinongé himself to vote. According to this section, all he has to do is sign a proxy and this will be done automatically. This measure would make things easier for all those concerned. With the old formula, this person can vote twice but he has to travel, whereas with this one he will simply sign a form and his vote will be automatically registered in both places.

The Chairman: Mr. Hamel.

Mr. Hamel: In this proposal there is an element of control which does not exist at the present time. At present, the student can be entered on the list at Montreal, for instance, and in Maskinongé. There are no ways for us to control whether or not he will vote at the advance poll in one place, and then vote in the other place on election day.

Mr. Comtois: But he does have to go there in person.

Mr. Hamel: Agreed. On the other hand, this way we can issue instructions—which are more or less efficient, I will admit—to those people who will enumerate the student residence on or around university campuses. We could deal with the way we do where Armed Forces people are concentrated. We could register only those people who considered that their ordinary place of residence is their student residence.

The Chairman: One moment, please. The student can vote twice if he is on two lists. We presume that he does not do that, but if he does, nobody can control that, because he can pretend that there was impersonation. But when he votes by proxy, two affidavits are in the files, his own and the one which

[Text]

et celui que le sous-officier rapporteur a toujours le droit de demander à celui qui exerce la procuration.

Mr. Comtois: C'est efficace à un endroit. Mais à Montréal, il peut toujours invoquer la supposition de personne, et il n'y a aucune preuve possible.

Mr. Duquet: Monsieur le président, j'aurais une autre suggestion à faire qui, je pense, ne serait pas tellement compliquée. Ne pourrait-il pas y avoir quatre copies de la procuration, au lieu de trois? Et ne pourrait-on pas indiquer les deux adresses sur la procuration? Ainsi, l'officier rapporteur, à la suite de l'énumération, pourrait faire parvenir aux officiers rapporteurs des comtés concernés une copie des procurations. Supposons, que l'étudiant Gérard Duquet demeure à Saint-Damien de Bellechasse, et qu'il étudie dans le comté de Québec-Est; s'il y avait une quatrième copie de la procuration, après l'énumération, l'officier rapporteur du comté de Québec-Est pourrait faire un tri et expédier à Saint-Damien de Bellechasse une copie de la procuration de Gérard Duquet. Ainsi, l'officier rapporteur de Saint-Damien de Bellechasse saurait immédiatement que ce jeune homme est inscrit dans Québec-Est et qu'il a demandé une procuration pour voter. Ce ne serait pas tellement onéreux pour chacun des officiers rapporteurs.

Le président: Monsieur Hamel.

Mr. Hamel: Il y a un point qui m'échappe. Comment saurait-il que l'étudiant est inscrit dans un autre district électoral?

Mr. Duquet: Même s'il ne l'était pas, dès qu'un étudiant de Saint-Damien de Bellechasse demande une procuration à Québec, que l'officier rapporteur de Québec-Est envoie une copie de la procuration à l'officier rapporteur du comté de Bellechasse. Cela ne serait pas tellement onéreux.

Mr. Hamel: Dans les comtés ruraux, c'est relativement facile, mais je pense que c'est plutôt l'inverse qui va se présenter: la procuration sera émise dans un comté rural pour un étudiant qui est dans un milieu urbain. On pourrait, pour ajouter un élément de contrôle, exiger que l'étudiant inscrive son adresse d'étudiant sur la formule de demande d'émission de certificat de procuration. Mais l'officier rapporteur ne saura pas, lui dans quel district électoral de Montréal, de Toronto ou de Québec, se trouve cette adresse-là.

Maintenant, ce document est disponible au bureau de l'officier rapporteur et il peut être consulté par n'importe qui, selon notre sug-

[Interpretation]

the deputy returning officer is always entitled to ask from the person who stands in.

Mr. Comtois: This works in one of the two places. But in Montreal, he can always say that there is impersonation, and there is no possible proof.

Mr. Duquet: Mr. Chairman, I have another suggestion which would not be very complicated, I think. Could there not be four copies instead of three of the proxy? And could the two addresses not be written on the proxy? Then, after the enumeration, the returning officer could send a copy of the proxy certificates to the returning officers of the ridings concerned. Supposing the student Gérard Duquet is living in St. Damien de Bellechasse and he is studying in the Quebec East riding. If there were a fourth copy of the proxy certificate, the returning officer in the Quebec East riding could sort out these certificates after the enumeration, and then send a copy of Gérard Duquet's proxy certificate to St. Damien de Bellechasse. Then the returning officer in St. Damien de Bellechasse would know immediately that this student is registered in Quebec East and has applied for a proxy certificate. This could not involve too much work for each returning officer.

The Chairman: Mr. Hamel.

Mr. Hamel: There is something I do not get here. How would he know that the student is registered in another electoral district?

Mr. Duquet: Even if he were not, as soon as the student in St. Damien de Bellechasse asks for a proxy in Quebec, the returning officer in Quebec East sends a copy of the proxy to the returning officer of Bellechasse riding. This would not involve too much trouble.

Mr. Hamel: In the rural ridings this would be relatively easy, but I think the opposite situation will occur. The proxy will be issued in a rural constituency for a student who is in an urban area. What we could do to add greater control, is to request that the student put his student address on the application form for a proxy certificate. But the returning officer will not know in which electoral district of Montreal, Toronto or Quebec City this address is.

Now, this document is available at the returning officer's office and can be consulted by anyone, according to your suggestion, until

[Texte]

gestion, jusqu'au samedi précédant la votation. Ainsi, vous connaîtriez l'adresse de l'étudiant pendant qu'il est à l'université, sur sa demande de procuration.

M. Comtois: C'est un excellent moyen de contrôle.

M. Duquet: Oui...

Le président: Monsieur Thomas.

M. Thomas (Maisonnette): C'est à peu près ce que j'ai tenté d'expliquer tantôt: il y a celui qui demande la procuration; il donne l'adresse où ses parents demeurent mais il va à l'université. L'officier rapporteur responsable du bureau de votation où il serait censé voter doit afficher une note disant que cet étudiant vote ailleurs par procuration.

Mais il reste qu'on n'arrêtera jamais l'inscription d'un électeur à deux endroits. Il pourra alors aller à un bureau provisoire de votation dans un comté et voter dans l'autre comté le jour de l'élection. Mais nous pouvons essayer de contrôler le vote par procuration. Les officiers rapporteurs, peuvent se contacter et trouver où il demeure parce que les deux adresses sont inscrites sur la procuration.

M. Duquet: Monsieur Hamel, il y a un autre avantage. Si l'officier rapporteur découvre que la même personne s'est inscrite dans deux comtés, il a immédiatement découvert une offense criminelle, parce qu'on n'a pas le droit de s'inscrire à deux endroits. De plus, il la découvre bien avant le jour de l'élection, ce qui lui permet de disqualifier cette personne ou de la poursuivre, enfin de prendre les procédures nécessaires. Et s'il n'y a pas eu offense, il n'y a pas de problème.

Le président: Monsieur Hamel.

M. Hamel: J'allais ajouter ceci que ce qui, à première vue, peut sembler un cas de fraude n'est très souvent qu'un malentendu: pour reprendre votre exemple, sans même que l'étudiant le sache, ses parents l'auront inscrit. Il y a aussi le fait que souvent l'officier rapporteur du comté de ses parents ne saura pas dans quel district électoral sa résidence d'étudiant est située.

M. Duquet: Je présume que sur la procuration, les noms des comtés seront inscrits, puisqu'il s'agit de correspondance entre deux officiers rapporteurs.

M. Thomas (Maisonnette): Avec les deux adresses, l'officier rapporteur peut sûrement...

[Interprétation]

the Saturday preceding the election date. Thus you would have the address of the student's university address on his proxy certificate application.

Mr. Comtois: This would be an excellent means of control.

Mr. Duquet: Yes...

Mr. Chairman: Mr. Thomas.

Mr. Thomas (Maisonnette): This is more or less what I wanted to explain a little earlier. The student residing at a university who applies for a proxy certificate gives his parents' address. The returning officer in charge of the polling station when the student is supposed to vote must put up a notice saying that the student is voting elsewhere by proxy.

But you nevertheless cannot stop registration of a voter at two places. He can go to an advance poll in one riding, and vote in another riding on election day. But we can try to control this proxy voting. The returning officers can get in touch with each other and find out where the student resides because both addresses are on the proxy certificate.

Mr. Duquet: There would be another advantage, Mr. Hamel. If the returning officer finds out that the same man is registered in two ridings, he has in fact discovered a criminal offence because a person is not entitled to be registered in the two places. Furthermore, he has discovered to offence a good many days before election day, which allows him to disqualify that person or to take legal action. But if there has not been any offence, there is no problem.

The Chairman: Mr. Hamel.

Mr. Hamel: I would add that what seems to be a *prima facie* case of fraud, is in many cases but a misunderstanding: the student will be registered by his parents without his knowing it. There is also the fact that the returning officer in his parents' riding will not know in which electoral district this person's student residence is located.

Mr. Duquet: I suppose that the names of the ridings will be written on the proxy certificate, since we are dealing with correspondence between two returning officers.

Mr. Thomas (Maisonnette): With the two addresses, the returning officer can certainly...

[Text]

Le président: A l'ordre, s'il vous plaît. Je demanderais aux députés de parler l'un après l'autre et aussi près que possible du microphone.

Monsieur Hamel, avez-vous d'autres commentaires?

M. Hamel: J'aimerais simplement ajouter que je ne pense pas pouvoir exiger de tous les officiers rapporteurs, que ce soit de Gaspé, de Lotbinière ou de Bellechasse, qu'ils sachent dans quel district électoral de Montréal se trouvent toutes les adresses possibles. Souvent, l'étudiant lui-même ne le saura pas.

M. Duquet: Par l'adresse de la personne qui demande un certificat de procuration, il ne saura pas exactement dans quel comté elle se trouve. Mais, comme le nom du comté doit être inscrit sur le certificat de procuration, automatiquement il le saura. Le certificat sera envoyé à chacun des comtés; je présume que le nom du comté va apparaître sur le certificat de procuration.

M. Hamel: D'accord, le nom du comté où le vote par procuration sera exercé, mais non pas le nom du comté où l'étudiant se trouve à ce moment-là.

Le président: Imaginons pour un instant que je suis sur la rue Bay à Toronto. Est-ce que je sais dans quel comté fédéral je suis?

M. Duquet: L'officier rapporteur qui va émettre le certificat de procuration le sait et va l'indiquer.

Le président: Celui qui va émettre le certificat de procuration, c'est l'officier rapporteur du comté où le vote par procuration sera exercé. Ce n'est pas l'officier rapporteur de Toronto qui va émettre le certificat de procuration, c'est l'officier rapporteur du comté où l'étudiant veut exercer le vote par procuration. Il va évidemment indiquer sur le certificat de procuration l'adresse où l'étudiant se trouve au moment de sa demande. On ne peut pas lui demander d'indiquer le nom du comté, car, à ce moment-là, on va l'obliger à faire des recherches pour trouver dans quel comté fédéral l'étudiant peut se trouver.

M. Comtois: Monsieur le président, je pense bien que si les deux adresses étaient inscrites sur la procuration, les partis politiques se chargeraient de faire les enquêtes nécessaires pour trouver les comtés et pour voir à ce qu'il n'y ait pas duplication.

Le président: Monsieur Forest.

M. Forest: Monsieur le président, on semble vouloir donner à un étudiant le droit de voter

[Interpretation]

The Chairman: Order please. I would ask the members to speak in term and as close to the microphone as possible.

Do you have any other comments, Mr. Hamel?

Mr. Hamel: I would simply like to add that in my opinion I do not think I can request all my returning officers, whether they be from Gaspé, Lotbinière or Bellechasse, to know in which Montreal electoral district the various addresses are located. Often the student will not know it himself.

Mr. Duquet: By the address of the person asking for the proxy certificate he will not be able to tell exactly in what riding it is located. But as the name of the constituency must be written on the proxy certificate, he will know it automatically. This proxy certificate will be sent to every riding, and I presume that the name of the riding will appear on the proxy certificate.

Mr. Hamel: The name of the riding where the proxy will be exercised, but not the name of the riding where the student is living at the given time.

The Chairman: Suppose I am on Bay Street in Toronto, would I know in which federal riding I am?

Mr. Duquet: The returning officer issuing the proxy certificate will know and will indicate it.

The Chairman: The returning officer issuing the proxy certificate is the returning officer where the proxy vote will be exercised. It will not be the Toronto returning officer who will issue the proxy certificate, but the returning officer from the riding where he wants to vote by proxy. Naturally, he will indicate the student's address at the time of the latter's application. He cannot be requested to put the name of the riding, because he would then be obliged to try and find out in which federal riding the student lives.

Mr. Comtois: Mr. Chairman, I am quite sure that if the two addresses were written on the proxy certificate, the political parties would take care of finding the ridings by making the necessary investigations, and would see to it that no duplication occurs.

The Chairman: Mr. Forest.

Mr. Forest: Mr. Chairman, we seem to want to give the right to vote by proxy to a student

[Texte]

par procuration, même si l'institution d'enseignement qu'il fréquente est située dans la même ville que le domicile de ses parents, en autant que ce n'est pas dans le même arrondissement de votation. Si un étudiant de Montréal, par exemple, va à l'Université de Montréal, et qu'il demeure dans l'Est de la ville, il pourrait voter par procuration. Alors ne pourrions-nous pas circonscrire les cas où les gens peuvent voter par procuration? Dire, par exemple, que pour obtenir une procuration il faut que l'institution d'enseignement soit située au moins 100 milles du bureau de votation, cela ne circonscrirait-il les cas des étudiants qui sont obligés de voter par procuration? Je trouve que nous encourageons un peu la paresse électorale. Quand les gens sont dans la même ville, ils peuvent sûrement aller voter. Limitons le vote par procuration aux cas où la personne demeure trop loin pour se rendre chez elle à la date d'élection, ou au bureau provisoire de votation. Ce serait un moyen terme qui permettrait de diminuer le nombre de ces cas.

I do not know if you understand what I mean, but it would limit the cases where a student could vote by proxy. As Mr. Macquarrie said it is a special case when you do not vote yourself, you vote by someone else. You are not even sure the guy will vote the same way you have instructed him to vote.

The Chairman: Mr. Macquarrie.

Mr. Macquarrie: I think we are now getting to some of the negative aspects of this. The situation where people have been on two lists is a very, very old one. It is often not their fault; they are there inadvertently because sometimes some rural enumerator sticks them there.

I have never heard of any foolproof system of preventing—and they are very, very few in number—the culprit who will vote twice because he is technically qualified. I think we are living in a dream world if we believe that we are going to devise any scheme whereby it is going to be easier to stop a piece of paper than an individual who is so inclined. This is a hazard that is there and I think if we are worried about double voting then we make it easier rather than harder by the proxy system. I think we just have to face up to that and hope to God when it is put into effect that it will work fairly well.

[Interprétation]

even though the educational institution he attends is in the same town or city where his parents reside, in so far as this is not in the same polling division. For instance, if a Montreal student attends the University of Montreal, and if he lives in the east end of the city, he would be able to vote by proxy. Now perhaps we could limit cases where people can vote by proxy? For instance, we could say that the educational institution must be at least 100 miles from the polling station. Would this not limit those cases where students are obliged to vote by proxy? I think we are somewhat encouraging a sort of electoral laziness here. When people are in the same town they can certainly go out and vote. Voting by proxy should only be restricted to cases where people live too far to go back to their home town on election day, or to the advance poll. This would be a compromise solution which would enable to reduce the number of those cases.

Je ne sais pas si vous comprenez ce que je veux dire, mais ça limiterait les cas où un étudiant pourrait voter par procuration. Comme M. Macquarrie l'a dit, c'est un cas spécial; quand vous ne votez pas vous-même, vous votez par l'entremise de quelqu'un d'autre. Mais vous n'avez même pas l'assurance que la personne que vous avez désignée votera selon vos instructions.

Le président: Monsieur Macquarrie.

M. Macquarrie: Et bien, je pense que nous abordons les aspects négatifs de cette question. Nous avons une situation où les gens sont sur deux listes, c'est évidemment un cas très ancien. Souvent, ce n'est pas de leur faute, parce que certains énumérateurs ruraux inscrivent leurs noms. Je n'ai jamais entendu parler d'un système absolument parfait qui puisse éviter (et il y en a très peu) qu'une personne vote deux fois parce que, techniquement, elle a les qualités requises. Je pense que nous vivons dans un monde de rêve, si nous croyons que ce sera plus facile d'intercepter un bout de papier que d'arrêter une personne qui a l'intention de faire cela. Évidemment, il existe ce risque, et je crois que si nous sommes préoccupés par le danger de voter deux fois, cela se fera plus facilement, plutôt que l'inverse, si on adopte le système du vote par procuration. Nous devons tout simplement envisager cela tel quel, et espérer que tout ira bien une fois que ce sera mis en vigueur.

[Text]

I see no foolproof system; I cannot conceive of your returning officers communicating so expertly in the mad rush of an election to do this job.

• 1225

The Chairman: Mr. Marceau.

M. Marceau: Monsieur le président, je pense que nous discutons depuis assez longtemps du cas des jeunes et je trouve assez curieux, à prime abord, qu'il n'y ait pas de jeunes pour exprimer leur opinion. Nous ne savons pas exactement ce qu'ils veulent. Moi, j'ai l'impression que le jeune ne désire pas voter par procuration et je me demande si on ne lui causera pas une déception considérable en lui donnant l'occasion, non pas de voter lui-même, mais de faire voter un autre à sa place. Je me demande si ce n'est pas compliquer considérablement la situation sans, en fait, plaire à l'étudiant. Je crois que le désir de l'étudiant, c'est d'avoir l'occasion de voter lui-même. Selon moi, en lui donnant des droits additionnels, nous compliquons le travail des officiers d'élection, et je me demande si l'adoption de cette disposition ne devrait pas être retardée de manière à connaître les désirs des jeunes. Il faudrait tout de même connaître leur opinion, avant de prendre une décision de cette importance.

Mr. Macquarrie: I think it is a good idea.

Le président: Monsieur Cyr.

M. Cyr: Monsieur le président, j'aimerais revenir au sujet que nous discutons avant la suggestion de mon ami...

On craint qu'un étudiant puisse être enregistré à deux endroits. Mais l'étudiant à qui on veut donner le droit de vote à 18 ans, s'il veut voter, il peut se déplacer. Sur la formule qu'il devra compléter, pourquoi ne pas ajouter «J'ai examiné la liste électorale de tel district électoral, et mon nom n'y apparaît pas.» Les listes électorales sont affichées à tous les coins de rue et dans les places publiques. Ainsi, l'officier rapporteur d'un comté rural pourra savoir immédiatement dans quel comté de Toronto ou de Montréal l'étudiant demeure.

M. Duquet: Monsieur le président, je reste convaincu qu'il serait facile de tout arranger. Si quelqu'un doit voter par procuration, et qu'il désire vraiment voter, la Loi électorale peut exiger, par exemple, que la personne qui demande une procuration indique son adresse et le comté fédéral ou elle demeure.

[Interpretation]

Je ne vois pas de système absolument parfait. Je ne vois pas très bien comment les officiers rapporteurs pourraient communiquer entre eux aussi efficacement devant l'empressement des jours d'élections.

Le président: Monsieur Marceau.

Mr. Marceau: Mr. Chairman, I think that we have been discussing the case of students long enough and I am surprised to see that we do not have any representatives of the students. We do not exactly know what they want. I think that these young people do not want to vote by proxy. And I wonder whether they will not be disappointed by giving them the opportunity to vote by proxy. I wonder whether we are not complicating the situation considerably without, in fact, pleasing the students. I think that the students want to vote themselves. In my opinion, by giving them additional rights we are complicating the work of the Electoral Officers, and I wonder whether we should not reserve this provision to enable us to find out what the student's actually want. We ought to know their opinion before taking such an important decision.

M. Macquarrie: C'est une bonne idée.

The Chairman: Mr. Cyr.

Mr. Cyr: Mr. Chairman, I would like to come back to the this matter we were discussing before the suggestion made by my friend...

We fear that a student would be registered at two different places. But the students, to whom we want to give the right to vote at 18, can travel if they want to vote.

Why not add on the form they will have to fill out, "I have examined the electoral list of electoral district "x", and my name is not there." Electoral lists are posted on all street corners and in all public places. This way the returning officer of a rural riding will be able to know immediately in which Montreal or Toronto constituency the student concerned lives.

Mr. Duquet: Mr. Chairman, I am still convinced that this could all be settled easily. If a person has to vote by proxy, and if that person really wants to vote, the Canada Elections Act may require, for instance, that the person asking for a proxy should put down his address and the federal riding where he lives.

[Texte]

Le président: Il serait peut-être préférable d'exiger dans la formule, qu'il déclare sous serment qu'il n'est pas inscrit sur une autre liste. Pour revenir encore à cette question-là, je pense que nous sommes dans un cercle vicieux. Il y a des situations beaucoup plus simples; rien n'empêche un étudiant d'aller voter chez lui, s'il le désire.

You have to read the article as it is, "He has reason to believe that he will be unable to." It is in these cases that the proxy system will be applied; it is in no other circumstance.

● 1230

M. Duquet: La formule comprend son nom, son adresse et son occupation. Il ne serait pas plus difficile d'avoir une autre case pour indiquer dans quel comté il habite présentement.

Une voix: Le comté fédéral.

M. Duquet: Le comté fédéral.

The Chairman: Would the members agree that the person applying for a proxy must indicate on the form his address plus the constituency where he lives.

Is the amendment proposed by Mr. Forrester approved?

Amendment agreed to.

Now I want to go back to something else that was discussed yesterday. With regard to people working in the fishing industry, it was suggested at the steering committee yesterday that Subsection (7) of Section 16 of the said Act be amended by adding paragraph (c) which would read as follows:

(c) being seasonally employed in the fishing industry, other than as a fisherman, is engaged in the pursuit of his ordinary gainful occupation at a plant or factory situated in or near the polling division to which he has removed.

This paragraph would apply to persons who during election day wish to change their polling place. Perhaps we could ask Mr. Hamel to explain what control we have on this and the consequences of this proposal.

Mr. Hamel: You remember the other night the suggestion was made that giving proxy to the fishermen only was not enough, that there were other people employed in the fishing

[Interprétation]

The Chairman: Perhaps it would be preferable to demand in the form that he be made to state under oath that he is not registered on any other lists. Now to come back to this question, I think we are caught in a vicious circle. There are much simpler situations. Nothing prevents a student from going back home to vote, if he so wishes.

Vous devez lire l'article tel qu'il est: «S'il a des motifs de croire qu'il sera incapable de». C'est dans ces cas-là que le système de vote par procuration sera appliqué, et dans aucune autre circonstance.

Mr. Duquet: His name, address and occupation should be written on the form in spaces divided to that effect. It would not be difficult to add another space to indicate the riding in which he is living now.

An hon. Member: The federal riding.

Mr. Duquet: The federal county.

Le président: Les députés sont-ils d'accord pour que sur la formule de demande de procuration, la personne qui fait la demande indique son adresse et la circonscription où elle est domiciliée?

Le projet d'amendement présenté par M. Foster est-il adopté?

Adopté.

J'aimerais maintenant revenir à une autre question, que nous avons discutée hier et qui concerne les gens travaillant dans l'industrie de la pêche.

On avait convenu à la réunion du comité directeur, hier, que le paragraphe (7), de l'article 16 de ladite loi soit modifié par l'adjonction de l'alinéa c) qui serait le suivant:

c) étant employé de façon saisonnière dans l'industrie du poisson autrement qu'à titre de pêcheur, travaille à la poursuite de son occupation rémunérée ordinaire dans une fabrique ou conserverie située dans l'arrondissement de votation où il a déménagé, ou près de celui-ci».

Cet alinéa s'appliquerait à toute personne qui voudrait, au cours de la période électorale, changer de bureau de vote. On pourrait peut-être demander à M. Hamel d'expliquer le contrôle qu'on pourrait exercer là-dessus et quelles seraient les conséquences de cette proposition.

M. Hamel: Vous vous souvenez que l'autre soir, on avait dit qu'il ne suffisait pas de n'accorder le droit de vote par procuration qu'aux pêcheurs; il y a d'autres gens qui

[Text]

industry who should be covered. The suggestion was made yesterday that subsection (7) of Section 16, which the Committee has already slightly amended at my suggestion, be further amended—this appears on page 8—by following the series of recommendations whereby a minister, a priest or a teacher who moves between the date of the enumeration and polling day may transfer his voting privilege to the electoral district or to the polling division where he has moved.

It was suggested yesterday that the same privilege be extended to employees of the fishing industry other than the fishermen to whom it was agreed to extend the privilege of proxy voting.

It means that the person who wants to avail himself of this provision of the law has to apply to the revising officer or to the enumerator who acts as revising officer in rural areas to have his name added to the list. In rural areas he could still go to the poll and be vouched for if he meets these conditions, but it applies strictly to a person in that industry who moves from his place of ordinary residence to another place because of his occupation, between the enumeration and polling day.

The Chairman: Are there any other comments. Mr. Macquarrie.

Mr. Macquarrie: What if he is the kind of man, Mr. Chairman, who takes his wife with him?

Mr. Hamel: There is a further subsection which covers the case of the wife.

Mr. Macquarrie: I do not have that documentation, but if it is there, I will take your word for it.

Mr. Hamel: That is correct. It is on page 8 of the series of amendments. I believe it is in subsection (14).

Mr. Macquarrie: All right. I am satisfied.

• 1235

Mr. Hamel: I am sorry, it is subsection (8).

The Chairman: It is in the Act at the moment. Mr. Cyr.

M. Cyr: Monsieur le président, je n'ai pas assisté à toutes les séances précédentes, mais étant donné qu'on parle de l'employé d'usine

[Interpretation]

travaillent dans l'industrie du poisson et qui devraient être également inclus.

Hier, il a été suggéré au paragraphe 7 de l'article 16 que le Comité a déjà légèrement modifié à ma requête, devrait être modifié encore plus—cette modification figure à la page 8—en appliquant une série de recommandations selon lesquelles un ministre du culte, un prêtre ou un instituteur qui change d'adresse entre la date de l'énumération et le jour de vote, peut transférer son privilège d'électeur au district électoral ou à l'arrondissement de votation où il a élu résidence. Hier, on avait donc demandé que les gens employés dans l'industrie du poisson en dehors du pêcheur lui-même aient ce même privilège et on avait décidé de leur accorder le droit de vote par procuration. Ce qui, en pratique revient à la chose suivante: toute personne qui veut se prévaloir de cette disposition de la Loi doit faire une demande à l'officier reviseur ou à l'énumérateur qui remplit les fonctions d'officier reviseur dans les régions rurales pour que son nom soit ajouté à la liste. Dans les régions rurales, il peut même encore se rendre directement au bureau de vote si quelqu'un se porte garant pour lui et qu'il remplit les conditions sus-mentionnées. Mais, cette disposition ne s'applique qu'aux gens de l'industrie du poisson qui quittent leur lieu de résidence ordinaire pour un autre endroit entre le jour de l'énumération et le jour du scrutin.

Le président: D'autres commentaires? Monsieur Macquarrie.

M. Macquarrie: Et s'il s'agit du genre d'individu qui emmène son épouse avec lui?

M. Hamel: Il y a un autre paragraphe traitant ce sujet.

M. Macquarrie: Je ne dispose pas de ces documents, mais si le paragraphe X existe, je vous crois sur parole.

M. Hamel: C'est écrit à la page 8, de l'ensemble des modifications, je pense qu'il s'agit du paragraphe (14).

M. Macquarrie: Très bien, je suis satisfait.

M. Hamel: Je m'excuse, il s'agit du paragraphe (8).

Le président: C'est écrit dans la loi. Monsieur Cyr.

Mr. Cyr: I did not attend the previous meetings, but as we are talking about the factory worker and that fishermen, were

[Texte]

et qu'on a accordé le droit de voter par procuration aux pêcheurs, la Loi donne-t-elle la définition de «pêcheur commercial»?

Le président: La définition du dictionnaire est la meilleure. Il est beaucoup mieux, je pense, d'utiliser le terme dans son sens le plus large parce que si vous tentez de le définir, vous allez en restreindre la portée considérablement.

Is the amendment carried?

Amendment agreed to.

The Chairman: Now you have received the draft regarding the registration of political parties. I am sorry, I thought they had been distributed; they will be right away.

As you know, we have agreed to put political affiliation on the ballots and in response to our request the Chief Electoral Officer has prepared a draft of some scheme by which no political party could raise as a mushroom some procedure by which the registration would have to be made. This is in the paper circulated to you by one Clerk. Mr. Howe.

Mr. Howe: Something arose in connection with these amendments we are talking about having to do with this proxy certificate business. At one place it says that any time prior to 10 o'clock in the evening on the Friday immediately—it goes on to say that these party certificates are given out in the office of the returning officer and it also says that on Saturday you can go to his office and see the list of the proxy voters. This brings up the same question that I have spoken about before: the location of the office of the returning officer and I ran into that so many times last time.

I was wondering whether you could look into paragraph 227 on page 32 regarding the returning officer's office—I am just making a suggestion now and probably Mr. Hamel can look into this—but instead of some convenient place for his electoral office have some centrally located place. Would you look into the possibility of amending that particular section because it must happen to other people. It happened to me and my riding is about 75 miles long—there are many bigger ones than that—and the returning officer was right at the far end. It would be difficult to carry out these proxy voting regulations in a situation like that. There are many small communities where he could have had an office where it would have been more conven-

[Interprétation]

granted the right to vote by proxy, is there a definition of "commercial fisherman" somewhere in the Act?

The Chairman: The dictionary offers the best definition. I think you are better off using the term with the widest possible meaning; otherwise if you try to define it you would restrict its scope considerably.

Est-ce que l'amendement est adopté?

L'amendement est adopté.

Le président: Vous avez reçu les exemplaires du projet concernant l'inscription des partis politiques. Je m'excuse, je pensais qu'ils avaient été distribués, ils le seront tout de suite.

Comme vous le savez, nous avons accepté d'indiquer le parti du candidat sur les bulletins de vote et en réponse à notre requête le directeur des élections a préparé un projet qui empêcherait aux partis de décréter de leur propre initiative des procédures d'inscription. Ce projet est exposé dans le document que vous distribue le greffier.

M. Howe: Il y a une difficulté concernant les modifications dont nous parlons et qui découle de la question des certificats de procuration. A un endroit, il est stipulé qu'à n'importe quelle heure avant vingt-deux heures le vendredi immédiatement—il est écrit ensuite, que ces certificats d'affiliation à un parti, sont délivrés au bureau de l'officier rapporteur. Il est écrit également qu'on peut se rendre le samedi à son bureau et examiner la liste des électeurs votant par procuration, ce qui remet sur le tapis la même question que j'avais mentionnée précédemment ayant trait à l'emplacement du bureau de l'officier rapporteur, question qui s'est posée bien souvent la dernière fois.

Je me demandais si vous ne pourriez pas examiner l'alinéa 227 à la page 32 concernant le bureau de l'officier rapporteur. Présentement, je n'offre qu'une suggestion que M. Hamel pourra étudier, un endroit central, ne serait-il pas préférable pour son bureau électoral à un emplacement qui lui serait commode. Accepteriez-vous de considérer la possibilité de modifier cet article, car vraisemblablement certaines personnes en souffrent. Je me suis trouvé dans cette situation et ma circonscription s'étend sur 75 miles. Il y en a de plus étendues, l'officier rapporteur se trouvait à l'autre extrémité du district. Il serait vraiment difficile d'appliquer les règlements concernant le vote par procuration dans de telles conditions. Il y a beaucoup de

[Text]

ient to all the people. This might happen in some other cases.

I know it is more economical for the returning officer to have his office in his own house, but still his convenience and his economics are not the things that should be most effective in connection with an office for the returning officer.

I will not be here this afternoon, but I hoped you would consider that and see if it could be changed.

Mr. Hamel: Thank you for reminding me, Mr. Howe. This is certainly something that we will look into and that we will be very careful about come the next election.

• 1240

Mr. Howe: Could we not define it? Change the definition there?

Mr. Hamel: I am sorry. This is in the instructions only. It could be changed by the Chief Electoral Officer at any time. The Act only says that he must open an office.

Mr. Howe: It says, "In some convenient place".

Mr. Hamel: Yes, but this is in the instructions issued by the Chief Electoral Officer. The instructions could be changed any time.

The Chairman: We do not mean, Mr. Howe, to amend the actual list, making a request to the Chief Electoral Officer. We believe that he could look into it.

Mr. Howe: I made a representation there.

The Chairman: Thank you.

Now if you want me to read this document, this is related to Section 13 of the Act which could be amended by adding Section 13A and subsection (1) would read as follows:

"Registration of Political Parties"

Registry and application for registration

13A. (1) The Chief Electoral Officer shall maintain a registry of political parties and subject to this section shall register therein any political party that files with him an application for registration signed by the leader of the party, setting out

(a) the full name of the party;

[Interpretation]

petits villages où il aurait pu installer son bureau, ce qui aurait avantage tout le monde. Ceci pourrait arriver dans d'autres cas.

Je sais que c'est meilleur marché pour l'officier rapporteur d'avoir son bureau à son propre domicile, mais je ne pense pas que l'on doive surtout tenir compte de ses avantages personnels, financiers ou autre, quand il s'agit de l'efficacité de sa tâche. Je serai absent cet après-midi mais j'espère que vous étudierez cette question pour voir si l'on peut y apporter des modifications.

M. Hamel: Merci, monsieur Howe, de m'avoir rappelé cette question.

C'est certainement quelque chose que nous allons étudier et nous y ferons attention pour la prochaine élection.

M. Howe: Est-ce que vous y voyez un changement dans la définition?

M. Hamel: Je suis désolé. Ça n'existe que dans les instructions. Autrement dit, le directeur général des élections peut y apporter des changements à n'importe quel moment. La loi prévoit simplement qu'il doive ouvrir un bureau.

M. Howe: Mais elle prévoit «dans un endroit convenable».

M. Hamel: Oui, mais cette question est traitée dans les instructions publiées par le directeur général des élections. Elles peuvent être changées à n'importe quel moment.

Le président: Nous n'avons pas l'intention de modifier la liste, monsieur Howe en le demandant au directeur général des élections. Nous pensons qu'il peut s'en occuper tout seul.

M. Howe: J'ai dit ce que je pensais.

Le président: Merci. Maintenant si vous voulez que je lise le document lui-même. Il a trait à l'article 13 de la Loi, que l'on pourrait modifier en y ajoutant l'article 13A, paragraphe (1), il serait ainsi libellé:

«L'enregistrement des partis politiques»

Registre et demande d'enregistrement.

13A (1) Le directeur général des élections doit tenir un registre des partis politiques où, sous réserve des dispositions du présent article, il doit enregistrer tout parti politique qui lui produit une demande d'enregistrement signée par le chef du parti, énonçant:

a) le nom intégral du parti;

[Texte]

- (b) the party name or the abbreviation, if any, of the party name to be shown in any election documents;
- (c) the name and address of the leader of the party;
- (d) the address of the office of the party where records are maintained and to which communications may be addressed; and
- (e) the names and addresses of the officers of the party.

Is this agreeable?

Some hon. Members: Agreed.

The Chairman: Now, if we deal with the registration, subsection (2):

Registration

(2) Upon receipt of an application for registration of a political party pursuant to subsection (1), the Chief Electoral Officer shall examine the application and determine whether the party can be registered under this section and

- (a) if the party can be registered, register it and so inform the leader of the party; or
- (b) if the party cannot be registered, so inform the leader of the party.

Yes, Mr. Jerome.

Mr. Jerome: Mr. Chairman, I notice that references were made a couple of times to whether or not the party can be registered under this section. Quickly reading through it, there does not appear to be any requirement spelled out in the discussion draft that we are dealing with as to representation in the House of Commons or fielding a number of candidates and things of this nature. Where would that occur?

Mr. Hamel: No, there is no requirement for fielding a minimum number of candidates. This could be added if you wish. The problem we run into is the fact that we have two nomination dates and if you set a minimum number at 50 or 60 it would mean that these candidates would have to be officially nominated not later than the first nomination date, being 28 days before polling day. This could be added if you wish but at the moment this is strictly a procedure for registering the party. If you go further on, the Chief Electoral Officer has an obligation to protect the parties that are now represented in the House of Commons.

[Interprétation]

- b) le nom du parti ou, le cas échéant, l'abréviation du nom du parti qui doit figurer aux documents d'élection;
- c) le nom et l'adresse du chef du parti;
- d) l'adresse du bureau du parti où sont conservées les archives et où les communications peuvent être adressées; et
- e) les nom et adresse des dirigeants du parti.

Êtes-vous d'accord?

Des voix: D'accord.

Le président: Maintenant passons à l'alinéa (2) enregistrement.

(2) Au reçu d'une demande d'enregistrement d'un parti politique en conformité du paragraphe (1), le directeur général des élections doit étudier la demande et décider si le parti peut être enregistré en vertu du présent article et

- a) si le parti peut être enregistré, l'enregistrer et en informer le chef du parti; ou
- b) si le parti ne peut pas être enregistré, en informer le chef du parti.

Oui, monsieur Jerome.

M. Jerome: Je constate, monsieur le président, qu'on s'est demandé à une ou deux reprises si l'enregistrement du parti pouvait se faire en vertu du présent article. En parcourant rapidement le texte, il ne semble pas y avoir des exigences quelconques quant à la représentation à la Chambre des Communes ou à la nomination d'un certain nombre de candidats, et autres choses du genre. Où auraient-elles lieu?

M. Hamel: Non, il n'est pas question de fixer un nombre minimal de candidats. On pourrait l'ajouter si vous voulez. Le problème qui se pose c'est qu'il y a deux dates pour la désignation des candidats, et si vous fixez un nombre donné de 50 ou de 60 candidats ils devront être officiellement désignés au plus tard à la première date de désignation soit 28 jours avant celui du scrutin. On pourrait ajouter une telle disposition, mais présentement, il s'agit strictement d'une procédure d'enregistrement des partis. Si vous allez plus loin vous remarquez que le directeur des élections est tenu de protéger les parties qui sont représentées actuellement à la Chambre des communes.

[Text]

Mr. Jerome: I see that. Under Section 21A, it would be proposed that "the name, address, occupation and political affiliation of the candidate" would appear on the ballot.

Mr. Hamel: That is correct.

Mr. Jerome: Now this political affiliation can appear on the ballot whether or not the party with which he is affiliated has a certain number of candidates, a certain number of members, a certain broad representation?

Mr. Hamel: That is correct, provided it is duly registered.

Mr. Jerome: Yes.

Mr. Hamel: For a new party the registration must be made not later than the forty-ninth day before polling day. In actual fact it means that they have eight to nine days between the issue of the writ and the end of the period to register.

Mr. Jerome: Basically, what is proposed in this discussion draft is that anybody can get a party affiliation put on a ballot if the party name is registered. That is all.

Mr. Hamel: If they meet the conditions spelled out in subsection (1) of 13A, yes.

• 1245

Mr. Jerome: Yes, but basically the conditions that are involved are really just a technical application for registration and no impingement on the names of any other political parties.

Mr. Hamel: Right.

Mr. Jerome: There is no necessity for any kind of representational factor involved at all.

Mr. Hamel: No. The only two points I would like to mention here. No new party can have its name on a ballot paper at a by-election between two general elections—in other words, at by-elections between general elections under this scheme. Of course, if you want to change it, it is up to you. Under this scheme only those parties whose names were on the ballot at the previous general election will appear on the ballot paper for any by-election. Secondly, and this is quite important and I would like to have your views on this, this will normally apply or the way it is drafted would apply only at the next general election. It means that at any by-election between now and the next general election, no party affiliation would be indicated. If you instruct me to do so, we could prepare a

[Interpretation]

M. Jerome: Je remarque qu'en vertu de l'article 21A il est proposé que le nom, l'adresse et le parti du candidat figurent sur le bulletin de vote?

M. Hamel: C'est exact.

M. Jerome: Son appartenance à un parti peut paraître sur le bulletin de vote, que ce parti présente ou non un certain nombre de candidats, qu'il soit assez largement représenté ou ait un certain nombre de membres?

M. Hamel: Vous avez raison, à condition que le parti soit correctement enregistré.

M. Jerome: Oui.

M. Hamel: Dans le cas d'un nouveau parti l'enregistrement doit être fait au plus tard le 49^e jour précédant le jour du scrutin. En réalité, ils disposent de huit ou neuf jours entre l'émission du bref et à la fin de la période d'enregistrement.

M. Jerome: Essentiellement, ce que l'on propose ici c'est que toute personne peut bien mettre le nom d'un parti sur le bulletin de vote, si ce parti est enregistré. C'est tout.

M. Hamel: Oui, s'ils satisfont les conditions indiquées au paragraphe (1) de l'article 13A. Oui.

M. Jerome: Oui, mais en fait il ne s'agit au départ que d'une application technique qui ne constitue aucun empiètement quant au nom des autres partis politiques.

M. Hamel: Oui.

M. Jerome: Mais il n'est pas nécessaire que l'on invoque les questions de représentation.

M. Hamel: Non. Les questions que je voudrais mentionner c'est qu'il n'est pas possible à un nouveau parti, de faire mettre son nom sur un bulletin de vote pour une élection partielle c'est-à-dire entre deux grandes élections générales, d'après ce système; si vous voulez y apporter des changements, libre à vous. D'après ce système seuls les partis dont les noms figuraient sur les bulletins au cours de l'élection générale précédente pourront figurer sur les bulletins de vote des élections partielles.

Deuxièmement, ceci est important et j'aimerais avoir votre avis là-dessus, cette disposition s'appliquera normalement, du moins de la façon qu'elle est rédigée, s'appliquerait seulement pour la prochaine élection générale ce qui veut dire que toute élection partielle d'ici

[Texte]

transitional clause to cover that period. These are the two points I wanted to make at this stage.

The Chairman: Mr. Howe.

Mr. Howe: The one thing that I keep thinking about is how is the independent individual designated?

Mr. Hamel: Either as Independent or is not designated at all if he requested the word "Independent" be dropped.

Mr. Howe: He cannot run Independent Conservative or Independent Liberal or Independent NDP. He has got to run either as an Independent or not be designated.

Mr. Hamel: Not under this scheme. Under this scheme the suggestion is to protect the name of the parties that are registered.

Mr. Jerome: In that situation he would have the option of being the leader of his own party to apply for registration under the party name provided he called himself by some name that did not offend the names of parties already registered with you.

Mr. Hamel: That is correct. You will recall that the other day the suggestion was made that perhaps we should require either letters patent or a charter and that kind of thing. I found out that no political party in Canada is incorporated. I suspect that even the names are not registered.

Mr. Jerome: There is no place for them to register.

Mr. Hamel: Some authority has to be created in the act to protect the name of the party that either already exists or that will eventually register. To illustrate Mr. Howe's point, you could turn to page 12 where we prepared a model of the ballot paper, the new format as you approved it. You see here that the first candidate is Independent; the second has a political affiliation; the third one has nothing because he decided not to indicate Independent there; and, finally, the last one is sponsored or recognized by a registered party.

Mr. Jerome: But Section 21A dealing with the placing of the name says that: "the name,

[Interprétation]

aux prochaines élections générales les noms des partis ne figureront pas sur les bulletins de vote. Si vous me le permettez nous pourrions préparer un article transitoire pour couvrir cette période.

Voilà les deux points que je voulais vous signaler pour l'instant.

Le président: Monsieur Howe.

M. Howe: Une question que je me pose c'est comment le candidat indépendant est désigné.

M. Hamel: Soit comme indépendant, ou qu'il ne soit pas désigné du tout s'il demandait la suppression du mot «indépendant.»

M. Howe: Il ne peut pas se présenter comme «conservateur indépendant», «NDP indépendant» ou «libéral indépendant». Il doit le faire comme «indépendant» ou ne rien indiquer du tout.

M. Hamel: Mais pas en vertu de ce système. D'après ce projet nous proposons de protéger le nom des partis qui sont enregistrés officiellement.

M. Jerome: Dans une telle situation, il aurait l'option d'être le chef de son propre parti pour faire une demande d'enregistrement sous le nom du parti pourvu que ce nom ne porte pas préjudice à ceux des partis déjà enregistrés.

M. Hamel: C'est correct. Vous vous rappelez que l'autre jour il fut suggéré que l'on devrait peut-être demander soit des lettres patentes, soit une charte, etc. J'ai pu vérifier moi-même qu'aucun parti politique du Canada n'est constitué en société. Je pense que même les noms ne sont pas enregistrés.

M. Jerome: Il n'y a pas de service à cet effet.

M. Hamel: Il faut donc créer une autre autorité d'après la loi pour protéger le nom d'un parti qui existe déjà, ou bien qui doit s'inscrire éventuellement.

Pour en revenir à la page 12, on a préparé un modèle de bulletin de vote. Le nouveau format que vous avez approuvé, vous y voyez que le premier candidat est indépendant, le deuxième appartient à un parti, le troisième n'a rien parce qu'il a décidé de ne pas marquer «indépendant» et finalement le dernier a le soutien ou est présenté par un parti enregistré.

M. Jerome: Oui mais l'article 21A qui porte sur l'inscription du nom dit que: «le nom,

[Text]

address, occupation and political affiliation of the candidate" will all appear. All of those things.

Mr. Hamel: This is on the nomination paper.

Mr. Jerome: Oh, I am sorry.

Mr. Hamel: Not on the ballot. On the ballot you have to turn to page 10, Section 28.

Mr. Jerome: Yes.

Mr. Hamel: There is only one transitional clause in this case here which appears at the bottom of the first page, subsection (4) which says:

(4) The Chief Electoral Officer shall not register a political party where,

(a) in the case of an application for registration made in the period commencing on the coming into force of this Act and terminating on the enumeration date at the general election next following the coming into force of this Act, he is of opinion that the name or abbreviation of the name of the party so nearly resembles the name or abbreviation of the name of a party that was represented in the House of Commons immediately prior to the coming into force of this Act as to be likely to be confused with the party that was so represented;...

I do not think that I have to belabour this point. Its purpose is quite evident.

Mr. Macquarrie: If someone came up with, shall we say, "Ultra Liberal" that would be too close.

Mr. Hamel: I may not consider that as being too close. I would say if the official name of the Conservative party was the "Progressive Conservative Party of Canada" and somebody came and said, "I want the 'Progressive Conservative Party for Canada'" that would probably be too close.

Mr. Macquarrie: It would be fairly close.

The Chairman: After enumerating each one, we could ask Mr. Hamel if he has any comments.

Are there any comments on subsection (2), the manner in which the party has to be registered. Is it agreed?

Some hon. Members: Agreed.

[Interpretation]

l'adresse, l'occupation et le parti du candidat vont devoir paraître».

M. Hamel: Ils se trouvent sur le document de nomination.

M. Jerome: Je m'excuse.

M. Hamel: Pas sur le bulletin de vote, à la page 10 article 28 il y est question.

M. Jerome: Oui.

M. Hamel: Il n'y a qu'une seule clause transitoire qui figure au bas de la première page, au paragraphe 4), il est écrit:

(4) Le directeur général des élections ne doit pas enregistrer un parti politique si,

a) dans le cas d'une demande d'enregistrement présentée dans la période commençant avec l'entrée en vigueur de la présente loi et se terminant à la date de l'énumération à l'élection générale qui suit l'entrée en vigueur de la présente loi, il est d'avis que le nom ou l'abréviation du nom du parti ressemble de près au nom ou à l'abréviation du nom d'un parti qui était représenté à la Chambre des communes juste avant l'entrée en vigueur de la présente loi, au point qu'il risque d'être confondu avec le parti qui était ainsi représenté.

Je ne pense pas devoir insister là-dessus. Son objectif est évident.

M. Macquarrie: Si quelqu'un se présentait en tant que «ultra libéral» ce serait trop voisin.

M. Hamel: Je considère que ce n'est peut-être pas très voisin. Si le nom officiel du parti conservateur était «le Parti progressiste conservateur du Canada» ce serait probablement trop voisin.

M. Macquarrie: Ce serait assez voisin.

Le président: Après avoir cité chacun nous pourrions demander à M. Hamel, s'il a des remarques à faire. Avez-vous des commentaires à faire sur le paragraphe (2), les procédures d'enregistrement d'un parti.

Êtes-vous d'accord?

Des voix: Approuvé.

[Texte]

• 1250

The Chairman: Subsection (3), the effective date of registration. Would you have some comments to make on it, Mr. Hamel?

Mr. Hamel: This is what I touched upon earlier. It means that a political party may register at any time. If a new party wants to register just before a general election, it has to do it before the forty-ninth day. This is primarily for an administrative reason. I must have enough time to give my returning officers: (1) the names of the parties that are duly registered; (2) the names of the people who will be authorized by the leader of the party to recognize each candidate. In actual effect it means that a new party that wants to get its name on the ballot at the general election will have about 10 days to register, at the maximum.

Mr. Macquarrie: I have one question here. I may have missed some of the preceding discussion. Why is there concern about similarity of abbreviations? Abbreviations do not appear in any of these documents from the ballot down, do they?

Mr. Hamel: Perhaps I should have made that point in dealing with subsection (1). In subsection (1) there are two things we ask: the full name of the party, such as the Progressive Conservative Party of Canada or the Progressive Association of Canada or something like that. This is far too long to appear on the ballot paper because otherwise if that name is to be used, the letters will be so small that you will need a magnifying glass to read the name. We also request in subsection (1) (b) the party name or the abbreviation, if any. I suspect that perhaps one party that is in the House at the moment will prefer to be shown on the ballot paper by its abbreviation. You had in Quebec at one time the party that was called R.I.N. We had in Canada a party called C.C.F. This is the abbreviation. If someone came and wanted to use the commonly used abbreviation for a registered party this would be the authority for the Chief Electoral Officer to refuse to register that abbreviation and show on the ballot paper the same abbreviation another party might wish to use.

Mr. Macquarrie: Abbreviations, even initials, might be appearing.

Mr. Hamel: That is correct.

[Interprétation]

Le président: Nous passons au paragraphe (3), il s'agit de la date effective de l'enregistrement. Avez-vous des remarques à faire monsieur Hamel?

M. Hamel: J'en ai déjà parlé précédemment. L'idée c'est que les partis politiques peuvent se faire enregistrer à n'importe quelle date. Juste avant des élections générales, si l'on veut faire enregistrer un nouveau parti, il faut le faire avant le 49e jour qui précède les élections, ceci pour une raison purement administrative; parce qu'il faut que j'aie suffisamment de temps pour communiquer aux officiers rapporteurs: 1) les noms des partis qui sont officiellement enregistrés et deuxièmement, le nom de gens qui vont avoir l'autorisation de leur chef de parti de voter pour un candidat donné. Cela revient à dire, qu'en réalité un nouveau parti qui veut faire mettre son nom sur les bulletins de vote aux élections générales devrait avoir au plus dix jours pour se faire enregistrer.

M. Macquarrie: Je voudrais poser une question. Je n'ai peut-être pas suivi les discussions précédentes, mais pourquoi s'inquiète-t-on tellement des abréviations? Il n'y en a pas sur ces documents qu'il s'agisse de bulletins de vote ou des autres?

M. Hamel: Non, mais au paragraphe (1), il y a deux choses que l'on demande. D'une part, le nom intégral du parti, tel que le parti progressiste-conservateur du Canada ou l'Association progressiste du Canada etc. Mais c'est beaucoup trop long pour figurer sur le bulletin de vote, parce que si c'était le cas il serait écrit en caractères tellement petits qu'il faudrait une loupe pour le lire. En plus nous exigeons au paragraphe (1) alinéa b) le nom du parti ou l'abréviation s'il y en a une. Peut-être qu'un parti représenté actuellement à la Chambre voudrait que son abréviation figure sur les bulletins de vote, au Québec le parti qui s'appelait le R.I.N. ou le C.C.F. au Canada. Si on voulait utiliser l'une de ces abréviations, pour faire enregistrer un parti le directeur général des élections a le pouvoir de refuser l'enregistrement de cette abréviation et d'indiquer sur le bulletin de vote qu'un autre parti voudrait peut-être utiliser cette abréviation.

M. Macquarrie: Autrement dit, on pourrait y voir les sigles.

M. Hamel: C'est exact.

[Text]

The Chairman: At the request of the party itself.

Mr. Macquarrie: Yes.

The Chairman: And subsection (4) deals with prohibitions against registration and deals precisely with this point that the Chief Electoral Officer may refuse some abbreviation for a name of a party that only resembles the name or abbreviation of some other registered party. Is this agreed?

Sone hon. Members: Agreed.

The Chairman: Subsection (5), variation of list. Mr. Hamel.

Mr. Hamel: Well, this is to take care of changes in the names of the officers of the party or in the name of the party itself or in the name of the leader. This will allow the Chief Electoral Officer to make the appropriate changes in the registry at the request of the party itself.

The Chairman: Agreed?

Some hon. Members: Agreed.

The Chairman: Subsection (6), the effective date of variation.

Mr. Hamel: It is just to indicate when this is going to be effective.

The Chairman: Not later than the forty-ninth day preceding election day.

Mr. Hamel: That is correct. The same conditions. A party cannot change its name during an election campaign.

The Chairman: Subsection (7), duty of parties at election. Agreed?

Some hon. Members: Agreed.

The Chairman: What about deletions from list, subsection (8)?

Mr. Hamel: This is in the case of a party that was not represented in the House of Commons and has not complied with subsection (7). The party has not confirmed the information that we have in the registry, has not brought it up to date nor has it designated a person to endorse the candidates to run under or to be sponsored by that party. This is the authority to the Chief Electoral Officer to drop these names from the registry.

[Interpretation]

Le président: Au paragraphe (4), il s'agit lui-même.

M. Macquarrie: Oui.

Le président: Au paragraphe (4) il s'agit des interdictions d'enregistrement, prévoyant que le directeur général des élections peut refuser certaines abréviations comme noms de partis si elles ressemblent au nom ou à l'abréviation d'un autre parti dûment enregistré. Êtes-vous d'accord?

Des voix: D'accord.

Le président: Paragraphe (5), modification de liste.

M. Hamel: Il s'agit de la question du changement du nom des officiers du parti du chef du parti, ou le nom du parti lui-même, c'est au directeur général des élections de faire les changements nécessaires dans le registre à la demande du parti lui-même.

Le président: Êtes-vous d'accord?

Des voix: Approuvé.

Le président: Date effective du changement, paragraphe (6).

M. Hamel: Il s'agit d'indiquer quand cette mesure devra être appliquée.

Le président: Au plus tard le quarante-neuvième jour précédant le jour du scrutin.

M. Hamel: Toujours 49 jours avant. Un parti ne peut pas changer son nom au cours d'une campagne électorale.

Le président: Paragraphe (7): Obligations des partis à l'élection. Approuvé?

Des voix: Approuvé.

Le président: Au sujet de la radiation des listes, paragraphe (8)?

M. Hamel: Il est applicable dans le cas d'un parti qui n'était pas représenté à la Chambre des communes et qui ne s'est pas conformé au paragraphe (7). S'il n'a pas confirmé les renseignements dont nous disposons dans le registre, ne les a pas mis à jour et n'a pas désigné une personne se portant garante des candidats ou parrainé par ce parti. Dans de tels cas le directeur général des élections a le pouvoir de rayer ces noms du registre.

The Chairman: The remainder of the paper you have before you deals with the consequential amendments, the approval of the

Le président: Dans le reste de votre document il est question de modifications complémentaires de l'approbation de l'enregistre-

[Texte]

registration of parties and the way it should be done.

If this is agreed, I believe this terminates the work that we had to do. Since we approved this way of registering parties, we should also approve the consequential amendments that relate to it in the Act. We do not need to go back to the sections and say because we approved this we have to change or substitute names or a subparagraph in an article of the Act.

Mr. Jerome: Mr. Chairman, just one comment that I want to get back to. I really do think that life would be simpler for the Chief Electoral Officer if some requirement could be built into this section that the party that applies for registration should have to field more than one candidate. I anticipate that you are going to say: "if they are applying to be registered for a forthcoming election that it is almost impossible to know how many candidates they are going to field." My objection to this is that, at the present time, everybody who wants to field a single candidate under a party name can do so once he applies to you rather than have him run as an independent candidate. I think that you would save yourself a lot of trouble if you put some kind of a basic requirement in the Act that the party indicate in its application for registration that it will nominate a certain minimum number of candidates. Even a very small number would tend to relieve you of a lot of crack-pot type of applications that I think you are going to run into. It is an idea that I think we should consider.

The Chairman: What limit would you impose, Mr. Jerome?

Mr. Jerome: Well, I do not know. Certainly for a federal election I do not think that 25 would be an unrealistic number.

Mr. Forget: Deux tiers.

The Chairman: Two thirds of the seats?

Mr. Forget: Yes.

An hon. Member: No, one third.

Mr. Jerome: Well, I think that the Ralliement Creditistes at the present time do not field very many more than perhaps 50. They certainly do not field candidates in one third of the seats.

The Chairman: No, they filed 76.

Mr. Jerome: Even if they were to run somebody in every constituency in the Prov-

[Interprétation]

ment des partis et comment procéder à cet enregistrement. Si vous approuvez ces dispositions, je pense que nous avons fini notre travail.

Mais je pense qu'étant donné que nous avons adopté cette méthode d'enregistrement des partis politiques, nous devons également adopter les modifications complémentaires qui en découlent dans la loi. Nous n'avons pas à revenir à l'étude des articles et dire «puisque nous les avons approuvé, nous devons changer ou remplacer des noms ou des alinéas.»

M. Jerome: Monsieur le président, je veux simplement faire une remarque. Je pense qu'il serait beaucoup plus simple pour le directeur général des élections de formuler certains critères dans cet article, par exemple, un parti qui veut être enregistré devrait présenter plus d'un candidat. Je sais d'avance que vous direz que s'ils font une demande d'enregistrement à une prochaine élection il leur est impossible de connaître exactement le nombre de candidats qu'ils vont réunir, mais malgré tout, je pense qu'actuellement vu que quiconque veut présenter un seul candidat au nom d'un parti peut le faire qu'une fois qu'il a fait une demande d'enregistrement. Vous vous éviteriez beaucoup de difficultés si vous introduisiez un critère dans la loi qui exigerait que le parti indique dans sa demande qu'il y aura un nombre minimal de candidats. On peut dire que même un petit nombre, permettrait d'éviter les demandes fantaisistes. C'est une idée, qu'à mon avis nous devrions étudier.

Le président: Quelles limites fixeriez-vous monsieur Jerome?

M. Jerome: Je ne sais pas, pour une élection fédérale, je ne pense pas que 25 soit exagéré.

Mr. Forget: Two-thirds?

Le président: Deux tiers des sièges?

M. Forget: Oui.

Une voix: Non, un tiers.

M. Jerome: Par exemple, le Ralliement des créditistes, ne réunit actuellement qu'environ 50 candidats. Il n'ont pas de candidats pouvant occuper un tiers des sièges.

Le président: Non ils en présentent 75.

M. Jerome: Même s'ils pouvaient présenter quelqu'un dans toutes les circonscriptions du

[Text]

ince of Quebec they still would not come up to a third. I do not think that is necessary. I do not want to impose hardship on a really genuine, bona fide political party but at the same time I just do not want to leave the thing open so that every group of crackpots that wants to create some kind of party can apply for registration simply because it is going to field one candidate in one constituency.

The Chairman: Since we have 264 seats, would you think that 10 per cent would be satisfactory?

Mr. Jerome: The idea there is not to eliminate anybody but really to eliminate a lot of nonsense.

The Chairman: Ten per cent?

Mr. Jerome: Ten per cent is satisfactory with me, Mr. Chairman.

The Chairman: Agreed?

Some hon. Members: Agreed.

Mr. Hamel: There is one question I would like, if possible, to have answered. Do you agree that this will start only at the next general election or should we have a conditional clause?

Some hon. Members: Yes, next general election.

The Chairman: The next election only.

Mr. Hamel: All right.

The Chairman: This meeting is adjourned.

[Interpretation]

Québec, ils ne pourraient pas atteindre le tiers. Je ne pense pas que ce soit nécessaire d'aller si loin et de créer des difficultés aux partis authentiques mais malgré tout, je ne veux pas pour autant, que n'importe quel fantaisiste qui voudrait créer un parti puisse faire une demande d'enregistrement simplement parce qu'il présentera un candidat dans une circonscription.

Le président: Étant donné que nous avons 264 sièges, pensez-vous que 10 p. 100 serait satisfaisant?

M. Jerome: Il ne s'agit pas déliminer qui que ce soit mais plutôt d'éliminer certaines stupidités.

Le président: 10 p. 100?

M. Jerome: J'approuve 10 p. 100 monsieur le président.

Le président: Approuvé?

Des voix: Approuvé.

M. Hamel: Il y a une question, que j'aimerais vous poser. Est-ce que vous acceptez que cette mesure ne commence à être appliquée qu'à la prochaine élection générale ou bien est-ce qu'il faut une clause provisoire?

Des voix: Oui, aux prochaines élections générales.

Le président: Seulement aux prochaines élections.

M. Hamel: Très bien.

Le président: La séance est levée.

OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

Second Session

Twenty-eighth Parliament, 1969-70

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Deuxième session de la

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

ON

COMITÉ PERMANENT

DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
ET
ÉLECTIONS**

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 13

TUESDAY, MARCH 3, 1970

LE MARDI 3 MARS 1970

TUESDAY, MARCH 17, 1970

LE MARDI 17 MARS 1970

Canada Elections Act

Including

FOURTH REPORT TO THE HOUSE

La Loi électorale du Canada

Y Compris le

QUATRIÈME RAPPORT À
LA CHAMBRE

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir les Procès-verbaux)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

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DES
PRIVILÈGES ET ÉLECTIONS

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Vice-Chairman

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Benjamin,
Code,
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Forget,
Forrestall,

Fortin,
Howard (Skeena),
Howe,
Jerome,
¹ Lefebvre,
² Lessard (Lac-Saint-
Jean),

(Quorum 11)

et MM.

Macquarrie,
Marceau,
Peddle,
Richard,
Thomas (Maison-
neuve)—20.

Le greffier du Comité,
R. V. VIRR,
Clerk of the Committee.

Pursant to Standing Order 65(4)(b),

¹ Replaced Mr. Cyr on March 3, 1970.

² Replaced Mr. Comtois on March 3, 1970.

Suivant l'article 65(4)b) du Règlement,

¹ Remplace M. Cyr le 3 mars, 1970.

² Remplace M. Comtois le 3 mars, 1970.

REPORT TO THE HOUSE

THURSDAY, March 19, 1970.

The Standing Committee on Privileges and Elections has the honour to present its

FOURTH REPORT

Pursuant to its Orders of Reference dated November 19 and December 15, 1969, your Committee has studied the Canada Elections Act exclusive of Sections 62 and 63 and the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting, 1968. In addition, your Committee has studied the subject-matter of Bills

C-14 An Act to amend the Canada Elections Act (Political Affiliations of Candidates on Ballot Papers)

C-72 An Act to amend the Canada Elections Act (Youth Vote Participation)

C-78 An Act to amend the Canada Elections Act (Qualifications of voters and candidates)

C-87 An Act to amend the Canada Elections Act (Qualification of electors)

C-97 An Act to amend the Canada Elections Act (Students' Franchise)

C-101 An Act to amend the Canada Elections Act (Proxy Voting)

C-120 An Act to amend the Canada Elections Act (Qualifications of Electors and Candidates)

Your Committee held twenty-five meetings during the course of its sittings and heard the following witnesses:

Mr. J. M. Hamel, Chief Electoral Officer,

Mr. Walter Nash, Assistant Chief Electoral Officer,

Col. J. P. Dewis, Deputy Judge Advocate General, Dept. of National Defence,

Professor A. C. Cairns, University of British Columbia,

Miss Flora MacDonald, Queen's University.

RAPPORT À LA CHAMBRE

Le JEUDI 19 mars 1970

Le Comité permanent des privilèges et élections a l'honneur de présenter son

QUATRIÈME RAPPORT

Conformément aux ordres de renvoi reçus le 19 novembre et le 15 décembre, 1969, le Comité a étudié la loi électorale du Canada à l'exception des articles 62 et 63 et le rapport de 1968 du Commissaire à la représentation sur les méthodes d'inscription des électeurs et le vote des absents. En outre, le Comité a examiné l'objet des Bills

C-14 Loi modifiant la Loi électorale du Canada (Affiliations politiques des candidats sur le bulletin de vote)

C-72 Loi modifiant la Loi électorale du Canada (Participation des jeunes au scrutin)

C-78 Loi modifiant la Loi électorale du Canada (Qualités requises des votants et des candidats)

C-87 Loi modifiant la Loi électorale du Canada (Qualités requises des électeurs)

C-97 Loi modifiant la Loi électorale du Canada (Droit de vote des étudiants)

C-101 Loi modifiant la Loi électorale du Canada (Vote par procuration)

C-120 Loi modifiant la Loi électorale du Canada (Qualités requises des électeurs et des candidats)

Le Comité a tenu 25 réunions et a entendu les témoins suivants:

M. J.-M. Hamel, directeur général des élections,

M. Walter Nash, directeur général adjoint des élections,

Colonel J. P. Dewis, juge-avocat général adjoint, ministère de la Défense nationale,

M. A. C. Cairns, professeur, Université de la Colombie-Britannique,

M^{lle} Flora MacDonald, Université Queen's.

A few briefs were received, and considered by your Committee. Recommendations for amendments to the electoral process received from the public by the Chief Electoral Officer were considered by your Committee. In addition, the Chief Electoral Officer suggested draft amendments to the Canada Elections Act for the better administration of the Act and these amendments were studied by your Committee.

In the course of its study, your Committee reviewed the election laws of the various Provinces of Canada and met with certain provincial electoral officials. A joint meeting with the Select Committee on Election Laws of the Legislature of Ontario was held to discuss matters of mutual interest.

PART I

Your Committee recommends that the Government of Canada consider the advisability of incorporating the following proposals in a bill to be presented for consideration during the present session of Parliament.

1. Any reference in the Canada Elections Act to electoral districts returning two members be deleted; (Issue No. 8)

2. The duties and responsibilities which, under the Canada Elections Act, as amended, are at present assigned to the Representation Commissioner be transferred back to the Chief Electoral Officer; (Issues Nos. 6, 15)

3. Failure on the part of a returning officer to revise his polling division boundaries as instructed by the Chief Electoral Officer be a cause for removal from office; (Issue No. 8)

4. A vacancy in the office of returning officer be filled within 60 days from the date on which the Chief Electoral Officer has been informed of the vacancy; (Issues Nos. 8, 9)

5. Returning officers in electoral districts specified in Schedule III be allowed to appoint additional election clerks on the

Le Comité a examiné quelques mémoires. Les recommandations du public au directeur général des élections visant les modifications à apporter à la marche électorale, ont été étudiées par le Comité. De plus, le directeur général des élections a proposé des projets de modification à la Loi électorale du Canada en vue d'une meilleure administration de la Loi, modifications que le Comité a également examinées.

Au cours de son étude, le Comité a fait l'étude des lois électorales des diverses provinces canadiennes et a rencontré quelques agents d'élection des provinces. Le Comité a tenu une réunion mixte avec le Comité spécial des lois électorales de la législature de l'Ontario afin de discuter de questions d'intérêt commun.

PARTIE I

Le Comité recommande au gouvernement du Canada d'étudier la possibilité d'incorporer les propositions ci-après dans un bill qui sera étudié au cours de la présente session du Parlement.

1. Que soit retranchée de la Loi électorale du Canada toute allusion aux circonscriptions électorales qui élisent deux représentants; (fascicule n° 8)

2. Que les tâches et les fonctions assignées en ce moment par la Loi électorale du Canada, sous sa forme modifiée, au commissaire à la représentation soient remises au directeur général des élections; (fascicules n°s 6, 15)

3. Que l'officier rapporteur qui néglige de réviser les limites de son arrondissement de votation, sur les ordres du directeur général des élections, puisse être renvoyé; (fascicule n° 8)

4. Qu'une vacance au poste d'officier rapporteur soit remplie dans les 60 jours suivant la date où le directeur général des élections en aura été informé; (fascicules n°s 8, 9)

5. Que les officiers rapporteurs des districts électoraux précisés dans la troisième annexe soient autorisés à nommer d'autres

authorization of the Chief Electoral Officer; (Issue No. 8)

6. Polling division boundaries be established to include approximately 250 electors, or a multiple thereof, per polling division; (Issues Nos. 8, 9)

7. The Chief Electoral Officer be given the power, when requested not later than the date of the issue of the writ, to declare built up areas abutting incorporated towns and cities of 5,000 population or more urban polling divisions if he deems it expedient; (Issues Nos. 8, 9)

8. The Chief Electoral Officer be given the power, when requested not later than the date of the issue of the writ, to declare areas within incorporated towns and cities of 5,000 population or more rural polling divisions if he deems it expedient; (Issues Nos. 8, 9)

9. Voting age be reduced to eighteen and only Canadian citizens be qualified as electors (for this purpose British subjects, other than Canadian citizens, who were ordinarily resident in Canada on the 25th day of June 1967, be deemed to be Canadian citizens); (Issues Nos. 1, 5, 15, 17)

10. The residence requirement to be qualified to vote be determined as of the first day of enumeration, instead of as of the date of the issue of the writ; (Issue No. 9)

11. Ministers, priests and teachers who change the place of their ordinary residence from one polling division to another between the first day of enumeration and polling day, be allowed to have their name placed on the list of electors for the polling division to which they have moved, even if such polling division is in the same electoral district; (Issue No. 9)

12. The privilege accorded ministers, priests and teachers be extended to persons seasonally employed in the fishing industry, other than fishermen; (Issue No. 17)

secrétaires d'élection avec l'approbation du directeur général des élections; (fascicule n° 8)

6. Que les limites des arrondissements de votation soient établies de façon à comprendre environ 250 électeurs, ou un multiple de ce chiffre par arrondissement de votation; (fascicules n°s 8, 9)

7. Que, si la demande lui en est faite pas plus tard qu'à la date d'émission du bref, le directeur général des élections soit investi du pouvoir de déclarer urbaines les zones attenantes aux villes et cités incorporées de 5,000 habitants ou plus, s'il le juge opportun; (fascicules n°s 8, 9)

8. Que, si la demande lui en est faite pas plus tard qu'à la date d'émission du bref, le directeur général des élections ait le pouvoir de déclarer rurales certaines zones à l'intérieur de cités et villes incorporées de 5,000 habitants ou plus, s'il le juge opportun; (fascicules n°s 8, 9)

9. Que l'âge de vote soit porté à 18 ans et que seuls les citoyens canadiens puissent voter (à cette fin, que les sujets britanniques, autres que les citoyens canadiens, qui résidaient au Canada le 25 juin 1967, soient considérés comme citoyens canadiens); (fascicules n°s 1, 3, 15, 17)

10. Que la condition de résidence qui habilite à voter soit déterminée au premier jour de l'énumération, plutôt qu'à la date d'émission du bref; (fascicule n° 9)

11. Que les ministres, les prêtres et les professeurs qui déménagent de leur résidence habituelle, d'un arrondissement de votation à un autre, entre le premier jour de l'énumération et le jour du scrutin, aient le droit de faire figurer leur nom sur la liste des électeurs de l'arrondissement de votation où ils ont déménagé, même si cet arrondissement de votation se trouve dans le même district électoral; (fascicule n° 9)

12. Que le privilège accordé aux ministres, aux prêtres et aux professeurs soit également accordé aux travailleurs saisonniers de l'industrie de la pêche, autres que les pêcheurs; (fascicule n° 17)

13. The distinction between persons temporarily engaged in public works and those in non-public works be abolished; (Issue No. 9)

14. The procedures for appointing urban enumerators, revising agents and substitute revising officers be clarified and their duties and responsibilities clearly defined; (Issues Nos. 9, 10)

15. The returning officer and revising officer be permitted to correct clerical errors made by the enumerators or the printers in the preparation of the preliminary lists of electors; (Issues Nos. 9, 10)

16. At the request of the returning officer, the revising officer be allowed to rectify mistakes made by the enumerators or revising agents; (Issue No. 10)

17. An elector who has been enumerated but whose name has been left off the preliminary list of electors may obtain a certificate to vote without producing his enumeration notice in Form No. 7; (Issue No. 9)

18. With the prior approval of the Chief Electoral Officer and for good and valid reason, a returning officer be authorized to amalgamate two or more polling divisions; (Issue No. 9)

19. Only postmasters of post offices in the urban areas of an electoral district receive notices of revision; (Issue No. 10)

20. A postmaster be not subject to dismissal for failure to carry out duties imposed upon him by the Act, but instead that he be deemed to be an election officer and treated as such; (Issue No. 10)

21. That the days for the sittings for revising the preliminary lists of electors, in both urban and rural areas, be advanced by one day; (Issue No. 10)

22. Revising officers be authorized to take names off the preliminary lists of electors at the request of the persons

13. Que disparaisse la distinction établie entre les personnes embauchées temporairement dans le domaine des travaux publics et celles qui le sont dans le domaine des travaux privés; (fascicule n° 9)

14. Que les méthodes de nomination des énumérateurs urbains, des agents reviseurs et des substituts des officiers reviseurs suppléants soient précisées et que leurs fonctions et responsabilités soient nettement définies; (fascicules n° 9, 10)

15. Que l'officier rapporteur et l'officier reviseur aient le droit de corriger les erreurs d'écritures des énumérateurs ou des imprimeurs lors de la préparation des listes préliminaires d'électeurs; (fascicules n° 9, 10)

16. Qu'à la demande de l'officier rapporteur, l'officier reviseur ait le droit de corriger les erreurs des énumérateurs ou des agents reviseurs; (fascicule n° 10)

17. Qu'un électeur qui a été énuméré mais dont le nom ne figure pas sur la liste préliminaire des électeurs puisse obtenir un certificat de vote sans présenter d'avis d'énumération, soit la formule n° 7; (fascicule n° 9)

18. Qu'avec l'approbation préalable du directeur général des élections et pour des raisons valables, un officier rapporteur ait la permission de réunir deux arrondissements de votation ou plus; (fascicule n° 9)

19. Que seuls les maîtres de poste des bureaux de poste des régions urbaines d'un district électoral reçoivent des avis de revision; (fascicule n° 10)

20. Qu'un maître de poste ne soit pas démis de ses fonctions pour ne pas avoir rempli les fonctions imposées par la Loi, mais qu'il soit considéré comme un officier d'élections et soit traité comme tel; (fascicule n° 10)

21. Que la date des séances de revision des listes préliminaires des électeurs, dans les zones urbaines et rurales, soit avancée d'un jour; (fascicule n° 10)

22. Que les officiers reviseurs soient autorisés à retirer des noms de la liste préliminaire des électeurs à la demande

whose names appear on the lists; (Issue No. 10)

23. Revising agents be authorized to accept statements from relatives by blood or marriage; (Issue No. 10)

24. The number of copies of statements of changes and additions supplied to candidates be reduced from five to three; (Issue No. 10)

25. The requirements for publishing the proclamation in the electoral districts of Yukon and Northwest Territories reflect present day conditions; (Issue No. 10)

26. The proclamation be printed in both official languages in every electoral district in Canada; (Issues Nos. 11, 14)

27. The provisions of the Act be carried out as if polling day were always on a Monday; (Issue No. 10)

28. The procedure for the nomination of candidates be set out separately from the provisions dealing with polling day and nomination day, and be precisely set out. (Issues Nos. 10, 11)

29. Political parties in Canada wishing to endorse candidates at an election for the House of Commons be registered with the Chief Electoral Officer; in addition, any new party that wishes to be identified on the ballot papers must have candidates in at least 10% of the total number of electoral districts in Canada; (Issues Nos. 5, 15, 17)

30. Persons who consent to be candidates at an election knowing that they are ineligible be guilty of an offence; (Issue No. 10)

31. Returning officers be permitted to centralize up to ten polling stations and, whenever possible, locate them in schools or other public buildings; (Issue No. 11)

des personnes dont le nom figure sur la liste; (fascicule n° 10)

23. Que les agents reviseurs soient autorisés à accepter la déclaration des parents consanguins ou par alliance; (fascicule n° 10)

24. Que le nombre des copies de déclarations de changement et d'addition fournies aux candidats soit réduit de cinq à trois; (fascicule n° 10)

25. Que les conditions de publication de la proclamation dans les districts électoraux du Yukon et des territoires du Nord-ouest reflètent les conditions actuelles; (fascicule n° 10)

26. Que la proclamation soit imprimée dans les deux langues officielles, dans chaque district électoral du Canada; (fascicules n° 11, 14)

27. Que les dispositions de la Loi soient adoptées comme si le jour du scrutin se trouvait toujours un lundi; (fascicule n° 10)

28. Que la méthode de nomination des candidats soit fixée indépendamment des dispositions relatives au jour du scrutin et au jour de la présentation, et qu'elle soit établie avec précision; (fascicules n° 10, 11)

29. Que les partis politiques du Canada qui désirent appuyer les candidats lors d'une élection fédérale s'inscrivent auprès du directeur général des élections; en outre, tout nouveau parti qui désire être inscrit sur les bulletins de vote doit compter des candidats dans au moins 10 p. 100 des districts électoraux du Canada; (fascicules n° 5, 15, 17)

30. Que les personnes qui acceptent d'être candidats lors d'une élection en sachant qu'elles n'en ont pas le droit, soient déclarées coupables d'une infraction; (fascicule n° 10)

31. Que les officiers rapporteurs aient le droit de centraliser jusqu'à dix bureaux de scrutin et, si la chose est possible, de les situer dans les écoles ou dans d'autres immeubles publics; (fascicule n° 11)

32. The rights and obligations of candidates and their agents in polling stations be clarified and more precisely set out; (Issue No. 11)

33. The Friday immediately preceding polling day, instead of Saturday be the last day for receiving applications for transfer certificates; (Issue No. 11)

34. The procedures for voting be clarified and precisely set out; (Issue No. 11)

35. Anyone who records the serial number on a ballot paper be guilty of an offence; (Issue No. 11)

36. Where an elector is unable to mark his ballot for any reason, a friend or relative accompanying the elector be permitted to mark the ballot on behalf of the elector; (Issue No. 11)

37. A system of proxy voting, exerciseable only on the ordinary polling day, be instituted for fishermen, mariners, prospectors, and fulltime students who, in the normal course of their employment or studies as such, are absent from their place of ordinary residence on advance polling day and ordinary polling day, as well as for personse who, through illness or physical incapacity, are unable to attend and vote at a polling station; (Issues Nos. 16, 17)

38. The proxy provisions relating to full-time students be in lieu of their present entitlement to be on two lists; (Issue No. 17)

39. The format of the ballot paper be changed to contain a small circular space at the right of and completely separated from the space where the name of the candidate is printed, in which space the elector will indicate his choice; (Issue No. 15)

40. The political affiliation of a candidate who is endorsed by the leader of a registered party or his designated rep-

32. Que les droits et obligations des candidats et de leurs agents dans les bureaux de votation soient précisés et déterminés d'une façon plus nette; (fascicule n° 11)

33. Que le vendredi qui précède immédiatement le jour de scrutin soit, au lieu du samedi, le dernier jour fixé pour recevoir les demandes de certificats de transfert; (fascicule n° 11)

34. Que la procédure lors de la votation soit clarifiée et précisée; (fascicule n° 11)

35. Que quiconque inscrit le numéro de série d'un bulletin de vote soit reconnu coupable d'une infraction; (fascicule n° 11)

36. Que lorsqu'un électeur est incapable de marquer son bulletin de vote pour une raison quelconque, un ami ou un parent qui l'accompagne ait le droit de le faire en son nom; (fascicule n° 11)

37. Qu'un système de vote par procuration, qui puisse s'exercer seulement le jour du scrutin ordinaire, soit institué pour les pêcheurs, les marins, les prospecteurs et les étudiants à temps plein qui, dans l'exercice normal de leur emploi ou de leurs études, sont absents de leur lieu de résidence habituel le jour du scrutin provisoire et le jour du scrutin ordinaire, tout comme les personnes qui, pour des raisons de maladie ou d'incapacité physique, sont incapables d'aller voter à un bureau de votation; (fascicules n° 16, 17)

38. Que les dispositions sur le vote par procuration relatives aux étudiants à plein temps remplacent la disposition actuelle qui leur permet de figurer sur deux listes; (fascicule n° 17)

39. Que le bulletin de vote soit modifié de façon à contenir un petit cercle à droite, tout à fait séparé de l'espace où le nom du candidat est imprimé, dans lequel l'électeur pourra indiquer son choix; (fascicule n° 15)

40. Que l'affiliation politique d'un candidat, qui est approuvée par le chef d'un parti inscrit ou son représentant désigné,

representative be printed on the ballot paper; (Issue No. 15)

41. The requirement to indicate the address and occupation of the candidate on the ballot paper be deleted; (Issue No. 15)

42. A ballot paper be not rejected solely because it was marked with a writing instrument other than a black lead pencil or with a mark other than a cross; (Issue No. 15)

43. A returning officer apply to a judge for a recount if, on the official addition of the votes, there is an equality of votes between two or more candidates and an additional vote for one of such candidates would entitle him to be declared elected; (Issue No. 12)

44. When a judicial recount is conducted by a judge, the persons who are entitled to attend and the election material to which the judge may refer, be clearly set out in the Act; the judge be entitled to hire clerical assistance and be empowered to summon a deputy returning officer or poll clerk, if necessary; the attendance of an election clerk be not mandatory; a judge be permitted to terminate a recount at any time upon request; (Issues Nos. 11, 12)

45. The Chief Electoral Officer be authorized to pay revising agents by warrants, give accountable advances to returning officers, increase the fees payable when justified, and withhold payments to election officers who have failed to carry out their duties; (Issue No. 12)

46. The penalty and offences provisions of the Canada Elections Act be consolidated, whenever possible, and the penalties incorporated into a single section. (Issues Nos. 10, 12, 13, 14, 15)

47. The outlets for the sale of alcoholic beverages be closed on ordinary polling day only while the polls are open; (Issues Nos. 12, 14)

soit imprimée sur le bulletin de vote; (fascicule n° 15)

41. Que soit supprimée l'obligation d'indiquer l'adresse et la profession du candidat sur le bulletin de vote; (fascicule n° 15)

42. Qu'un bulletin de vote ne soit pas rejeté uniquement parce qu'il a été marqué par un instrument d'écriture autre qu'un crayon à mine de plomb ou d'un signe autre qu'une croix; (fascicule n° 15)

43. Qu'un officier rapporteur s'adresse à un juge pour faire un recomptage si dans l'addition officielle des bulletins de vote, il y a égalité entre deux candidats ou plus et qu'un vote supplémentaire pour un de ces candidats lui permettrait d'être élu; (fascicule n° 12)

44. Lorsqu'un recomptage judiciaire est fait par un juge, que les personnes qui ont le droit d'y assister et que le matériel d'élection auquel le juge peut se reporter, soient bien précisés dans la Loi; que le juge soit autorisé à engager les aides-secrétaires et soit investi du pouvoir de sommer un officier rapporteur adjoint ou un greffier du scrutin, au besoin; que la présence d'un greffier du scrutin ne soit pas obligatoire; qu'un juge ait la permission de terminer un recomptage à n'importe quel temps sur demande; (fascicules n°s 11, 12)

45. Que le directeur général des élections soit autorisé à payer les agents revisseurs par voie de certificats, de donner des avances comptables aux officiers rapporteurs, d'augmenter les honoraires versés s'ils sont justifiés, et de retenir le salaire des officiers d'élection qui n'ont pas bien rempli leurs fonctions; (fascicule n° 12)

46. Que les dispositions relatives aux pénalités et aux infractions à la Loi électorale du Canada soient consolidées si possible, et que les pénalités figurent dans un seul article; (fascicules n°s 10, 12, 13, 14, 15)

47. Que les débits de boissons alcooliques soient fermés le jour du scrutin ordinaire, uniquement lorsque les bureaux de votation sont ouverts; (fascicules n°s 12, 14)

48. A candidate or his official agent be prohibited from providing alcoholic beverages during an election period for election purposes; (Issues Nos. 13, 15)

49. The restriction for paying transportation of electors to the polls be deleted; (Issues Nos. 13, 15)

50. Any form of tampering with the election material or campaign literature of a candidate be made an offence; (Issues Nos. 14, 15)

51. The right to vote at advance polls be extended to persons confined to wheel-chairs or otherwise incapacitated and that these polls be located in places providing ease of access to such incapacitated persons; (Issues Nos. 11, 14, 15)

52. The notice of advance polls be published thirty days before polling day rather than twelve days as is now provided; (Issue No. 14)

53. The minimum age for all election officers, except returning officers whose minimum age shall continue to be twenty-one, be eighteen; (Issue No. 15)

54. The provisions relating to premature publication of election results be amended to make it possible to take action against corporations as well as individuals; (Issue No. 14)

55. The procedure relating to the withdrawal of writs of by-elections pending at the dissolution of Parliament be clearly set out; (Issue No. 14)

56. The French terminology suggested by the Staff of the Statute Revision Commission be adopted; (Issue No. 15)

57. The present provisions of the Canadian Forces Voting Rules be extended to public servants posted abroad and their

48. Qu'on interdise à un candidat ou à son agent officiel de donner, à des fins d'élection, des boissons alcooliques durant une période d'élection; (fascicules n^{os} 13, 15)

49. Que la restriction relative aux paiements du transport des électeurs aux bureaux de votation soit supprimée; (fascicules n^{os} 13, 15)

50. Que toute forme d'altération du matériel électoral ou des documents de campagne d'un candidat soit considérée comme une infraction; (fascicules n^{os} 14, 15)

51. Que le droit de voter aux bureaux provisoires de votation soit aussi accordé aux personnes confinées à leurs chaises roulantes ou qui souffrent d'une autre incapacité et que ces bureaux de votation soient situés dans des endroits faciles d'accès pour les personnes invalides; (fascicules n^{os} 11, 14, 15)

52. Que l'avis des bureaux provisoires de votation soit publié trente jours avant le jour du scrutin au lieu des douze jours que prévoit la Loi à l'heure actuelle; (fascicule n^o 14)

53. Que l'âge minimum des officiers d'élection, à l'exception des officiers rapporteurs dont l'âge minimum continuera d'être 21 ans, soit porté à 18 ans; (fascicule n^o 15)

54. Que les dispositions relatives à la publication prématurée de résultats d'élection soient modifiées pour permettre les poursuites autant contre les compagnies que contre les particuliers; (fascicule n^o 14)

55. Que la procédure relative au retrait des brefs d'élections partielles qui doivent se tenir après la dissolution du Parlement soit définie avec précision; (fascicule n^o 14)

56. Que la terminologie française proposée par le personnel de la Commission de révision des statuts soit adoptée; (fascicule n^o 15)

57. Que les dispositions actuelles des Règles électorales concernant les Forces canadiennes s'appliquent aussi aux fonc-

dependants as well as to dependants of the members of the Forces serving abroad and for this purpose, that Schedule II of the Canada Elections Act be re-titled "Special Voting Rules"; (Issues Nos. 3, 15)

58. Persons entitled to vote as Veteran electors under the Special Voting Rules be entitled to choose, as their place of ordinary residence, the institution in which they are resident while receiving treatment, provided they have been there for at least one year; (Issue No. 16)

59. A candidate or his accredited representative be authorized to inspect in the office of the returning officer the list of Canadian Forces and Public Service electors, entitled to vote under the Special Voting Rules, who are ordinarily resident of his electoral district and make extracts therefrom; (Issues Nos. 2, 3, 16)

60. The list of Canadian Forces electors prepared by each commanding officer be no longer open for inspection by candidates or their representatives; (Issues Nos. 2, 3, 16)

61. Nomination day in electoral districts other than those specified in Schedule III be on the twenty-first day before polling day at a general election, instead of the fourteenth day, and the days and times specified for the doing of anything under the Act or Rules be advanced to permit the vote under the Special Voting Rules to be announced on the ordinary polling day; (Issues Nos. 3, 4, 15)

62. The writs of election for a General Election provide that the Governor General order a parliament to be held by and with the advice of the Prime Minister, instead of by the advice of the Privy Council, and specify the date on which they are returnable; (Issue No. 18)

63. Every section of the Act and every statutory form to which the above recom-

tionnaires en poste à l'étranger et aux personnes à leur charge ainsi qu'aux personnes à la charge des membres des Forces armées en poste à l'étranger; pour cette raison, que la deuxième annexe de la Loi électorale du Canada reçoive le nouveau titre de «Règles électorales spéciales»; (fascicules n° 3, 15)

58. Que les personnes habiles à voter comme anciens combattants en vertu des Règles électorales spéciales soient autorisées à choisir, comme lieu de résidence habituel, l'institution dans laquelle ils résident lorsqu'ils reçoivent des traitements, pourvu qu'ils y habitent depuis un an au moins; (fascicule n° 16)

59. Qu'un candidat ou son représentant autorisé ait la permission d'inspecter au bureau de l'officier rapporteur, la liste des électeurs des Forces armées canadiennes et des fonctionnaires autorisés à voter en vertu des Règles électorales spéciales, qui habitent généralement son district électoral, et d'en tirer des extraits; (fascicules n° 2, 3, 16)

60. Que, dorénavant, les candidats ou leurs représentants ne puissent plus examiner la liste des électeurs des Forces armées canadiennes préparée par les officiers-commandants; (fascicules n° 2, 3, 16)

61. Que le jour de la présentation dans les districts électoraux autres que ceux précisés à la troisième annexe soit fixé au vingt-et-unième jour avant le jour du scrutin lors d'une élection générale, au lieu du quatorzième jour, et que la date et l'heure spécifiées dans la loi ou les règlements soient avancées de façon à permettre que le vote, en vertu des Règles électorales spéciales, soit proclamé le jour du scrutin ordinaire; (fascicules n° 3, 4, 15)

62. Que les brefs d'élection lors d'une élection générale prévoient que le gouverneur général ordonne la tenue d'un parlement sous la direction du premier ministre et sur le conseil de celui-ci, au lieu de celui du Conseil privé, et précise la date à laquelle ils doivent être rapportés; (fascicule n° 18)

63. Que les articles de la Loi et les formules statutaires auxquelles s'appli-

mendations apply be amended, as the circumstances require, in the language of the texts suggested to and adopted by your Committee as recorded from time to time in the Minutes of Proceedings of the Committee. (Issues Nos. 15, 18)

Additionally, your Committee recommends that the Government of Canada consider the advisability of deleting any reference to a specific salary to be paid to the Chief Electoral Officer from the Canada Elections Act and of inserting therein a statement equating his salary to that of a puisne judge of the Exchequer Court of Canada, including any additional salary authorized by section 20 of the Judges Act. (Issues Nos. 6, 15)

Your Committee also recommends that the tariff of fees, costs, allowances and expenses paid to returning officers and other persons employed with respect to elections be reviewed from time to time to ensure adequate remuneration for work performed.

Your Committee is of the opinion that the Chief Electoral Officer should be empowered to inform the public of relevant changes and of voting procedures generally before the next general election.

PART II

Report of the Representation Commissioner

In the course of its deliberations your Committee considered the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting and came to the conclusion that it is not feasible to introduce a system of Continuous Electoral Rolls in Canada at this time.

PART III

Subject-matter of Bills C-14, C-72, C-78, C-87, C-97, C-101 and C-120

Your Committee has considered the subject-matter of these Bills and when

quent les recommandations précitées soient modifiés si les circonstances l'exigent, dans la langue des textes proposés au Comité et adoptés par celui-ci comme l'indiquent parfois les procès-verbaux et témoignages du Comité. (fascicules n^{os} 15, 18)

Le Comité recommande de plus que le gouvernement du Canada étudie la possibilité de supprimer de la Loi électorale du Canada toute allusion à un traitement précis à verser au directeur général des élections et d'insérer dans cette loi une disposition lui accordant un traitement égal à celui d'un juge puiné de la Cour de l'Échiquier du Canada, y compris les émoluments supplémentaires autorisés en vertu de l'article 20 de la Loi sur les juges. (fascicules n^{os} 6, 15)

Le Comité recommande en outre que le tarif des honoraires, frais, allocations et dépenses payés aux officiers rapporteurs et autres personnes employées au sujet des élections soit révisé périodiquement pour assurer une rémunération convenable du travail accompli.

Le Comité est d'avis que le directeur général des élections devrait être habilité à informer le public des changements pertinents et de la procédure du scrutin en général avant les prochaines élections générales.

PARTIE II

Rapport du commissaire à la représentation

Au cours de ses délibérations, le Comité a étudié le Rapport du commissaire à la représentation sur les méthodes d'inscription des électeurs et le vote des absents; le Comité en a conclu qu'il est inopportun d'instaurer à l'heure actuelle un régime de Listes électorales permanentes au Canada.

PARTIE III

Au sujet des bills C-14, C-72, C-78, C-87, C-97, C-101 et C-120

Le Comité a étudié les objets de ces projets de loi et, lorsqu'il les a acceptées, a

accepted by the Committee has incorporated the principles contained therein in its recommendations listed in Part I.

During its deliberations your Committee noted the conflict between the Broadcasting Act and the Canada Elections Act concerning the time period during which election broadcasts are forbidden immediately preceding polling day.

Your Committee recommends that the Broadcasting Act be amended accordingly.

During its deliberations your Committee had the diligent assistance of the Chief Electoral Officer and his staff. Your Committee wishes to record its appreciation for these services.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 1 to 18 inclusive*) is tabled.

incorporé les principes qu'ils comportaient dans ses recommandations de la Partie I.

Au cours de ses délibérations, le Comité a constaté qu'il y avait conflit entre la Loi sur la radiodiffusion et la Loi électorale du Canada au sujet de la période d'antenne au cours de laquelle les émissions électorales sont interdites le jour qui précède immédiatement le jour du scrutin.

Le Comité recommande que la Loi sur la radiodiffusion soit modifiée en conséquence.

Au cours de ses délibérations, le Comité a bénéficié de l'aide précieuse du directeur général des élections et de son personnel et désire profiter de l'occasion pour les en remercier.

Un exemplaire des procès-verbaux et témoignages pertinents (*fascicules n^{os} 1 à 18 inclusivement*) est déposé.

Respectfully submitted,

Respectueusement soumis,

Le président,
OVIDE LAFLAMME,
Chairman.

[Text]

MINUTES OF PROCEEDINGS

TUESDAY, March 3, 1970.
(24)

The Standing Committee on Privileges and Elections met this day at 3:50 p.m., the Chairman, Mr. O. Laflamme, presiding.

Members present: Messrs. Badanai, Benjamin, Duquet, Forest, Laflamme, Lefebvre, Lessard (*Lac-St-Jean*), Maquarrie, Marceau, Richard, Thomas (*Maisonneuve*). (11)

Witness: Mr. J.-M. Hamel, Chief Electoral Officer.

The Committee discussed the format of the Report to the House. It was agreed that the Report contain statements of the principle of the recommended amendments rather than the detailed technical amendments themselves. It was further agreed that the Chairman would draft a Report and present it to the members at the next meeting of the Committee for their consideration and approval.

On motion of Mr. Lefebvre,

It was agreed that the Chief Electoral Officer would make a study to determine a method of informing the public of relevant changes in the Canada Elections Act before the next general election.

The Committee agreed to an amendment to the Writ of Election being issued on the advice of the Prime Minister instead of the Privy Council and that the date when they are returnable be included therein.

The Committee discussed a submission of the Canadian Cable Television Association to permit cabletelevision companies to maintain the integrity of all the television stations they distribute during restricted periods connected with polling day. The Committee agreed that cabletelevision companies should not be ex-

[Traduction]

PROCÈS-VERBAL

Le MARDI 3 mars 1970
(24)

Le Comité permanent des privilèges et élections se réunit cet après-midi à 3h 30. Le président, M. O. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Benjamin, Duquet, Forest, Laflamme, Lefebvre, Lessard (*Lac-St-Jean*), Macquarrie, Marceau, Richard, Thomas (*Maisonneuve*)—(11).

Témoin: M. J.-M. Hamel, directeur général des élections.

Le Comité discute du format du Rapport à la Chambre. Il est convenu que le Rapport contiendra des déclarations de principe des modifications recommandées plutôt que des modifications techniques détaillées. Il est en outre convenu que le président rédigera un projet de rapport et le soumettra à l'appropriation des députés au cours de la prochaine réunion du Comité.

Sur une proposition de M. Lefebvre,

Il est convenu que le directeur général des élections fera une étude destinée à déterminer une méthode pour renseigner le public des changements pertinents apportés à la Loi électorale du Canada avant la prochaine élection générale.

Le Comité accepte une modification qui vise à ce que le bref d'élection soit émis sur le conseil du Premier ministre au lieu de celui du Conseil privé et que la date de renvoi de ces brefs soit insérée.

Le Comité discute un mémoire de l'Association canadienne de télévision par câble qui vise à permettre aux sociétés de télévision par câble de garder l'intégrité de toutes les stations de télévision qu'elles servent au cours des périodes limitées relatives au jour du scrutin. Le Comité convient que les sociétés de télévision par

cluded from the provisions of the Canada Elections Act in this regard.

Ot 4:35 p.m. the Committee adjourned to the call of the Chair.

TUESDAY, March 17, 1970.
(25)

The Standing Committee on Privileges and Elections met this day *in camera* at 11:05 a.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Badanai, Benjamin, Code, Duquet, Forget, Forest, Forrestall, Howard (*Skeena*), Howe, Jerome, Laflamme, Lefebvre, Macquarrie, Thomas (*Maisonneuve*) (14).

Also present: Messrs. LaSalle, Legault and Portelance, M.Ps.

Witness: Mr. J.-M. Hamel, Chief Electoral Officer.

The Committee considered a draft of its Fourth Report to the House concerning amendments to the Canada Elections Act.

After discussion thereon,
On motion of Mr. Benjamin,
The Chairman was instructed to present the Report as amended to the House.

The Chairman, Mr. Laflamme, expressed the appreciation of the Committee to Mr. Hamel and his staff for their assistance to the work of the Committee.

At 12:35 p.m., the Committee adjourned to the call of the Chair.

câble ne devraient pas être exclues des dispositions de la Loi électorale du Canada à cet égard.

A 4h35, la séance du Comité est levée jusqu'à nouvelle convocation du président.

Le MARDI 17 mars 1970
(25)

Le Comité permanent des privilèges et des élections se réunit à 11 h 05 ce matin à huis clos. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Benjamin, Code, Duquet, Forget, Forest, Forrestall, Howard (*Skeena*), Howe, Jerome, Laflamme, Lefebvre, Macquarrie, Thomas, (*Maisonneuve*)—(14).

Autres députés présents: MM. LaSalle, Legault et Portelance.

Témoin: M. J. M. Hamel, directeur général des élections.

Le Comité étudie un projet pour son quatrième rapport à la Chambre sur les modifications à la Loi électorale du Canada.

Après délibération,
M. Benjamin propose,
Que l'on demande au président de présenter à la Chambre le rapport, tel qu'amendé.

Au nom du Comité, le président, M. Laflamme, remercie M. Hamel et son personnel de leur aide.

A 12 h 35 de l'après-midi, la séance du Comité est levée jusqu'à nouvelle convocation du président.

Le greffier du Comité,
R. V. Virr,
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, March 3, 1970

• 1548

The Chairman: May we have order, please. This meeting has been called because at the last one we forgot to pass a motion authorizing the Chairman to table a report of the recommendations, suggestions or amendments that have been proposed and adopted by the Committee.

Before putting this motion, I would like to hear your views on the kind of report we should table in the House. Some discussion has taken place with the Clerk regarding the advisability of giving in order, relating to the Act as it exists now, some definitions of recommendations that were adopted and avoid tabling with the report all the amendments. If we are going to do so, this would take many days and it would require a report of more than 200 pages.

One of the recommendations that was made to me by the Clerk was that we submit a written report in which we give a full enumeration as clearly stated as possible of all the amendments that have been presented and adopted, as well as all the sections of the Act that have been deleted.

• 1550

I believe it is up to you to decide in what way you would like your Chairman to table this report. I am quite open to any suggestions in this regard.

Mr. Badanai: Mr. Chairman, I realize that the matter of preparing a report on such a voluminous document would require quite a bit of time. It can hardly be expected that the members of the Committee sitting here could even begin to produce a reasonable report with dispatch. I think the officials, Mr. Hamel and his assistants, could very well draw up a report for the Chairman to present to Parliament which will embody all the amendments which were approved by the Committee, and that is all there is to it.

Mr. Duquet: This is also my opinion, Mr. Chairman, so long as it is clearly indicated in the report what amendments have been made and to what sections they refer.

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 3 mars 1970

Le président: A l'ordre messieurs! Nous avons convoqué cette réunion parce qu'à la dernière réunion, nous avons oublié d'adopter une motion autorisant le président à déposer le rapport des recommandations et amendements proposés et adoptés par le Comité.

Avant de proposer la motion, je voudrais connaître vos opinions sur le genre de rapport que nous devrions déposer à la Chambre. On a discuté avec le greffier de l'à-propos de suivre l'ordre de la Loi actuelle, et de définir certaines recommandations adoptées, et d'éviter de déposer toutes les modifications avec le rapport. Procéder ainsi prendrait du temps, et il nous faudrait un rapport de plus de 200 pages.

Entre autres recommandations, le greffier m'a proposé de soumettre un rapport écrit comportant une énumération aussi claire que possible de tous les amendements présentés et adoptés par le Comité, ainsi que de tous les articles qui ont été radiés de la Loi.

Il me semble qu'il vous incombe de décider sous quelle forme vous voulez que votre président présente le rapport. J'accepte toute suggestion à ce sujet.

M. Badanai: Monsieur le président, je me rends compte que la rédaction d'un rapport sur un document aussi volumineux prend beaucoup de temps. On ne peut guère s'attendre à ce que les membres du Comité puissent faire un rapport rapidement. Il me semble que les fonctionnaires, M. Hamel et ses adjoints, pourraient très bien rédiger un rapport que le président pourrait présenter au Parlement et qui comporterait tous les amendements approuvés par le Comité. C'est tout.

M. Duquet: C'est aussi mon opinion, monsieur le président, à condition que l'on indique clairement dans le rapport les amendements qui ont été apportés et les articles auxquels ils se rapportent.

[Text]

The Clerk: The amendments could all be listed in our Minutes of Proceedings.

The Chairman: The individual amendments will all be listed in the Minutes of Proceedings.

Mr. Duquet: I think that should be sufficient.

Mr. Benjamin: It seems to me that our colleagues in the House will view this as a pretty major job that has been done on the Act. Between the time our report is presented to the House and the time legislation is brought in I would like to see it made as convenient as possible for all the other members of the House to see what we have done. It seems to me that a lot of it is just a case of reprinting amendments, even if it were a 200-page report.

I do not know what position the rest of you are in but Mr. Howard and I have to make a report to our caucus and everything we have done is scattered through probably 20 or 25 different meetings. There are scads of documents and I do not have them all because I missed some meetings. That is my fault, not the Committee's. I wonder if there is some way of gathering all this between two covers.

The Chairman: Yes.

Mr. Benjamin: Even for the Committee members, if nothing else. If the report is a somewhat shorter version, that is all right, but even so, I think we should try to get as much into the report as we possibly can and that our colleagues will have the maximum time to look at it between the time the report is presented at the time legislation is brought in.

The Chairman: Perhaps I can give you an example of how it could be presented. We would draft the usual paragraph saying that the Committee had so many sittings and heard witnesses, and so on, and then that it recommends, let us say that any reference in the Canada Elections Act to electoral districts returning two members is to be deleted. It would be appreciated if the members of the Committee would authorize the Chairman to table this report, but not give in the report all of the details of the references to the sections that have been amended. Otherwise it would take up the whole presentation and it would be a voluminous report that would not give any further information to any of the members but would merely be a list of sessions, numbers and a vast enumeration. This could be covered if the Minutes of the Proceedings were included when the report is tabled.

[Interpretation]

Le greffier: Toutes les modifications pourraient être énumérées dans les procès-verbaux.

Le président: Elles le seront.

M. Duquet: Ce devrait être suffisant.

M. Benjamin: Il me semble que nos collègues à la Chambre considéreront que nous avons fait un travail d'envergure sur la Loi. Entre le moment où nous présenterons notre rapport à la Chambre et le moment où les mesures législatives seront présentées j'aimerais qu'il soit possible à tous les députés de voir ce que nous avons fait. Il me semble que c'est surtout une question de réimprimer les amendements même s'il s'agissait d'un rapport de 200 pages.

Je ne connais pas la position des autres, mais M. Howard et moi, devons faire rapport à notre caucus, et tout ce que nous avons fait, s'échelonne sur 20 ou 25 réunions. Il y a une grande quantité de documents mais je ne les ai pas tous parce que j'ai manqué des réunions. C'est ma faute et non celle du Comité. Je me demande s'il y a moyen de toute rassembler.

Le président: Oui.

M. Benjamin: Ne serait-ce que pour les membres du Comité. Même si le rapport est un peu abrégé, je pense que nous devrions y mettre tout ce qu'il nous est possible de mettre, et nos collègues pourront le consulter à loisir entre le moment de la présentation du rapport et le moment où les mesures législatives seront présentées.

Le président: Je pourrais vous donner un exemple de la façon de le présenter. Nous pourrions rédiger le paragraphe habituel disant que le Comité a siégé tant de fois, qu'il a entendu des témoins et ainsi de suite et qu'il recommande, mettons, que toute allusion dans la Loi électorale aux circonscriptions électorales qui élisent deux députés doit être supprimée. J'aimerais que les députés du Comité autorisent le président à déposer le rapport, mais non pas à donner dans ce rapport tous les détails des références aux articles modifiés. Autrement le rapport sera très volumineux et ne donnera pas plus de renseignements aux députés. Il ne s'agirait que d'une liste de séances, de nombres et d'énumérations. On pourrait en parler si les procès-verbaux sont inclus lorsque le rapport sera déposé.

[Texte]

Mr. Benjamin: When you list these amendments will you add a few words to say what the effect of the amendment is or what it does?

• 1555

The Chairman: It will be completely as stated; a full statement of everything that has been amended but without reference to the sections. The members will find the references to the sections in the Minutes of Proceedings.

The Clerk: Perhaps this one would be a good example, if I may just say a word.

The Chairman: Yes, Mr. Virr.

The Clerk: I have an amendment here that we did on Section 14, which reduces the age of electors to 18. The consequential amendments take up 30 pages. It would be helpful if in the report to the House we could say, "Your Committee recommends that the age of electors be reduced from 21 to 18 years" instead of taking up 29 pages in the report just to cover that one phrase. The same thing applies to practically all the amendments we did. For instance, let us take proxy voting. You did not see the actual amendment, Mr. Benjamin, but I presume it was 15 or 20 pages long. Perhaps we could say in the report, "Your Committee recommends a system of proxy voting".

The Chairman: Applicable to...

Mr. Benjamin: You mean one paragraph explaining who proxy voting applies to?

The Chairman: Yes. I will give you another example of the way it could be done. I have before me the amendment dealing with the proxy system and we would say that your Committee recommends:

A system of proxy voting, exercisable only on the ordinary polling day, be instituted for fishermen, mariners, prospectors, and full-time students who, in the normal course of their employment as such, are absent from their place of ordinary residence on advance polling day and ordinary residence on advance polling day and ordinary polling day, as well as for person who, through illness or physical incapacity, are unable to attend and vote at a polling station;

Mr. Benjamin: Is it your intention that when we authorize the Chairman to present the report that the Committee would not meet

[Interprétation]

M. Benjamin: Lorsque vous ferez une liste des amendements, ajouterez-vous quelques mots pour expliquer les répercussions ou les raisons d'être de l'amendement?

Le président: Comme je viens de dire il y aura un état complet de tout ce qui a été modifié, mais sans allusion aux articles. Les députés trouveront les allusions aux articles dans les procès-verbaux.

Le greffier: Si vous le permettez, j'aurais peut-être un bon exemple.

Le président: Oui, monsieur Virr.

Le greffier: J'ai la modification que nous avons apportée à l'article 14, qui réduit l'âge des électeurs à 18 ans. Les amendements qui suivent prennent 30 pages. Il serait utile que dans notre rapport à la Chambre, nous disions: «Le Comité recommande que l'âge des électeurs soit réduit de 21 à 18 ans,» au lieu de prendre 29 pages du rapport uniquement pour parler de cette partie de phrase. Le même principe s'applique à presque tous les amendements, par exemple, celui sur le vote par procuration. Vous n'avez pas vu l'amendement, monsieur Benjamin, mais je présume qu'il avait 15 ou 20 pages. Nous pourrions peut-être dire dans le rapport «Le comité recommande un système de vote par procuration».

Le président: S'appliquant à...

M. Benjamin: Vous parlez d'un paragraphe expliquant à qui s'applique le vote par procuration?

Le président: Oui. J'ai devant moi, pour vous donner un autre exemple l'amendement touchant le système de procuration et nous dirions que le Comité recommande

Un système de vote par procuration ne valant que le jour normal du scrutin pour les pêcheurs, les marins, les prospecteurs et les étudiants à plein temps, qui, à cause de leur emploi sont absents de leur lieu normal de résidence au jour spécial du scrutin et le jour ordinaire du scrutin, de même que pour les personnes qui pour des causes de maladie ou d'incapacité physique sont incapables de se rendre et de voter à un bureau de scrutin.

M. Benjamin: Lorsque nous autoriserons le président à présenter le rapport avez-vous l'intention que le Comité ne se réunisse pas

[Text]

again to look at it in total before it is presented? Would we have a chance when it is drafted to even have one meeting to go over it?

The Chairman: It is up to you. I will tell you that I am not going to draft the report myself, I will rely on the Clerk and Mr. Hamel. They will draft the report and all the recommendations that have been approved by the members. If the members of the Committee wish to look into and completely read all the paragraphs that will be contained in this report, that is quite agreeable to me, but I can give you my word that...

Mr. Benjamin: There is no question about that, Mr. Chairman.

The Chairman: No, I agree.

Mr. Benjamin: It is just that the day that report is filed we are going to be expected to be able to answer a lot of questions. If nothing else, it will refresh our memories even if we just have one meeting of two or three hours. I do not mean to rehash all the old straws, but just go through everything we have there the day before you table the report.

The Chairman: Yes, Mr. Badanai.

Mr. Badanai: Mr. Chairman, after the final report is completed it is customary to have the Committee pass a motion approving and authorizing the Chairman to present it to Parliament. I do not think the purpose of it is to go over the entire report, it is merely to read off the amendments which were approved by the Committee and a motion is then passed authorizing the Chairman to present that report to Parliament. It has been customary to do this prior to the presentation of the report to Parliament by a Committee.

Le président: Monsieur Marceau.

M. Marceau: Sans vouloir prolonger les discussions, je crois qu'il serait bon qu'avant qu'un rapport aussi important soit présenté à la Chambre nous ayons au moins quelques minutes ou quelques heures même pour discuter de la phraséologie et peut-être pour relever certaines erreurs qui auraient pu s'y glisser, indépendamment de la volonté de ceux qui vont le rédiger. Cela n'enlève pas la confiance que nous avons en eux. J'aimerais qu'une rencontre préalable ait lieu par exemple la veille de la présentation du rapport.

The Chairman: When could it be done? On Thursday?

[Interpretation]

de nouveau pour avoir une vue d'ensemble avant qu'il soit présenté? Aurons-nous l'occasion lorsqu'il sera rédigé, de tenir une réunion pour l'étudier?

Le président: Il n'en tient qu'à vous. Je vais vous dire que je ne rédigerai pas le rapport moi-même. Je m'en remettrai au greffier et à M. Hamel. Ils rédigeront le rapport et toutes les recommandations qui ont été approuvées par les députés. Si ces derniers veulent examiner et lire au complet tous les paragraphes qui composeront le rapport, je n'ai pas d'objection, mais je puis vous assurer que...

M. Benjamin: Il n'y a pas de doute à ce sujet, monsieur le président.

Le président: Non, je suis d'accord.

M. Benjamin: Le jour où le rapport sera déposé, on s'attendra que nous puissions répondre à de nombreuses questions. Ne serait-ce que cela, nous nous rafraîchirons la mémoire, même si nous n'avons qu'une réunion de deux ou trois heures. Je ne veux pas reprendre l'histoire ancienne, mais simplement repasser tout ce que nous avons ici la veille du dépôt du rapport.

Le président: Oui, monsieur Badanai.

M. Badanai: Monsieur le président, après la rédaction du rapport définitif, l'usage veut que le Comité adopte une motion autorisant le président à le présenter au Parlement. Je ne crois pas que le but soit de reprendre tout le rapport mais simplement de lire les amendements qui ont été approuvés par le Comité. L'on adopte ensuite une motion pour autoriser la présentation au Parlement. L'usage l'a toujours voulu ainsi.

The Chairman: Mr. Marceau.

Mr. Marceau: I do not want to prolong discussion, but I think it would be a good idea to have before the tabling of such an important report at least a few minutes or a few hours even, to discuss the wording of it and to spot a few errors that could have crept in unknowingly to those who drafted the report. This does not take away our trust in their work but I would like to have a preliminary meeting, say on the day before the report is tabled.

Le président: Quand? Jeudi?

[Texte]

Mr. Benjamin: Mr. Chairman, you might table the report on a given afternoon, even if we met that morning for two or three hours, or the previous afternoon.

The Chairman: Will you leave it open to the call of the Chair for the meeting to approve the final draft report that you will authorize the Chairman to prepare?

Some hon. members: Agreed.

The Chairman: Mr. Macquarrie.

Mr. Macquarrie: I no doubt have missed much of the discussion, for which I am sorry. I presume that the Committee does not contemplate turning in draft amendments as we did the last time, and therefore I am wondering just precisely what does happen to the draft amendments that did emerge from this Committee. When and by whom are these presented to the House for action?

The Chairman: We have already, Mr. Macquarrie, given power to the law officers of the Crown to reassess the Act and they will be instructed to prepare a new bill according to the recommendations we will be making. So if we are going to draft the amendments, let us say draft a kind of bill, this will have to be started again in the days ahead before the bill will be formally tabled in the House.

Mr. Macquarrie: I do not feel strongly on it. It sort of removes one stage of the fatherhood of the Committee, if I may invoke that Freudian expression.

Mr. Richard: Is it going to be a new bill, Mr. Chairman? Would it be a new Act or just an amended Act?

The Chairman: I am sorry I missed your question.

Mr. Richard: Will it be an entirely new Act, or will the bill just refer to the old Act?

Mr. Forest: I do not think we can present a new Act. We can always recommend amendments to the Act. It would be up to the government to decide whether to present an entirely new Act or just the amendments to the Act. I do not think that is up to us to decide.

Mr. Benjamin: There are enough amendments for that.

Mr. Forest: It might be an advantage to have an entirely new Act. I do not think it is up to the Committee. What we say is that we

[Interprétation]

M. Benjamin: Vous pourriez déposer le rapport un après-midi même si nous nous réunissons le matin pendant deux ou trois heures, ou l'après-midi précédent.

Le président: Voulez-vous laisser le président décider du jour de la réunion pour approuver le rapport final que vous autorisez le président à préparer?

Des voix: D'accord.

Le président: Monsieur Macquarrie.

M. Macquarrie: J'ai sans doute manqué une grande partie de la discussion et je suis désolé. Je présume que le comité ne compte pas présenter des projets de modification comme on l'a fait la dernière fois. Je me demande précisément ce qui est advenu des amendements proposés par le Comité. Quand et par qui sont-ils présentés à la Chambre?

Le président: Nous avons déjà monsieur Macquarrie, accordé le pouvoir aux juristes de la Couronne de reviser la Loi et ils recevront les directives de libeller un nouveau projet de loi d'après les recommandations que nous ferons. Si nous allons maintenant rédiger les modifications, mettons, un genre de projet de loi, il faudra commencer encore les jours qui précéderont la présentation officielle du projet de loi à la Chambre.

M. Macquarrie: Je n'y tiens pas. Ça supprime un des stades de la paternité du Comité, si je puis me permettre cette expression freudienne.

M. Richard: S'agira-t-il d'un nouveau projet de loi, monsieur le président? S'agit-il d'une nouvelle loi ou d'une loi modifiée?

Le président: Je regrette, je n'ai pas saisi.

M. Richard: S'agira-t-il d'une loi tout à fait nouvelle ou si le bill se reportera à l'ancienne loi?

M. Forest: Je ne pense pas que nous puissions présenter une nouvelle loi. Nous recommandons toujours des modifications à la Loi. Il appartient au gouvernement de décider si nous allons présenter une loi entièrement nouvelle ou simplement des amendements.

M. Benjamin: Il y a assez d'amendements à cette fin.

M. Forest: Il serait peut-être avantageux d'avoir une loi entièrement nouvelle. Je ne suis pas d'avis que cela relève du Comité.

[Text]

recommend an amendment to such and such section of the Act, and that is all there is to it.

Mr. Macquarrie: I may not have made my point clear, and I am not arguing with any great vigour on this, but in fact the Committee has in the past asserted its right to put forward amendments in its terminology. In the last major overhaul of the Act these went through *in toto*. I do not think there was a comma changed, so there is that background.

There was the tradition in the whole realm of elections that while certain things must be governmental, everything that is possible to make them parliamentary rather than governmental is the order of the day.

The Chairman: In this report we would maybe add a paragraph in which we would say that every section of the Act and every statutory form to which the above recommendations apply be amended as the circumstances require, in the language of the text suggested to and adopted by your Committee, as recorded from time to time in the Minutes of Proceedings.

Mr. Macquarrie: I like that.

Mr. Richard: Mr. Chairman, I must agree with Mr. Macquarrie, and I am not going to make a big point of it, but we had the public service acts for about two years. I was Chairman, and we would make suggestions as to the language, our language in general, and then the law officers used to come back at a further meeting with their language for those sections and then we would approve it. But in this case, of course, we will never see the language until it gets into the House.

The Chairman: Yes, I agree, but if in our report we suggest that the amendments we are proposing should be made, or should appear in the bill in the language that was passed as referred to in the Minutes of Proceedings of this Committee, then we could avoid repetition.

Mr. Badanai: Mr. Chairman, it would also be subject to other amendments in the House, when the bill is presented in the House.

• 1605

Mr. Richard: In the new practice, yes.

Mr. Badanai: Yes.

Mr. Richard: But not just from the floor.

[Interpretation]

Nous disons que nous recommandons un amendement à tel ou tel article de la loi et c'est tout.

M. Macquarrie: Je ne me suis peut-être pas très bien fait comprendre, et je ne tiens pas particulièrement à discuter avec ardeur, mais le Comité a, dans le passé, affirmé son droit afin de présenter des modifications dans sa terminologie. Lors de la dernière grande révision de la loi, les amendements ont été acceptés en bloc sans qu'une seule virgule soit changée, je crois. C'est ainsi que les choses se sont faites dans le passé.

Dans le domaine des élections, la tradition voulait que bien que certaines choses soient gouvernementales, on faisait tout ce qui était possible pour les rendre plutôt parlementaires.

Le président: Dans ce rapport, nous pourrions ajouter un paragraphe disant que chaque article de la loi et chacune des formules statutaires auxquelles les recommandations susmentionnées s'appliquent soit amendées au besoin, dans la langue du texte proposé à votre Comité et adopté par lui comme en font foi les procès-verbaux.

M. Macquarrie: Je suis d'accord.

M. Richard: Monsieur le président, je suis d'accord avec M. Macquarrie et je n'en ferai pas une grande histoire, mais nous avons eu les lois de la Fonction publique pendant environ deux ans. J'étais président, et nous pouvions faire des propositions quant à la langue, notre langue en général et les juristes revenaient aux autres réunions avec leur libellé pour les articles concernés et nous l'approuvions. Dans le cas présent, naturellement, nous ne verrons pas le langage utilisé avant qu'il parvienne à la Chambre.

Le président: Je suis d'accord, mais si dans notre rapport nous disons que les amendements que nous proposons devraient être apportés, ou paraître dans le bill dans la langue qui a été adoptée dans nos procès-verbaux, nous pourrions éviter la répétition.

M. Badanai: Monsieur le président, il pourrait y avoir d'autres amendements lorsque le projet de loi sera présenté à la Chambre.

M. Richard: D'après le nouvel usage, oui.

M. Badanai: Oui.

M. Richard: Mais pas simplement des députés.

[Texte]

The Chairman: In fact the new bill, if there is a bill that comes before the House after the Easter recess, will be referred to our Committee again and we will have a further look at it.

Mr. Benjamin: This would not be in Committee of the Whole, you do not think.

Mr. Forest: Unless there is an agreement between the parties to keep it in the House, as it has been here for so long.

The Chairman: So we could then change some words that were missed by the law officers of the Crown. Is it agreeable then that you authorize your Chairman to prepare this draft report, and at the call of the Chair we will have a further meeting to give the final approval to it?

Mr. Lefebvre: I just want to bring up one point, Mr. Chairman. At one other meeting I brought up the point that I trust a study will be made on a way of informing the public prior to the next election. I understand that this Committee has recommended the most major change to the current law in Canada since 1927. I think it is very important that some way be found by the Office of the Chief Electoral Officer for a pamphlet of some kind, or something similar, to be made available to the general public so that they will know exactly in what way the changes, if they do pass in the House, will affect them at the next election.

There will be talk in the newspapers and on TV. I know all this. But I remember at the time that a great change was made in the Old Age Assistance, with the supplements and so on, pamphlets were put out and these were very handy for those people who were affected.

I would like to see a recommendation included in the report of this Committee to the House that the Chief Electoral Officer be empowered to make a study as to the methods that could be employed by his office to inform the public in some such way.

An hon. Member: Very good.

Mr. Benjamin: To go a little further, Mr. Chairman, I would like to see our report carry a recommendation to the government, to Parliament, that the Chief Electoral Officer be empowered to study ways of publicizing the new Act and educating the public about it, and that funds and facilities be provided for him to carry this out.

[Interprétation]

Le président: De fait, le nouveau projet de loi, s'il y en a un qui est présenté après le congé de Pâques, sera de nouveau renvoyé à notre Comité et nous l'étudierons de nouveau.

M. Benjamin: Ce ne serait pas au Comité plénier, pensez-vous?

M. Forest: A moins qu'il n'y ait une entente entre les partis pour le conserver à la Chambre, puisqu'il y est depuis si longtemps.

Le président: Nous pourrions donc modifier certains mots qui ont échappé aux juristes de la Couronne. Acceptez-vous donc d'autoriser le président à préparer le rapport préliminaire et lorsque le président le décidera, nous aurons un autre réunion en vue de l'approbation finale?

M. Lefebvre: Je veux soulever une question, monsieur le président. Lors d'une autre réunion, j'ai dit que j'espérais qu'on étudierait une façon d'informer le public avant la prochaine élection. Je crois comprendre que le Comité a recommandé le changement le plus important à la loi actuelle depuis 1927. Il serait à mon avis très important que le bureau du directeur général des élections trouve un moyen, par une brochure peut-être d'informer le grand public de la façon dont les modifications les toucheront, si elles sont adoptées à la Chambre.

Je sais qu'on en parlera dans les journaux et à la télévision, mais je me souviens que lorsque l'Assistance à la vieillesse a été modifiée, on a diffusé des brochures qui ont été très utiles aux personnes intéressées.

J'aimerais que l'on recommande dans notre rapport à la Chambre que le directeur général des élections ait le droit de faire une étude sur les moyens dont son bureau pourrait se servir pour informer le public.

Une voix: Excellent.

M. Benjamin: Pour aller un peu plus loin, monsieur le président, j'aimerais que notre rapport contienne une recommandation au gouvernement et au Parlement portant que le directeur général des élections ait le droit d'étudier des moyens de faire connaître la nouvelle loi et d'en informer le public et qu'on lui accorde des fonds et des moyens de le faire.

[Text]

Mr. Lefebvre: To have a consensus here, I will make a motion that this be done, and I trust the Committee is in favour because I think it is very important.

The Chairman: I believe, Mr. Lefebvre, that your suggestion is a very important one, but it is a question of procedure. We would not wait until the bill is referred to us. Before that it is only a recommendation that we are making.

Mr. Lefebvre: Well, I move that it be included in the recommendations so that we do not lose track of it.

Mr. Benjamin: Whatever amendments and changes are adopted by Parliament, from there on the Chief Electoral Officer shall have the funds and facilities to carry out a fairly extensive education campaign.

The Chairman: Can we make it conditional that if the bill is tabled in the House, it contain this recommendation?

Mr. Lefebvre: I so move.

The Chairman: We recommend that the Chief Electoral Officer be empowered to inform the public as to all the changes that will occur in the next general election. Is this carried?

Motion agreed to.

Mr. Forest: Mr. Chairman, I would like to deal with a few minor points I think we have not dealt with, unless I was not here. On page 63 there is a question of the "Writ of Election". There is a change there. Instead of being:

...by the advice of Our *Privy Council* for Canada,...

it is,

...by and with the advice of Our *Prime Minister* of Canada,...

Could I ask Mr. Hamel what the purpose of the change is? Maybe we could carry it after it has been discussed.

• 1610

Mr. J. M. Hamel (Chief Electoral Officer): Mr. Chairman, this was put in at the request of the Clerk of the Privy Council. I have his letter here in front of me, and in his own words:

...is to reflect the present legal reality...

[Interpretation]

M. Lefebvre: Pour avoir l'unanimité ici, je propose une motion et j'espère que le Comité l'accueillera favorablement parce que je crois que c'est très important.

Le président: Je crois, monsieur Lefebvre, que votre proposition est très importante, mais c'est une question de procédure. Nous n'attendrions pas que le bill nous soit renvoyé. Avant ce stade, il ne s'agit que d'une recommandation.

M. Lefebvre: Je propose que nous l'incluons dans les recommandations afin de ne pas l'oublier.

M. Benjamin: Quels que soient les amendements et modifications qui seront adoptés par le Parlement, le directeur général des élections aura dorénavant les fonds et les installations nécessaires pour mettre au point une campagne d'éducation d'assez grande envergure.

Le président: Pouvons-nous poser comme condition que si le bill est déposé à la Chambre, il contienne ces recommandations.

M. Lefebvre: Je le propose.

Le président: Nous recommandons que le directeur général des élections ait le pouvoir d'informer le public de tous les changements qui se produiront lors de la prochaine élection générale. Êtes-vous d'accord?

La motion est adoptée.

M. Forest: Monsieur le président, j'aimerais traiter de certaines questions mineures auxquelles nous n'avons pas encore touché, à moins que je n'aie été absent. A la page 63, on parle du «bref d'élection». Il y a une modification. Au lieu de

...sur l'avis de notre *Conseil privé* pour le Canada...

il y a

sur et de l'avis de Notre *Premier Ministre* du Canada,...

Pourrais-je demander à M. Hamel quel est le but de cette modification? Nous pourrions peut-être l'adopter après discussion.

M. J.-M. Hamel (directeur général des élections): Monsieur le président, cette modification a été faite à la demande du greffier du Conseil privé. J'ai sa lettre ici, et ses propres mots:

...pour refléter la réalité juridique actuelle...

[Texte]

because apparently an election now is not called on the advice of the Privy Council, but on the advice of the Prime Minister. I have here a copy of the proclamations whereby the last election was announced and also the proclamation whereby the House was dissolved, and this is the procedure that followed. So I am only passing on to you the request which was transmitted to me by the Clerk of the Privy Council, or I should say rather that it was transmitted to my predecessor in November, 1965.

The writ, instead of reading, "Whereas, by the advice of our Privy Council for Canada" would read "Whereas, by and with the advice of Our Prime Minister of Canada".

The Chairman: It may also raise some problems if the Prime Minister dies. The head of the Privy Council is the Prime Minister, it is, perhaps, just a question of legality and constitutionality.

Mr. Macquarrie: If he dies, of course, he could not call an election.

The Chairman: Someone else may.

Mr. Macquarrie: With his last breath maybe.

The Chairman: I do not think there is any point discussing it, if it is agreeable to the members of the Committee.

Mr. Macquarrie: There is no precept in political science that this is one of the Prime Minister's personal prerogatives. This strikes me as bringing up to date the constitutional picture.

Mr. Benjamin: This opens up a lot of areas here, Mr. Chairman, the whole business of the matter of succession. What if we ended up in a situation, for example, of what happened to Woodrow Wilson in the United States; someone who became so incapacitated he could not act? What is the situation in Canada in the matter of calling an election? Someone who is severely mentally ill or stricken with such a severe stroke that he is alive, but cannot speak and cannot write.

Mr. Macquarrie: The Governor General then moves.

[Interprétation]

parce qu'apparemment une élection n'est plus demandée sur avis du Conseil privé, mais du Premier ministre. J'ai ici copie des proclamations par lesquelles on a annoncé la dernière élection et la proclamation au moyen de laquelle la Chambre a été dissoute. C'est la procédure qui a été suivie. Je vous transmets simplement la demande qui m'a été transmise par le greffier du Conseil privé. Je devrais plutôt dire qu'elle a été transmise à mon prédécesseur en novembre 1965.

Le bref d'élection au lieu de: «Considérant que sur l'avis de Notre Conseil Privé du Canada»...devrait se lire:

«Considérant que sur et par l'avis de Notre Premier Ministre du Canada».

Le président: Ces termes pourraient soulever quelques problèmes, si le Premier ministre venait à mourir, car le chef du Conseil privé est bien le premier ministre et il ne s'agit là que d'une question juridique et constitutionnelle.

M. Macquarrie: Evidemment, s'il meurt, le premier ministre ne pourrait pas convoquer une élection.

Le président: Quelqu'un d'autre pourrait le faire.

M. Macquarrie: Avant de rendre le dernier soupir, peut-être.

Le président: Je ne crois pas qu'il y ait lieu de discuter de ce point, si vous êtes tous d'accord, messieurs.

M. Macquarrie: On ne peut faire valoir aucun principe de sciences politiques pour dire que c'est là une prérogative personnelle du Premier Ministre. A mon avis, cela semble mettre à jour toute la question constitutionnelle.

M. Benjamin: Effectivement voilà l'occasion de remettre en question tout le problème de la succession du premier ministre. Que diriez-vous si nous en arrivions à une situation semblable à celle qui est survenue aux États-Unis lorsque Woodrow Wilson était président; il est devenu tellement invalide à un moment donné qu'il ne pouvait plus exercer ses fonctions. Qu'en est-il au Canada en ce qui concerne la convocation d'une élection? Supposons que le Premier ministre souffre de maladie mentale ou qu'il subisse une très grave crise qui ne provoque pas sa mort, mais qui le rende incapable de parler ou d'écrire?

M. Macquarrie: Il incombe alors au Gouverneur général de nommer un successeur.

[Text]

Mr. Benjamin: What is the situation we are in then?

Mr. Badanai: The Cabinet would elect a successor or the party.

Mr. Macquarrie: I think it would be the Governor General.

Mr. Badanai: Oh, no, the Cabinet.

Mr. Macquarrie: No, I think, with all due respect, this is totally out of order. When power lapses, it falls into the hands of the Governor General. This is the kind of situation. If there is a vacuum there because of this kind of thing, it is the Governor General's duty.

The Chairman: Mr. Hamel has some more comments to make.

Mr. Hamel: While we are on the writ, I would like to make another observation. At the moment on the writ of election there is no mention as to the date on which it must be returned. It seems to me that this is an important date because this is the date on which the new Parliament starts its life. In other words, the present Parliament in fact started on July 25, 1968 and not on June 25, 1968, because July 25, 1968 was the date which was set by proclamation for the return of the writ. It is a relatively minor problem because it could be covered by instructions but our writs at the moment do not mention that date and it means that the returning officers do not know what is the latest date under normal circumstances on which the writ should be returned to my office. They have on the writ the date of the election, they have even the date of the first session of Parliament. I agree this is a *pro forma* date which is always changed, but there is no mention of the date on which the writ should be returned. I am just wondering whether it should not be mentioned. I am just passing this on to you.

Mr. Forest: I agree because I think Sections 51 and 52, subsection 6 do not state a prescribed date for the return of the election writ. It can be returned two months or three months after the election so that it would leave a sort of uncertainty when Parliament could be called if it would need to be called in such a case. Would you have an idea of a date which would be reasonable, a delay for the returning officers?

[Interpretation]

M. Benjamin: Dans quelle situation politique serions-nous alors?

M. Badanai: Il appartient au Cabinet ou au parti de nommer un successeur.

M. Macquarrie: Je crois plutôt que ce serait la prérogative du Gouverneur général.

M. Badanai: Oh non, celle du Cabinet des ministres.

M. Macquarrie: Sauf le respect que je vous dois, votre affirmation n'est pas juste. Quand le Premier ministre ne peut remplir sa tâche, ses pouvoirs passent entre les mains du Gouverneur général. Si un vide se crée à cause de ce dont nous parlions plus tôt, c'est au Gouverneur général de prendre les choses en main.

Le président: M. Hamel a d'autres commentaires à faire.

M. Hamel: Puisque nous parlons du bref d'élection je voudrais faire une autre observation à ce sujet. Pour le moment, on ne dit pas à quelle date le bref d'élection doit être renvoyé. A mon avis, c'est une date importante car c'est à ce moment-là que la nouvelle législature entre en fonctions. Vous savez que la présente législature a débuté le 25 juillet et non pas le 25 juin 1968, car on a fixé au 25 juillet 1968, la date du renvoi du bref d'élection par proclamation. Relativement c'est un problème de peu d'importance, on peut en décider par des instructions, mais pour le moment, dans notre bref d'élection, on ne mentionne pas cette date et les officiers rapporteurs ne savent pas exactement quelle est la date finale à laquelle, dans des circonstances normales, on doit renvoyer le bref d'élection à mon bureau. La date des élections et même la date de la première session du Parlement figurent dans le bref d'élection. Bien sûr, c'est une date provisoire qui change toujours, mais il n'y a aucune mention de la date à laquelle il faut renvoyer le bref d'élection à mon bureau. Je me demande si cette date ne devrait pas être mentionnée. Je vous pose simplement la question.

M. Forest: Je suis d'accord, car je crois qu'aucune date précise pour le renvoi du bref d'élection n'est prévue au paragraphe 6) des articles 51 et 52 de la Loi électorale. Le bref peut être renvoyé deux ou trois mois après les élections, de sorte qu'il y a une certaine incertitude qui règne quant à la date où l'on doit rappeler le Parlement, s'il y avait lieu de le faire. Pourriez-vous nous dire alors une date qui accorderait un délai raisonnable pour les officiers rapporteurs?

[Texte]

Mr. Hamel: No, this is a date which is at the discretion of the government and it is usually 30 days following polling day, but it is always mentioned. At the moment it is mentioned because earlier in the act it is mentioned in the proclamation. However, there is no way at the moment other than by instructions to inform the returning officers of that date. So if it were in the writ, the writ would be self-sufficient. It would contain all the information the returning officer needs to have.

The Chairman: Carried?

Some hon. Members: Carried.

The Chairman: Is there more discussion or suggestions on the way the Form No. 1 should be drafted? It is recommended at page 63 of the amendments:

● 1615

Whereas, by and with the advice of Our Prime Minister of Canada. We have ordered a Parliament to be held at Ottawa...

Agreed?

Proposed amendment agreed to.

The Chairman: Mr. Forest.

Mr. Forest: Mr. Chairman, on another matter. I had a submission by the Canadian Cable Television Association. I do not know if we dealt with it, I do not think so. Did we?

The Chairman: Yes.

Mr. Forest: This is not the special problem that concerns them because I know the former chairman of the association and I said I did not think we had discussed it. Their beef is under Section 106, because last time, I guess, they were more or less ordered by the Canadian Radio Television Commission to get off the air so as not to report the election results. They pretend that they should not be required to remove stations from their systems after the closing of the polls in the various time zones across Canada and that the Canadian TV do not report anyway and this forces them to get off and not to give any service, especially in the Western provinces, up to four hours after the closing of the polls.

[Interprétation]

M. Hamel: C'est une date qui est laissée à la discrétion du gouvernement, mais en général on dit que c'est 30 jours après le jour du scrutin, quoique la date soit toujours mentionnée à ce moment-là, car dans la Loi cette date est mentionnée le jour de la proclamation. Pour le moment, à moins de donner des instructions précises aux officiers rapporteurs, aucune date n'est précisée. Par conséquent, si cette date était précisée dans le bref d'élection, ce serait suffisant et il renfermerait alors tous les renseignements nécessaires à l'officier rapporteur.

Le président: Adopté?

Des voix: Adopté.

Le président: Messieurs, avez-vous d'autres suggestions sur la façon dont on devrait rédiger la formule n° 1? On recommande à la page 63 des amendements, la modification qui suit:

Considérant que, sur l'avis de Notre Premier ministre du Canada, nous avons ordonné qu'un Parlement soit tenu à Ottawa...

Adopté?

La modification proposée est adoptée.

Le président: Monsieur Forest.

M. Forest: Monsieur le président, j'aimerais poser une question sur un autre sujet. J'ai reçu un mémoire de l'Association canadienne de télévision par câble. Je ne sais trop si nous nous en sommes occupé. L'avons-nous fait?

Le président: Oui.

M. Forest: Ce n'est pas ce problème en particulier qui les préoccupe, car je connais l'ancien président de cette association et je lui ai dit que je ne croyais pas que nous avions étudié les plaintes formulées par cette association. Ils se plaignent qu'en vertu de l'article 106 de la Loi électorale, lors des dernières élections, le Conseil de la radio-télévision canadienne leur a plus ou moins ordonné de quitter les ondes, de sorte qu'ils n'ont pas pu y donner les résultats des élections. Ils prétendent qu'ils ne devraient pas avoir à quitter les ondes après la fermeture des bureaux de votation selon les divers fuseaux horaires d'un bout à l'autre du Canada, que de toute façon, la télévision canadienne ne fait pas de reportage à ce sujet et que cet ordre les force à quitter les ondes et à ne pas donner de service surtout dans les provinces de l'Ouest, avant quatre heures après la fermeture des bureaux.

[Text]

They say that it presents a special problem to them because usually most of the people who are on regular antennas can receive U.S. stations while they cannot. It imposes a costly burden on cable television companies because they have sometimes very distant and inaccessible antenna sites and they say that it has been proven in the past that Canadian election results are of no interest to the U.S. public and they would like to be dispensed from this provision of Section 106.

I am just bringing this to the Committee's attention to see if we can take a decision on that because I promised them that I would bring it up as they have presented a brief to us. I guess it was sent to the Clerk of the Committee some while ago and they say that they should not be in a position to have to remove their stations, to explain to their clients why they are getting off the air for a maximum of four hours up in the western end of the country. I do not know if Mr. Hamel would have any objection to that.

The Chairman: Mr. Benjamin.

Mr. Benjamin: You mean in the previous election cable were required to get off the air completely?

Mr. Forest: I guess so, not to take the risk that a U.S. station would give information on the results from the eastern end of the country...

Mr. Benjamin: Right.

Mr. Forest: ...which they say is not done. A guy who lives near the border has an antenna and can receive U.S. stations and they say that there is a discrimination there. It is not a very important point but I brought it up to see if there would be an objection to their demand.

Mr. Benjamin: Mr. Chairman, I wonder if Mr. Forest could tell us—I have not read that brief other than to take a quick look at it about a month ago—what guarantees or assurances can that association give us—and I do not think they can—that any U.S. stations will not carry election news unless the Canadian Radio Television Commission can get some sort of a pretty firm agreement out of the Federal Communications Commission

[Interpretation]

Les membres de cette association prétendent que ces mesures leur causent un problème particulier, car la plupart des gens qui captent les émissions télévisées par antenne ordinaire peuvent aussi capter les émissions américaines, ce qu'eux ne peuvent pas faire. Cette situation impose un fardeau accablant aux sociétés d'antennes communautaires car les sites où se trouvent leurs antennes sont parfois situés à des endroits fort éloignés et inaccessibles; d'ailleurs, il a été prouvé dans le passé que les résultats des élections canadiennes ne sont d'aucun intérêt pour le public américain. Cette association aimerait donc qu'on l'exemple des dispositions de l'article 106.

Je signale cet état de choses à messieurs les députés pour voir si nous ne pouvons pas prendre une décision là-dessus, car j'ai promis aux représentants de cette association que je soulèverai la question puisqu'ils nous ont envoyé un mémoire à ce sujet. Je suppose qu'il a été envoyé au greffier du Comité il y a quelque temps; les membres de cette association m'assurent qu'ils ne devraient pas être placés dans une position où ils doivent quitter les ondes, expliquer à leurs clients pourquoi ils doivent ce faire et cela pendant au maximum quatre heures dans les provinces de l'Ouest. Je me demande si M. Hamel aurait quelque objection à formuler à ce sujet.

Le président: Monsieur Benjamin.

M. Benjamin: Vous dites qu'à la dernière élection on leur a demandé de quitter les ondes complètement?

M. Forest: Oui, je crois, pour ne pas courir le risque que les stations américaines donnent les résultats des élections de l'est du pays...

M. Benjamin: Je vois.

M. Forest: ...ce qui, d'après eux, ne se fait pas. Un individu qui demeure près de la frontière et possède une antenne peut recevoir les émissions des stations américaines. L'association prétend alors qu'il y a là discrimination. Ce n'est pas un point très important mais je l'ai soulevé pour voir s'il y aurait des objections à leur demande.

M. Benjamin: Monsieur le président, je me demande si M. Forest pourrait nous dire—je n'ai pas lu le mémoire en question attentivement, sauf pour y jeter un rapide coup d'œil il y a un mois...quelles garanties ou assurance cette association peut nous donner—et je crois qu'il leur est impossible de le faire—qu'aucune station de télévision américaine ne mettra pas en ondes des reportages sur les élections, à moins que le Conseil de la radio-

[Texte]

in the States and the U.S. networks? Frankly there are some of these stations a few miles over the border in North Dakota or Montana or Washington that will not hesitate a bit to grab any news they can and flop it over to the B.C. and Alberta side, unless there is something laid down pretty firm as between the broadcasters on the other side of the border and Canadian Radio Television Commission.

Mr. Forest: To answer your question, I do not think they can give that assurance. They just say in their brief here that no systems reported having monitored any Canadian election returns carried over U.S. stations. It does not mean that it could not be done in the future. Anyway I am just bringing the matter up as I told them I would, I understand this might create a problem.

Mr. Richard: Those results can be received without cable, Mr. Chairman, anyway.

Mr. Benjamin: I think this is part of the whole problem. Is this not something that this organization and possibly the chief electoral officer needs to take up with the Canadian Radio Television Commission who in turn should sit down with the FCC across the line and the U.S. networks?

The Chairman: Mr. Jerome.

Mr. Jerome: Mr. Chairman, I think we have already discussed the possibilities of this. Of course, the basic difference is that it may turn out that any Canadian agency cannot control U.S. networks at source. Cable system, of course, is different; it has to operate in Canada and so we can control it. However, there is still a basic problem of logistics involved that you can exercise control over a cable system, you cannot exercise control over a network or a program that is produced and originates in the United States that comes through the air into roof antennas in Canadian cities. We, as the Canadian government, just do not have any way of stopping that, at least not under present day terms of reference.

[Interprétation]

télévision canadienne n'ait conclu une entente très ferme à ce sujet avec la *Federal Communications Commission* des États-Unis et les réseaux de télévision américains? De fait, certaines de ces stations américaines sont situées à seulement quelques milles de la frontière soit au Dakota nord, dans le Montana ou dans l'État de Washington et qui n'hésiteront pas un instant à s'emparer de toute nouvelle disponible et à en faire des reportages dirigés vers les stations de la Colombie-Britannique et de l'Alberta à moins qu'il y ait eu un accord ferme entre les réseaux de radio-télévision américains et le Conseil de la radio-télévision canadienne.

M. Forest: Je ne crois pas qu'ils puissent donner cette assurance. On dit ici dans leur mémoire qu'aucune chaîne de télévision qui a mis en ondes des reportages sur les résultats de quelque élection ne les a transmis aux réseaux américains. Cela ne veut pas dire qu'il ne pourrait pas en être autrement lors des prochaines élections. De toute façon, je vous présente leur point de vue comme je leur ai promis. Il me semble qu'il pourrait y avoir là un problème.

M. Richard: De toute façon, monsieur le président, on peut capter les résultats des élections sans l'aide des câbles.

M. Benjamin: Cela fait partie de tout le problème. N'est-ce pas un problème que cette Association et possiblement le directeur général des élections devraient discuter avec la Commission de la radio-télévision canadienne laquelle à son tour devrait conclure une entente à ce sujet avec la FCC et les réseaux américains?

Le président: Monsieur Jerome.

M. Jerome: Nous avons déjà discuté la possibilité d'une telle entente. Naturellement, la différence fondamentale, est qu'aucune agence canadienne ne peut exercer, à la source, de contrôle sur les réseaux américains. Quant au réseau de télévision par câble, c'est différent, car il doit être exploité au Canada et nous pouvons donc y exercer un certain contrôle. Mais il y a toujours un problème important de logistique qui demeure et bien que l'on puisse exercer un certain contrôle sur un réseau par câble, on ne peut en exercer sur un réseau ou sur une émission qui est produit et qui provient des États-Unis et qui est capté par les citoyens canadiens au moyen d'antennes posées sur les toits de leurs maisons. En tant que représentants du gouvernement canadien, nous n'avons sûrement pas le moyen d'empêcher une telle situation, du moins pas selon les termes de notre présent mandat.

[Text]

• 1620

[Interpretation]

Now what it boils down to is that we have to hope that co-operation will exist between the two control agencies so that this kind of thing can be avoided, but we have to get at it at the source rather than to do it by keeping people entirely out of business if at all possible. But if it is not possible to get at it at the source by agreement, then we have to control only those that we can control, and that is the best we can do, I think.

The Chairman: In fact I would say that the cable companies do not control the programs.

Mr. Forest: They are just passive agents.

The Chairman: They just receive the programs from outside. But, as they are Canadian companies, if there are programs from the United States that violate the laws that exist, then the Canadian cable can control the programs but they will be...

Mr. Forest: They would be liable under the Act.

The Chairman: Yes, they would be liable, but then why not the same as CBC and the other Canadian stations? Mr. Lefebvre.

Mr. Lefebvre: Perhaps we could ask Mr. Hamel if he received any complaints after the last election of American stations broadcasting Canadian results. I mean American stations close to the border such as in Buffalo or American Niagara Falls broadcasting results to Canadian citizens, for instance in Toronto.

Mr. Hamel: If I recall, I received a few complaints but strictly from the Seattle-Vancouver area and not from the Toronto-Buffalo area. I recall receiving a few complaints from the west about TV stations in Seattle broadcasting results in Vancouver before the close of the polls in Vancouver.

One of the problems here, if I may mention this, is that in the United States they do not have the same requirements. As you know, they can start publishing in the west the results of the vote in the east as soon as these results are known. There is no blackout in the United States, if I am correct on this, and I believe I am. They are not used to our restrictions, and as a result, probably through no

Bref, ce que nous espérons c'est qu'un esprit de collaboration existera entre les deux agences de contrôle de sorte que ce genre de choses ne se reproduise plus, mais il nous faut aller à la source si possible plutôt que de provoquer la fermeture de réseaux de télévision. S'il est impossible d'arriver à un accord, il faut nous essayer de ne contrôler que ceux que nous pouvons contrôler et c'est le mieux que nous puissions faire dans ce domaine.

Le président: En fait, je dirais que les sociétés de télévision par câble ne peuvent pas contrôler les émissions.

M. Forest: Ce ne sont que des agents passifs.

Le président: Elles ne font que recevoir les émissions de l'extérieur. Mais comme ce sont des compagnies canadiennes, s'il y a des émissions venant des États-Unis qui violent les lois canadiennes, alors les sociétés canadiennes de télévision par câble peuvent contrôler les émissions mais elles seront...

M. Forest: Elles seraient responsables en vertu de la Loi.

Le président: Oui, en effet, mais pourquoi pas comme Radio-Canada et les autres réseaux canadiens? Monsieur Lefebvre.

M. Lefebvre: Peut-être pourrions-nous demander à M. Hamel s'il a reçu des plaintes après la dernière élection de la part des stations américaines qui ont diffusé les résultats des élections canadiennes. Je parle des stations frontalières, comme par exemple, les stations de Buffalo, Niagara Falls, du côté américain, qui auraient pu transmettre les résultats aux citoyens canadiens par exemple à Toronto.

M. Hamel: Si ma mémoire m'est fidèle, j'ai reçu quelques plaintes, mais exclusivement de la région de Seattle-Vancouver, et non pas de la région de Toronto-Buffalo. J'ai reçu quelques plaintes des provinces de l'Ouest au sujet des stations de TV à Seattle qui ont diffusé les résultats des élections à Vancouver avant même la fermeture des bureaux de votation à cet endroit.

Un des problèmes, messieurs, qui je pourrais peut-être mentionner, c'est qu'aux États-Unis les exigences ne sont pas les mêmes qu'ici. Ils peuvent publier dans les États de l'Ouest les résultats du vote dans les États de l'Est dès que les résultats sont connus. Si je ne m'abuse, ce genre de choses leur est permis. Ils n'ont pas l'habitude de nos restrictions et sans qu'il y ait malice de leur part, ils

[Texte]

malice, they do publish the results as soon as they become available. And since they reach some Canadian listeners, they are exposed to the same results.

Mr. MacQuarrie: It is probably too late to deal with it in a substantive way, but I have always been slightly offended by this suggestion that the Canadian electorate is so gullible that they will be influenced by what someone else has done. Regrettably they do not always follow the eastern example. I wish I had been here when the thing was taken up in substance. I do not think that this is a very good opinion of our electorate and that it makes a damn bit of difference what has been done in New Brunswick when you are voting in British Columbia.

Mr. Badanai: I agree with you.

Mr. Benjamin: Mr. Chairman, there is not only the broadcasting of poll results, but the broadcasting of opinions of commentators in the Maritimes, Quebec and Ontario in Saskatchewan, Alberta and British Columbia, which may or may not be designed to influence voters, who still have two hours yet to vote. That hole is open. If it were just straight election results I think I would not get all that excited about it either, but we all know the kind of commentaries of all political persuasions that come on as the results come on.

The Chairman: What I understand they are requesting is that the Canada Elections Act not apply to these companies.

• 1625

Mr. Forest: Yes, because they say that most of the people who have antennas and who are near the border can receive U.S. stations while those who are on cable cannot, you see, and they have to explain to their clients why they are suddenly getting off the air in B.C. for four hours. It is a costly affair and gives them embarrassment and, as you say, they maintain that Canadian electors are not influenced by the fact that U.S. stations might—might, although, as they say, it has not been done in the past—might give some election results. Anyway, I am just putting their views before the Committee to see if they have any objections.

[Interprétation]

publient les résultats dès qu'ils sont disponibles. Comme ils atteignent des auditeurs canadiens, ceux-ci subissent la méthode américaine.

M. Macquarrie: Il est sans doute trop tard pour agir, mais je suis toujours quelque peu offusqué d'entendre que l'électeur canadien est tellement crédule qu'il se laisse facilement influencer par ce qu'un autre a fait. J'aurais aimé être ici lorsque cette question a été discutée en comité. Je ne crois pas que nous ayons là une très bonne opinion de nos électeurs; et qu'il y ait une grande différence de savoir ce qui se passe au Nouveau-Brunswick quand on vote en Colombie-Britannique.

M. Badanai: Je suis d'accord avec vous.

M. Benjamin: Il n'y a pas que la diffusion des résultats du scrutin, mais il y a aussi la diffusion des opinions de commentateurs politiques, des Maritimes, du Québec et de l'Ontario, qui sont retransmises en Saskatchewan, en Alberta et en Colombie-Britannique qui visent ou non à influencer les votants de ces régions qui ont encore deux heures pour voter. Si on ne faisait que donner les résultats, je ne me préoccuperais pas autant de ce problème, mais nous connaissons tous le genre de commentaires de toute couleur politique qui nous sont donnés au fur et à mesure que les résultats nous parviennent.

Le président: Je crois comprendre que l'Association demande que la Loi électorale du Canada ne s'applique pas aux sociétés de télévision par câble.

M. Forest: Oui, car ils prétendent que la plupart des gens qui ont des antennes et qui habitent près de la frontière peuvent capter les stations américaines, tandis que les gens qui captent les émissions au moyen de câbles ne le peuvent pas; ces sociétés doivent alors expliquer à leurs clients pourquoi ils doivent quitter les ondes soudainement, parfois pour quatre heures comme en Colombie-Britannique. C'est une façon de procéder qui leur coûte cher et qui les met dans l'embarras. Comme vous le dites, ils prétendent que les électeurs canadiens ne sont pas influencés par le fait que les stations américaines puissent—je dis «puissent» quoique cela ne se soit jamais produit dans le passé—donner quelques résultats. De toute façon, je ne fais que présenter au Comité les points de vue de cette Association, afin de voir si les députés ont quelque objection à cet égard.

[Text]

The Chairman: Well, I just pass the opinion that if we do this for the cable companies, why not for the others in Canada?

Mr. Forest: Well, the difference is that the other stations are masters of their own programs and they are prevented by law from giving election results until after the closing of the polls in that province, while in TV, programs will originate not only in Canada but are transmitted from the U.S. and they have to get out of the field for four hours in B.C. The problem is worse as you go west. It does not present itself in Nova Scotia or Newfoundland. It is in the west that they have a problem.

The Chairman: But this Committee has already recommended that we keep the 48-hour period of silence for these stations. This is just a hypothetical point but an American citizen could go to a TV station in the United States whose program is cabled in Canada and speak in favour of a Canadian candidate during a Canadian election and that would not be an offence, whereas in Canada it would be an offence on the part of Canadian stations to broadcast such speeches.

Mr. Forest: It is not the 48 hours that they are complaining about. It is an entirely different thing. It is Section 106, not 99. They have to stay closed until the polls are closed in that particular province.

Mr. Benjamin: I tend to feel, Mr. Chairman, that the law should apply. We cannot do anything with what originates in the United States but the law should apply to all. I see little or no technical problem for cable stations to carry any programs that are live on a 30-minute delay and to monitor them themselves for any possible breach of the Canada Elections Act on election night. And there are canned programs mostly on cable television. I do not see any need for them to be forced off the air for four hours. What does it matter whether *Beverly Hillbillies* comes on at seven o'clock or seven thirty? They can put on a 30-minute delay on this and I am sure there are no technical problems here. There may be a little extra work as between the cable and the originating network. They should have to be under the same restrictions as any other broadcaster in Canada and take their own chances. If they inadvertently carry some election news from a United States sta-

[Interpretation]

Le président: Si nous accordons cette faveur aux sociétés de télévision par câble, pourquoi ne pas l'accorder aussi aux autres.

M. Forest: La différence c'est que les autres stations ont le droit de diffuser leurs propres émissions à leur gré et que la Loi les empêche de donner les résultats avant la fermeture des bureaux de votation dans leurs provinces respectives, tandis que les émissions de certaines stations de TV proviennent non seulement du Canada, mais sont aussi retransmises à partir des États-Unis; ces stations doivent donc quitter les ondes pendant quatre heures comme en Colombie-Britannique. Le problème s'accroît à mesure que l'on se rend plus à l'Ouest, mais il est absent en Nouvelle-Écosse ou à Terre-Neuve. C'est surtout dans l'Ouest qu'on rencontre ce problème.

Le président: Notre Comité a toujours recommandé que l'on garde une période de 48 heures de silence dans ces stations. Ce n'est qu'une hypothèse, mais il se pourrait qu'un citoyen américain apparaisse à une station de télévision aux États-Unis, dont l'émission est envoyée au Canada par câble, et parler en faveur d'un candidat canadien durant une élection canadienne et que cela ne soit pas considéré comme une violation de la Loi, tandis qu'au Canada, il y aurait infraction de la part des stations canadiennes si elles diffusaient de tels discours.

M. Forest: Ce ne sont pas des 48 heures qu'ils se plaignent. Ils n'acceptent pas les dispositions de l'article 106, pas de l'article 99. Dans cette province en particulier, les sociétés de TV par câble doivent quitter les ondes jusqu'à la fermeture des bureaux de votation.

M. Benjamin: J'ai l'impression que la Loi devrait s'appliquer dans ce cas. Nous ne pouvons rien faire avec les émissions réalisées aux États-Unis, mais la Loi devrait s'appliquer à tous. Je vois peu ou pas de problèmes techniques qui empêcheraient les stations de TV par câble, de diffuser quelque émission en direct dans un délai de 30 minutes, ou de se programmer afin d'éviter toute infraction à la Loi électorale du Canada, le jour du scrutin. D'ailleurs les émissions des sociétés de TV par câble diffusent pour la plupart du temps des émissions enregistrées à l'avance. Je ne vois pas pourquoi on doive les forcer à quitter les ondes pendant quatre heures. Peu importe que l'émission *Beverly Hillbillies* soit diffusée à sept heures au lieu de sept heures trente. On peut la retarder d'une demi-heure et je suis certain que cela ne cause aucun problème technique. Il se peut qu'il en découle un léger surcroît de travail entre la station et le réseau d'où l'émission provient. Ces sociétés

[Texte]

tion on election night, they are subject to the penalties of the Act if charges are laid the same as any other Canadian station would be.

The Chairman: It means in essence that if we did go along with these recommendations, all the election results from the east could be known through United States but not Canadian networks before the deadline.

Mr. Richard: Well, there are a great number anyhow without the cable.

The Chairman: It is up to you to decide.

Mr. Jerome: Mr. Chairman, if we are really talking about the principle of letting out the results at the time that they are achieved, I will speak in opposition to that. If the results in the eastern part of Canada, as Mr. Macquarrie was speaking about, were to be released nationally before the polls are closed in central and western Canada so that voters going to the polls there would know what the results were in the Maritimes, I cannot envisage any result except that considerably more emphasis by all political parties would be placed on the election in those eastern ridings than would be in the western ones. I cannot imagine any other result. It is a significant factor of perhaps the most vital concern to all of the people in the nation that a particular candidate or party has achieved a result in a riding known to be a difficult riding and so on. And to be able to shoot that information across to polls where voters still have two hours yet to vote is bound to produce that

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result and I am basically opposed to that for that very reason; that all ridings should be contested on an equal basis and that the result and I am basically opposed to that for last voter has cast his ballot.

Mr. Macquarrie: You are almost suggesting that Canadian voters are less independent than American voters.

Mr. Jerome: No, no. I am not suggesting that I like the American system any better than ours in this or in any other aspect of their elections or a good deal of their politics for that matter. I do not find anything enviable at all about the American attitude, not at all.

[Interprétation]

devraient se soumettre aux mêmes exigences que toute autre société de radiodiffusion au Canada et courir leurs propres risques. Si par inadvertance, elles mettent en ondes quelque nouvelle au sujet des élections, en provenance d'une station américaine, le soir des élections, elles sont sujettes aux pénalités prévues dans la Loi et on doit leur servir une injonction comme pour toute autre station canadienne.

Le président: Au fond ça veut dire que si l'on adopte ces recommandations, tous les résultats électoraux provenant de l'Est pourraient être connus aux États-Unis, mais pas sur les réseaux canadiens avant l'heure limite.

M. Richard: Il y a déjà un grand nombre de stations de TV qui le font sans l'aide du câble.

Le président: C'est à vous de décider.

M. Jerome: Monsieur le président si on parle vraiment du principe qui veut que l'on publie les résultats d'élection au moment même où les députés sont élus, je m'y oppose. Si les résultats dans l'Est du pays, comme l'a dit M. Macquarrie étaient émis à la grandeur du pays, si bien que les votants de cette région connaîtraient déjà les résultats dans les Maritimes, le seul résultat que je puisse entrevoir c'est que cela donnerait plus d'importance aux résultats de l'Est, qu'à ceux de l'Ouest. C'est un facteur d'une importance vitale pour tous les citoyens canadiens qu'un candidat ou un parti en particulier ait gagné les élections dans une circonscription contestée et le reste. De pouvoir proclamer ces résultats aux bureaux de votation où les votants ont deux heures encore pour voter, ne peut aboutir qu'à ce résultat. C'est pour cette raison que je m'oppose à ce qu'il en soit ainsi. Il faudrait que toutes les circonscriptions tiennent des élections de la même façon et que les résultats dans toute circonscription ne soient pas connus avant que le dernier votant ait déposé son bulletin de vote dans la boîte.

M. Macquarrie: A ce moment-là, vous allez presque jusqu'à prétendre que les votants canadiens ne sont pas aussi libres que les votants américains.

M. Jerome: Non, non. Je ne dis pas que je préfère le système américain au nôtre, sous cet aspect ou à tout autre aspect quant à la façon dont ils mènent leurs élections et même je n'approuve pas, pour une bonne part, leur politique.

Nous n'avons absolument rien à envier aux Américains à cet égard.

[Text]

Mr. Forest: Mr. Chairman, this could be done already by the U.S. stations. We have no control over the U.S. stations. All those who have antennae or anything can catch the U.S. stations in Vancouver. They would know the results. This would apply only to cable television. It makes a difference between cable television reception and the ordinary reception.

The Chairman: Mr. Benjamin.

Mr. Benjamin: Further to what Mr. Jerome had to say, I think it has been standard practice in the United States because they do not have these restrictions. Political parties and organizers there in the Western States even set up direct telephone hookups with key wards and key counties in the Eastern States and those results are reported to all their ward workers and county organizations: a massive telephone effort is made amongst the public. They spend extra hundreds of thousands of dollars on this because the results are obtained.

Mr. Macquarrie: And they do not influence the voters because the *Chicago Tribune* thought that Dewey was in and when the Westerners voted he was out.

An hon. Member: The Southerners voted too.

Mr. Jerome: Yes, but to what extent are you able to say with certainty that the results first published did not influence the voters to vote against that trend. It may influence them not necessarily to vote in favour of the trend that is established, it may influence them to vote against it. Either way, it certainly seems to be the impression of the political parties involved in these campaigns that it does influence the voters, because as Mr. Benjamin has pointed out they spend a great deal of time and money and organizational effort to make sure that those early results are known.

Mr. Macquarrie: It just depends upon how much we evaluate the bandwagon effect. I could not put a percentage valuation on that. I am an optimist. I do not think people really care what the others are doing, but...

Mr. Jerome: I might be prepared to argue that 90 per cent of what we do in elections does not influence the voter in making up his mind. I think a lot could be said for that.

[Interpretation]

M. Forest: Monsieur le président, ces mesures pourraient déjà avoir été adoptées par les stations américaines, sur lesquelles nous n'avons aucun contrôle. Tous les gens qui ont des antennes peuvent capter les émissions des stations américaines à Vancouver et connaître ainsi les résultats. Ceci ne s'appliquerait qu'à la télévision par antenne communautaire. Il y a une différence entre la réception d'émission par câble et la réception ordinaire.

Le président: Monsieur Benjamin.

M. Benjamin: Pour faire suite aux commentaires de M. Jerome je crois que cette méthode est monnaie courante aux États-Unis parce qu'il n'ont pas de restrictions comme nous en avons. Les partis politiques et les organisateurs de partis dans les états de l'Ouest américain vont jusqu'à installer des lignes téléphoniques directes avec les comtés et les quartiers clés situés dans les états de l'Est et les résultats sont ainsi transmis à tous leurs organisateurs de quartiers et de comtés. C'est là une campagne téléphonique massive auprès du grand public. Ils n'hésitent pas à dépenser des centaines de milliers de dollars à cette fin, car cette méthode apporte toujours les résultats.

M. Macquarrie: Ils n'influencent pas tellement les votants en faisant ainsi, car dans le *Chicago Tribune* on avait rapporté que Dewey était élu, mais une fois que les gens de l'Ouest eurent voté, il avait été défait.

Une voix: Les gens du Sud avaient aussi voté.

M. Jerome: Oui, mais qui sait si ces résultats n'ont pas encouragé les votants à voter en sens inverse. D'une façon ou d'une autre, il semble que les partis politiques qui mènent de telles campagnes électorales estiment que cette méthode exerce une influence sur les votants, car comme l'a dit M. Benjamin, ils dépensent beaucoup d'argent et de temps afin de s'assurer de connaître ces premiers résultats. Tout dépend de l'importance que l'on donne à l'appui accordé au parti présumé victorieux.

M. Macquarrie: Je ne pourrais pas évaluer ce facteur au point de vue pourcentage. Je suis optimiste et je crois que les gens se soucient assez peu de ce que les autres font mais...

M. Jerome: J'irais même jusqu'à prétendre que 90 p. 100 de ce qu'on fait durant le temps des élections n'influence pas le votant. Il y aurait beaucoup à dire à ce sujet.

[Texte]

Mr. Benjamin: You only need to influence about 1 per cent of the voters.

Mr. Jerome: That is right.

Mr. Benjamin: The other 99 per cent are probably smarter than you are.

The Chairman: This recommendation consists in saying that they respectfully ask the Parliamentary Committee on Privileges and Elections to recommend amendments to the Canada Elections Act so as to allow cable television companies to maintain the total integrity of all the television stations they distribute.

Mr. Jerome: Could I have that resolution again, Mr. Chairman, please?

The Chairman: It is not a resolution. It is just a recommendation that—in fact the effect of it to the law is that Section 108 of the Canada Elections Act would not apply to cable television companies. Section 108 says:

108 (1) No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result or purported result of the polling in any electoral district in Canada...

Mr. Jerome: The effect of excusing them from being subject to those provisions would be to give them a licence to publish election results, really.

The Chairman: That is it.

Mr. Jerome: I think it is impossible.

The Chairman: Yes, Mr. Richard.

Mr. Richard: Mr. Chairman, I would like to say that this would not be a great service to render the cable people who are in enough trouble just now if they were to create an exception for themselves in the situation that they are in with the CRTC. I am not trying to defend them, but if I were their solicitor I would certainly tell them to keep out of this Committee.

Mr. Benjamin: It is not helping their case any.

Mr. Forest: I am not insisting on it, I am just putting it to the Committee for discussion.

[Interprétation]

M. Benjamin: Vous n'avez qu'à influencer environ 1 p. 100 des votants.

M. Jerome: C'est juste.

M. Benjamin: Les autres 99 p. 100 sont probablement plus astucieux que vous.

Le président: Alors, la recommandation consiste à dire que cette association demande respectueusement au Comité parlementaire des privilèges et élections de recommander des amendements à la Loi électorale du Canada, de façon à permettre aux sociétés de télévision par câble de maintenir l'intégrité complète de toutes les stations de télévision qu'elles desservent.

M. Jerome: Monsieur le président, auriez-vous l'obligeance de me relire cette résolution?

Le président: Ce n'est pas une résolution, simplement une recommandation qui aurait pour effet que l'article 108 de la Loi électorale du Canada ne s'appliquerait pas aux sociétés de télévision par antenne communautaire. L'article 108 se lit comme suit:

108 (1) Aucune personne, compagnie ou corporation ne doit dans une province, avant l'heure de clôture des bureaux de votation en cette province, publier le résultat ou ce qui est donné comme étant le résultat du scrutin dans un district électoral au Canada...

M. Jerome: Si vous les dispensez de ces dispositions, vous leur donnez ainsi, la permission de publier les résultats des élections.

Le président: C'est exact.

M. Jerome: Je crois que c'est impossible.

Le président: Oui, monsieur Richard.

M. Richard: Cette disposition n'aidera pas beaucoup les sociétés de télévision par câble qui ont déjà assez d'ennuis avec le CRTC. Je n'essaie pas de prendre leur défense, mais si j'étais leur conseiller juridique, je leur conseillerais sûrement de ne pas se présenter devant notre Comité.

M. Benjamin: Votre proposition n'aide certainement pas leur cause.

M. Forest: Je n'insisterai pas là-dessus, je ne fais que présenter ce problème aux députés pour qu'ils puissent en discuter.

[Text]

The Chairman: I recognize the point, but I believe it is the consensus of the members of this Committee that we will not exclude cable television companies from the provisions of Section 108. Is it the consensus of the members?

Some hon. Members: Agreed.

The Chairman: This meeting is adjourned *sine die* to the call of the Chair.

[Interpretation]

Le président: Je reconnais que vous avez là un problème qui prête à discussion, mais de par l'accord unanime des membres de notre Comité, je crois qu'il vaut mieux ne pas exempter les sociétés de télévision par câble des dispositions de l'article 108. Est-ce là l'avis unanime des membres du Comité.

Des voix: D'accord.

Le président: La séance est ajournée indéfiniment jusqu'à la convocation du président.

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969-70

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

LIBRARY

COMITÉ PERMANENT

ON

JUL 24 1970

DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
ET
ÉLECTIONS**

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 19

THURSDAY, MAY 28, 1970

LE JEUDI 28 MAI 1970

TUESDAY, JUNE 2, 1970

LE MARDI 2 JUIN 1970

Question of Privilege raised in the House
of Commons on Thursday May 14, 1970.

Question de privilège soulevée à la Chambre
des communes le jeudi 14 mai 1970.

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir les procès-verbaux)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman
Vice-Chairman

M. Ovide Laflamme
Mr. Steve Paproski

Président
Vice-président

and Messrs.

et MM.

Badanai,
Benjamin,
Duquet,
Forest,
Forget,
Fortin,

Howe,
Jerome,
Lefebvre,
Macquarrie,
¹McCleave,
²Orange,

Peddle,
³Peters,
Richard,
Thomas (Maisonneuve),
⁴Woolliams
⁵Yanakis—20.

(Quorum 11)

Le greffier du Comité,
Robert D. Marleau,
Clerk of the Committee.

Pursuant to Standing Order 65(4) (b),

Suivant l'article 65(4) (b) du Règlement,

¹ Replaced Mr. Forrestall on May 28 1970.

¹ Remplace M. Forrestall le 28 mai 1970.

² Replaced Mr. Lessard (*Lac-Saint-Jean*) on May 28 1970.

² Remplace M. Lessard (*Lac-Saint-Jean*) le 28 mai 1970.

³ Replaced Mr. Howard (*Skeena*) on May 28 1970.

³ Remplace M. Howard (*Skeena*) le 28 mai 1970.

⁴ Replaced Mr. Code on May 28, 1970.

⁴ Remplace M. Code le 28 mai 1970.

⁵ Replaced Mr. Marceau on June 2 1970.

⁵ Remplace M. Marceau le 2 juin 1970.

ORDER OF REFERENCE

Thursday, May 14, 1970.

Ordered,—That the question raised this day by the honourable Member for the Yukon as to the right of a Member of the House of Commons to purchase or lease lands held in the name of Her Majesty Queen Elizabeth in the Right of Canada without offending the provisions of the Senate and House of Commons Act be referred to the Standing Committee on Privileges and Elections and, in particular, that there be referred to the said Committee the circumstances raised by the honourable Member for the Yukon surrounding the rejection of an application made by him to purchase such lands in the Yukon and the rejection of an application made by him for the renewal of Lease number 1329 and that there be further referred to the said Committee the question as to whether an employee and/or employees of the Government of Canada in making and applying such decisions is acting within the scope of his responsibilities; and that the Minister of Indian Affairs and Northern Development make no disposition of the lands affected by the said Lease number 1329 until the report and recommendations of the said Standing Committee have been made to this House.

ATTEST

ORDRE DE RENVOI

Le jeudi 14 mai 1970

Il est ordonné,—Que la question soulevée aujourd'hui par l'honorable député du Yukon quant au droit pour un député de la Chambre des communes d'acheter ou de louer des terres détenues au nom de Sa Majesté la Reine Elizabeth du chef du Canada sans enfreindre les dispositions de la Loi sur le Sénat et la Chambre des communes soit déférée au comité permanent des privilèges et élections et, notamment, que soient déférées audit comité les circonstances soulevées par l'honorable député du Yukon entourant le rejet d'une demande faite par lui pour acheter ces terres et le rejet d'une demande faite par lui pour renouveler le bail portant le numéro 1329 et que soit en outre déférée audit comité la question de savoir si un et/ou des employés du gouvernement du Canada en prenant et en appliquant ces décisions agissent dans le cadre de leurs attributions; et que le ministre des Affaires indiennes et du Nord canadien ne dispose en aucune façon des terres qui font l'objet dudit bail portant le numéro 1329 jusqu'à ce que ledit comité permanent ait présenté à cette Chambre son rapport et ses recommandations.

ATTESTÉ

Le Greffier de la Chambre des communes,
ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

Wednesday June 3, 1970

The Standing Committee on Privileges and Elections has the honour to present its

FIFTH REPORT

Pursuant to its Order of Reference of Thursday, May 14, 1970, which reads as follows:

“Ordered—That the question raised this day by the honourable Member for the Yukon as to the right of a Member of the House of Commons to purchase or lease lands held in the name of Her Majesty Queen Elizabeth in the Right of Canada without offending the provisions of the Senate and House of Commons Act be referred to the Standing Committee on Privileges and Elections and, in particular, that there be referred to the said Committee the circumstances raised by the honourable Member for the Yukon surrounding the rejection of an application made by him to purchase such lands in the Yukon and the rejection of an application made by him for the renewal of Lease number 1329 and that there be further referred to the said Committee the question as to whether an employee and/or employees of the Government of Canada in making and applying such decisions is acting within the scope of his responsibilities; and that the Minister of Indian Affairs and Northern Development make no disposition of the lands affected by the said Lease number 1329 until the report and recommendations of the said Standing Committee have been made to this House.”

RAPPORT À LA CHAMBRE

Le mercredi 3 juin 1970

Le Comité permanent des privilèges et élections à l'honneur de présenter son

CINQUIÈME RAPPORT

Conformément à l'Ordre de renvoi du jeudi 14 mai 1970, qui se lit comme suit:

«Il est ordonné,—Que la question soulevée aujourd'hui par l'honorable député du Yukon quant au droit pour un député de la Chambre des communes d'acheter ou de louer des terres détenues au nom de Sa Majesté la Reine Elizabeth du chef du Canada sans enfreindre les dispositions de la Loi sur le Sénat et la Chambre des communes soit déférée au comité permanent des privilèges et élections et, notamment, que soient déférées audit comité les circonstances soulevées par l'honorable député du Yukon entourant le rejet d'une demande faite par lui pour acheter ces terres et le rejet d'une demande faite par lui pour renouveler le bail portant le numéro 1329 et que soit en outre déférée audit comité la question de savoir si un et/ou des employés du gouvernement du Canada en prenant et en appliquant ces décisions agissent dans le cadre de leurs attributions; et que le ministre des Affaires indiennes et du Nord canadien ne dispose en aucune façon des terres qui font l'objet dudit bail portant le numéro 1329 jusqu'à ce que ledit comité permanent ait présenté à cette Chambre son rapport et ses recommandations.»

Your Committee has held two meetings and heard the following witnesses:

Dr. M. Ollivier, Parliamentary Counsel.
From the Department of Indian Affairs and Northern Development:

Mr. A. D. Hunt,
Acting Assistant Deputy Minister,
(Northern Development);
Mr. J. K. Naysmith,
Water, Forest and Land Division,
Northern Economic Development Branch;

Mr. J. R. Goudie,
Head, Territorial Land Section,
Land Management Services;
Mr. O. T. Harris,
Supervisor, Land Management Services;
Dr. H. Fischer,
Legal Adviser to the Department of
Indian Affairs and Northern Development.

From the department of Justice:

D. L. Whitman, Counsel; and
Mr. Paul St-Pierre M. P.

Your Committee reports as follows:

1. The question of privilege is well founded.
2. Your Committee, being of the opinion that as there may exist similar cases involving other Members of the House, recommends that the same considerations and recommendations should be made applicable to these cases.
3. Your Committee recommends that the Government should consider the expediency of introducing legislation to amend the Senate and House of Commons Act to resolve more clearly the question of the propriety of Members of Parliament receiving certain payments and advantages under Acts of general application and of

Le Comité a tenu deux réunions et a entendu les témoins suivants:

M^e M. Ollivier, conseiller parlementaire.
Du ministère des Affaires indiennes et du Nord canadien:

M. A. D. Hunt,
sous-ministre adjoint intérimaire,
(Développement du Nord canadien);
M. J. K. Naysmith,
Division des eaux, forêts et terres,
Direction de l'expansion économique
du Nord canadien;

M. J. R. Goudie,
Chef, sous-section des terres territoriales,
Section de la gestion foncière;
M. O. T. Harris
Surveillant, Section de la gestion foncière;
M. H. Fischer,
Conseiller juridique du ministère des
Affaires indiennes et du Nord canadien.

Du ministère de la Justice:

D. L. Whitman, conseiller; et
M. Paul St-Pierre, député.

Le Comité fait rapport de ce qui suit:

1. La question de privilège est bien fondée.
2. Le Comité, étant d'avis qu'il y a d'autres cas semblables où sont impliqués d'autres députés de la Chambre, recommande que la même étude et les mêmes recommandations soient applicables à ces cas.
3. Le Comité recommande que le gouvernement étudie l'opportunité de déposer un programme législatif visant à amender la loi sur le Sénat et la Chambre des communes pour résoudre plus clairement la question de propriété des députés de la Chambre des communes qui reçoivent certains paiements et certains bénéfices en

Members making payments for leases, rent or sale of property in certain cases where they do not receive any special or undue advantages simply from the fact that they happen to be Members of Parliament.

4. More specially your Committee recommends the repeal of section 19 of the Senate and House of Commons Act and the substitution therefore of a new section 19 drafted along the principles suggested in the previous recommendation; also it recommends the immediate deletion in the Agreement for Sale identified as "Land 52-3-5A" produced before the Committee of paragraph 10 which reads:—

"No Member of the House of Commons shall be admitted to any share or part of this agreement or to any benefit to arise therefrom.";

so as to leave it entirely within the competence of the House of Commons to decide as to the qualification or disqualification of Members of Parliament.

A copy of the relevant Minutes of Proceedings and Evidence (*Issue No. 19*) is tabled.

Respectfully submitted,

Le président,
OVIDE LAFLAMME,
Chairman.

vertu de lois d'application générale et des députés qui effectuent des paiements pour les baux, la location ou la vente de propriétés dans certains cas où ils ne reçoivent pas de bénéfices spéciaux ou indus simplement à cause du fait qu'ils sont députés de la Chambre des communes.

4. Plus particulièrement, le Comité recommande l'abrogation de l'article 19 de la Loi sur le Sénat et la Chambre des communes et son remplacement par un nouvel article 19 rédigé selon les principes suggérés dans la recommandation précédente; il recommande également la suppression immédiate dans l'accord de vente appelé «terre 52-3-5A» déposé devant le Comité, du paragraphe 10 qui se lit comme suit:

«Aucun député à la Chambre des communes n'est admis à être partie à ce contrat ni à participer à aucun des bénéfices ou profits qui en proviennent.»;

afin qu'il soit entièrement de la compétence de la Chambre des communes de décider de l'admissibilité ou de la non-admissibilité des députés de la Chambre des communes.

Un exemplaire des procès-verbaux et témoignages relatifs à ladite question (*fascicule n^o 19*) est déposé.

Respectueusement soumis,

[Text]

MINUTES OF PROCEEDINGS

Thursday, May 28, 1970.
(26)

The Standing Committee on Privileges and Elections met this day at 5:11 o'clock p.m., the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Badanai, Benjamin, Howe, Laflamme, Lefebvre, McCleave, Peddle, Peters, Portelance, Orange, Thomas (*Maison-neuve*), Woolliams—(12).

Other Member present: Mr. Nielsen, M.P.

In attendance: Dr. P. M. Ollivier, Parliamentary Counsel.

Witnesses: From the Department of Indian Affairs and Northern Development: Mr. A. D. Hunt, Acting Assistant Deputy Minister (Northern Development); Mr. J. K. Naysmith, Water, Forest and Land Division, Northern Economic Development Branch; Mr. J. R. Goudie, Head, Territorial Land Section, Land Management Services; Mr. O. T. Harris, Supervisor, Land Management Services and Dr. H. Fischer, Legal Advisor; *From the Department of Justice:* D. L. Whitman, Counsel.

The Chairman read the Order of reference and introduced the witnesses before inviting Mr. A. D. Hunt to make an opening statement.

The division bells ringing, the Committee adjourned at 5:20 p.m. until 8:00 o'clock this evening.

[Texte]

PROCÈS-VERBAL

Le jeudi 28 mai 1970
(26)

Le Comité permanent des privilèges et élections se réunit à 5 h. 11 de l'après-midi aujourd'hui. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Benjamin, Howe, Laflamme, Lefebvre, McCleave, Peddle, Peters, Portelance, Orange, Thomas (*Maison-neuve*), Woolliams—(12).

Autre député présent: M. Nielsen, député.

Également présent: M. Ollivier, légiste et conseiller parlementaire.

Témoins: Du ministère des Affaires indiennes et du développement du Nord canadien: M. A. D. Hunt, sous-ministre adjoint intérimaire (Développement du Nord canadien); M. J. K. Naysmith, Division, eaux, forêts et terre, Direction de l'expansion économique du Nord; M. J. R. Goudie, chef, sous-section des terres territoriales, Section de la gestion foncière; M. O. T. Harris, surveillant, Section de la gestion foncière et M. H. Fischer, conseiller juridique; *Du ministère de la Justice:* M. D. L. Whitman, conseiller.

Le président lit l'ordre de renvoi et présente les témoins aux membres du Comité avant d'inviter M. A. D. Hunt à faire une déclaration.

La cloche annonçant qu'il y aura un vote en Chambre, à 5 h. 20 de l'après-midi, le Comité s'ajourne jusqu'à 8 heures ce soir.

EVENING SITTING
(27)

The Standing Committee on Privileges and Elections reconvened at 8:14 p.m., this evening, the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Badanai, Benjamin, Forest, Howe, Laflamme, Lefebvre, McCleave, Orange, Portelance, Peters, Thomas (*Maison-neuve*), Woolliams—(12).

Other Member present: Mr. Nielsen, M.P.

In attendance: Dr. P. M. Ollivier, Legal advisor and Parliamentary Counsel.

Witnesses: Same as at this afternoon's meeting.

The Chairman invited Mr. Hunt to resume his opening statement.

Mr. Hunt having completed his statement, the Committee questioned the witnesses.

On motion of Mr. Woolliams;

Resolved: That a copy of Mr. Nielsen's application for a lease dated November 1959, be printed as an Appendix to this day's Minutes of Proceedings and Evidence. (*see Appendix "4"*)

Then the Committee,

Agreed unanimously to print as an Appendix to this day's Minutes of Proceedings and Evidence, a copy of a letter, dated December 30, 1969, to Mr. J. A. MacDonald, Deputy Minister, Department of Indian Affairs and Northern Development from the Deputy Attorney General of Canada. (*see Appendix "5"*)

Then the Committee questioned Dr. M. Ollivier on Section 19(1) of the Senate and House of Commons Act.

SÉANCE DU SOIR
(27)

Le Comité permanent des privilèges et élections se réunit de nouveau à 8 h. 14 ce soir. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Benjamin, Forest, Howe, Laflamme, Lefebvre, McCleave, Orange, Portelance, Peters, Thomas (*Maison-neuve*), Woolliams—(12).

Autre député présent: M. Nielsen, député.

Également présent: M. M. Ollivier, légiste et conseiller parlementaire.

Témoins: Les mêmes qu'à la séance de cet après-midi.

Le président invite M. Hunt à poursuivre son discours.

Le Comité procède ensuite à l'interrogatoire des témoins.

M' Woolliams propose,—et

Il est résolu: qu'une copie d'une demande pour un bail faite par M. Nielsen au mois de novembre 1959 soit imprimée en appendice aux procès-verbaux et témoignages d'aujourd'hui. (voir appendice 4).

Ensuite le Comité,

décide à l'unanimité; d'imprimer en appendice aux procès-verbaux et témoignages d'aujourd'hui, copie d'une lettre envoyée le 30 décembre 1969 à M. J. A. MacDonald, sous-ministre du ministère des Affaires indiennes et du développement du Nord canadien, du sous-procureur général du Canada. (voir appendice 5).

Ensuite le Comité interroge M. M. Ollivier sur la Loi du Sénat et de la Chambre des communes.

On motion of Mr. Woolliams;

Resolved: That Mr. A. D. Hunt's Chronological summary be printed as an Appendix to this day's Minutes of Proceedings and Evidence. (see Appendix "6")

Then the Chairman ruled that the said question of privilege raised by the Member for Yukon was indeed well founded and stated that at its next meeting the Committee will discuss its draft report.

The Standing Committee on Privileges and Elections adjourned at 10:12 o'clock p.m. until 9:30 a.m., on Tuesday, June 2, 1970.

M' Woolliams propose,—et

Il est résolu: que le résumé chronologique de M. A. D. Hunt soit imprimé en appendice aux procès-verbaux et témoignages d'aujourd'hui. (voir appendice 6).

Le président déclare ensuite que ladite question de privilège soulevée par le député du Yukon, est bien fondée et qu'à la prochaine réunion, le Comité étudiera un projet de rapport à cet effet.

A 10 h. 12 du soir, le Comité s'ajourne jusqu'à 9 h. 30 du matin le mardi 2 juin 1970.

Le greffier du Comité.

Robert D. Marleau,

Clerk of the Committee.



[Text]

MINUTES OF PROCEEDINGS

Tuesday, June 2, 1970.
(29)

The Standing Committee on Privileges and Elections met *in camera* at 9:50 a.m. this day, the Chairman, Mr. Laflamme, presiding.

Members present: Messrs. Badanai, Benjamin, Howe, Laflamme, Lefebvre, Macquarrie, Orange, Paproski, Peddle, Peters, Thomas (*Maisonneuve*), Yanakis—(12).

Other Members present: Mr. Nielsen, M.P. and Mr. St-Pierre, M.P.

In attendance: Dr. M. Ollivier, Parliamentary Counsel.

The Committee proceeded to consideration of a draft Report submitted by the Chairman.

Paragraph 1: Agreed to

Paragraph 2: Agreed to

On Paragraph 3

The Committee *agreed unanimously* to hear Mr. St-Pierre, M.P. on a relevant submission to Paragraph 3.

On motion of Mr. Peters,

Resolved:—That the written submission presented by Mr. St-Pierre be printed as an Appendix to this day's Minutes of Proceedings. (*See Appendix 7*).

Paragraph 3: Agreed to

Paragraph 4: Agreed to

On motion of Mr. Peters,

[Texte]

PROCÈS-VERBAL

Le mardi 2 juin 1970
(29)

Le Comité permanent des privilèges et élections se réunit, *à huis clos*, à 9 h. 50 du matin aujourd'hui. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Benjamin, Howe, Laflamme, Lefebvre, Macquarrie, Orange, Paproski, Peddle, Peters, Thomas (*Maison-neuve*), Yanakis—(12).

Autres députés présents: MM. Nielsen et St-Pierre.

Également présent: Dr M. Ollivier, conseiller parlementaire.

Le Comité procède à l'étude d'un projet de rapport soumis par le président.

Le Paragraphe 1 est adopté

Le Paragraphe 2 est adopté

Paragraphe 3:

Le Comité *décide à l'unanimité* d'entendre M. St-Pierre, député, qui fait des représentations relatives à ce projet de rapport.

M. Peters propose et,

Il est résolu: Que le Comité imprime en appendice, à ses procès-verbaux d'aujourd'hui, la représentation faite par M. St-Pierre. (voir appendice 7).

Le Paragraphe 3 est adopté

Le Paragraphe 4 est adopté

M. Peters propose et,

Resolved:—That the draft Report be adopted as read.

The Committee *agreed unanimously* that the Chairman be hereby instructed to report on the question of privilege raised by the Member for the Yukon.

At 10:55 a.m., the Committee adjourned to the call of the Chair.

Il est résolu: que le projet de rapport soit adopté, tel que lu.

Le Comité *décide à l'unanimité* que le président soit autorisé à faire rapport de la question de privilège soulevée par le député pour le Yukon.

A 10 h. 55 du matin, le Comité s'ajourne jusqu'à nouvelle convocation du président.

Le greffier du Comité.
Robert D. Marleau,
Clerk of the Committee.

[Texte]

[Interprétation]

EVIDENCE

TÉMOIGNAGES

(Recorded By Electronic Apparatus)

(Enregistrement électronique)

Thursday, May 28, 1970

Jeudi le 28 mai 1970

● 1710

The Chairman: Gentlemen, we have a quorum. First, I believe it would be appropriate for me to read the Order of Reference of the House which has been sent to us for study.

Le président: Monsieur, nous sommes en nombre. D'abord, il conviendrait que je lise l'ordre de renvoi de la Chambre qui nous a été déféré afin que nous l'étudions.

Thursday, May 14, 1970.

Le jeudi 14 mai 1970

Ordered—That the question raised this day by the honourable Member for the Yukon as to the right of a Member of the House of Commons to purchase or lease lands held in the name of Her Majesty Queen Elizabeth in the Right of Canada without offending the provisions of the Senate and House of Commons Act be referred to the Standing Committee on Privileges and Elections and, in particular, that there be referred to the said Committee the circumstances raised by the honourable Member for the Yukon surrounding the rejection of an application made by him to purchase such lands in the Yukon and the rejection of an application made by him for the renewal of Lease number 1329 and that there be further referred to the said Committee the question as to whether an employee and/or employees of the Government of Canada in making and applying such decisions is acting within the scope of his responsibilities; and that the Minister of Indian Affairs and Northern Development make no disposition of the lands affected by the said Lease number 1329 until the report and recommendations of the said Standing Committee have been made to this House.

Il est ordonné—«Que la question soulevée aujourd'hui par l'honorable député du Yukon quant au droit pour un député de la Chambre des communes d'acheter ou de louer des terres détenues au nom de Sa Majesté la Reine Elizabeth du chef du Canada sans enfreindre les dispositions de la Loi sur le Sénat et la Chambre des communes soit déferée au Comité permanent des privilèges et élections et, notamment, que soient déferées audit Comité des circonstances soulevées par l'honorable député du Yukon entourant le rejet d'une demande faite par lui pour acheter ces terres et le rejet d'une demande faite par lui pour renouveler le bail portant le numéro 1329 et que soit en outre déferée audit Comité la question de savoir si un et/ou des employés du gouvernement du Canada en prenant et en appliquant ces décisions agissent dans le cadre de leurs attributions et que le ministre des Affaires indiennes et du Nord canadien ne dispose en aucune façon des terres qui font l'objet dudit bail portant le numéro 1329 jusqu'à ce que ledit Comité permanent ait présenté à cette Chambre son rapport et ses recommandations.»

I would like to introduce to you some of the officials here who could be called as witnesses. Besides me we have someone whom some of you may know, Dr. Maurice Olliver.

J'aimerais vous présenter certains des hauts fonctionnaires qui seront nos témoins. A part moi, il y a quelqu'un que certains d'entre vous connaissent peut-être, monsieur Maurice Olliver.

Mr. Woolliams: I missed that.

M. Woolliams: Je n'ai pas compris.

The Chairman: Dr. Olliver, and to his right, Mr. A. D. Hunt, Assistant Deputy Minister, Northern

Le président: Monsieur Ollivier, à sa droite monsieur A. D. Hunt, sous-ministre adjoint, Nord canadien,

[Text]

[Interpretation]

Development, Department of Indian Affairs and Northern Development; D. L. Whitman, from the Department of Justice; Dr. H. Fischer from the Department of Justice; Mr. Goudie who is in charge of Territorial Lands Section, and Mr. O. J. Harris, Supervisor, Land Section of the Department of Indian Affairs and Northern Development.

I apologize, gentlemen, because I did not have the opportunity of calling for a steering committee meeting on this. Because of the urgency of the matter I believe it would be preferable then that I put the questions to the Committee as a whole to ascertain from them which would be the best way to proceed. Perhaps we could start right away to get the facts straight from the Department and then ask questions. Mr. Lefebvre?

Mr. Lefebvre: Would it be in order to have the member from the Yukon give us a brief resume of his side of the story. I heard it in the House, but I did not take any notes on it. If this is in order, I would suggest it.

Mr. Woolliams: Mr. Chairman, we have a copy of his statement in *Hansard*. I think the suggestion you made was to call the Department officials and members of the Committee here in the usual way to ask some questions on the facts. From that their viewpoint will be ascertained.

The Chairman: If it is agreeable to members, we might as well call upon the Assistant Deputy Minister to straighten out the facts as they are in his files. Are you ready, Mr. Hunt?

Mr. A. D. Hunt (Assistant Deputy Minister, Northern Development, Department of Indian Affairs and Northern Development): Thank you, Mr. Chairman. I think perhaps I might be of best help to the Committee if I could review the administrative actions taken within the Department of Indian Affairs and Northern Development and, of course, its predecessor department, the Department of Northern Affairs and National Resources, with respect to the lease in question. We are referring to the original lease, lease number 541, which was issued in favour of Mr. Nielsen for a period of five years from December 1, 1959. It was issued in response to an application by Mr. Nielsen and so far as we know there was nothing in our records to indicate that a lease of this particular parcel of land had been issued or processed prior to that date. This was the first issue.

It is a parcel of land covering the waterfront reserve fronting on Marsh Lake in the Yukon Territories, and perhaps I might explain the general policy with respect to the waterfront reserve.

ministère des Affaires indiennes et du Nord canadien; monsieur D. L. Whitman, du ministère de la Justice; monsieur H. Fischer du ministère de la Justice; monsieur Goudie qui s'occupe de la section des Territoires et monsieur O. J. Harris, surveillant de la section des terres du ministère des Affaires indiennes et du Nord canadien.

Messieurs, je m'excuse, je n'ai pas eu l'occasion de convoquer une réunion du Comité de direction à ce sujet. Puisque la question est urgente, il serait préférable que je mette la question aux voix devant le Comité afin que nous décidions ensemble de la meilleure façon de procéder. Nous pourrions commencer par obtenir des précisions du ministère et passer ensuite aux questions. Monsieur Lefebvre.

M. Lefebvre: Le Règlement nous permet-il de demander au député du Yukon de nous donner un bref résumé de sa version? Je l'ai entendu à la Chambre, mais je n'ai pas pris de notes.

M. Woolliams: Monsieur le président, nous avons sa déclaration dans le *Hansard*. Vous aviez demandé qu'on fasse venir les représentants du ministère et les membres du Comité de la session habituelle afin que nous leur posions des questions sur le sujet. Nous connaissons ainsi leurs opinions.

Le président: Si tous sont d'accord, nous pourrions demander au Sous-ministre adjoint de nous exposer les faits tels qu'ils se trouvent dans ses dossiers. Êtes-vous prêt, monsieur Hunt?

M. A. D. Hunt (Sous-ministre adjoint, Nord canadien, ministère des Affaires indiennes et du Nord canadien): Je vous remercie, Monsieur le président, il serait peut-être utile que je revoie les mesures administratives prises au ministère des Affaires indiennes et du Nord canadien et par son prédécesseur, le ministère du Nord canadien et des Ressources nationales en ce qui a trait au bail en question. Nous nous reportons au bail original, bail numéro 541, qui a été délivré par M. Nielsen pour une période de cinq ans à partir du 1^{er} décembre 1959. Il a été délivré à la suite d'une demande faite par M. Nielsen. Pour autant que nous sachions, rien dans nos dossiers n'indique qu'un bail de cette parcelle de terre ait été délivré ou prêté avant cette date.

La parcelle de terre en question se trouve en bordure du lac Marsh au Yukon. J'expliquerai la politique générale concernant la réserve en bordure de l'eau.

[Texte]

Mr. Woolliams: On a point of order, the bell is ringing for a vote.

The Chairman: I sounds like it.

Mr. Woolliams: I am awfully sorry, but I think we are going to have to go, Mr. Chairman.

Mr. Lefebvre: We have no choice.

The Chairman: The postponement of this meeting from 3.30 p.m. to 5.00 p.m. was made at the request of some of the members in the House, which was I believe quite appropriate. However, in view of the fact that it is 5.15 p.m. now and we are going to have a vote is it the intention of the members to come back here to continue with the witnesses?

Mr. Benjamin: How long were we planning to sit, Mr. Chairman?

The Chairman: Just until six o'clock.

Mr. Lefebvre: The vote will not be over before six o'clock, Mr. Chairman. If we meet at eight o'clock, could we meet close to the House of Commons?

Mr. Benjamin: We could come back at 7.30 p.m. or 8.00 p.m., would that be all right?

Mr. Woolliams: I suggest we return at 8.00 p.m. in any room that is suitable.

Mr. Badanai: Room 112 will be free at 8.00 p.m.

Mr. Woolliams: As long as we all know it will be Room 112N. Do you know whether we can get that room?

Mr. Lefebvre: Ask the Clerk.

The Chairman: This room is free for this evening. I am told that 112N is busy this evening.

Mr. Portelance: Room 253D would be free because the Transport Committee is through with their day. So that means tonight in 253D. It is very close to the House, too.

Mr. Lefebvre: It would be better close to the House.

The Chairman: Is it agreed that the Committee meet at 8.00 p.m. in Room 253D?

[Interprétation]

M. Woolliams: J'invoque le Règlement, la cloche sonne pour le vote.

Le président: Vous avez raison.

M. Woolliams: Je regrette, il nous faut y aller, Monsieur le président.

M. Lefebvre: Nous n'avons pas le choix.

Le président: Certains députés de la Chambre ont demandé que la réunion ait lieu à 5 heures de l'après-midi au lieu de 3 : 30. Toutefois, puisqu'il est maintenant 5 : 15 et qu'il y aura un vote, les députés ont-ils l'intention de revenir pour poursuivre leur réunion avec les témoins?

M. Benjamin: Jusqu'à quelle heure devons-nous siéger, Monsieur le président?

Le président: Jusqu'à 6 heures.

M. Lefebvre: Le vote ne sera pas terminé avant 6 heures, Monsieur le président. Si nous nous réunissons à 8 heures, pourrions-nous le faire près de la Chambre des communes?

M. Benjamin: Nous pourrions revenir à 7 h. 30 ou à 8 heures.

M. Woolliams: Je propose que nous revenions à 8 heures dans n'importe quelle pièce disponible.

M. Badanai: La pièce 112 sera libre à 8 h.

M. Woolliams: Pour autant que nous sachions, nous nous réunirons à la pièce 112N. Savez-vous si nous pouvons obtenir cette pièce?

M. Lefebvre: Demandez-le au greffier.

Le président: La pièce est libre pour ce soir. On me dit que la pièce 112N est occupée ce soir.

M. Portelance: La pièce 253D serait libre parce que le Comité des transports a fini pour la journée. Cette pièce se trouve très près de la Chambre.

M. Lefebvre: Il vaudrait mieux que ce soit près de la Chambre.

Le président: Tous sont-ils d'accord pour que le Comité se réunisse à 8 heures à la pièce 253D?

[Text]

Mr. Peters: Could we have tabled, the Section of the House of Commons Act pertaining to this matter on which I presume part of the judgment was made?

Dr. E. M. Ollivier (Law Clerk and Parliamentary Counsel): I have it here, if the Clerk wants to have it photographed.

The Chairman: We will have it printed and circulated.

M. Portelance: One of the gentlement here says that 253D has not been reserved, but there is nothing left there. We might need the earphones or something, but you could check on that yourself.

Mr. Badanai: Let us come here then.

Mr. Thomas (Maisonneuve): We will play safe; we will come back here.

The Chairman: That is fine. This meeting is adjourned until 8.00 p.m. in this room.

EVENING SITTING

● 2010

The Chairman: Gentlemen, I call the meeting to order. We were interrupted this afternoon by the bell and I hope we may be in a position this evening to listen to our witness, statement of facts with regard to the matter we have before us. Mr. Hunt.

Mr. A. D. Hunt (Assistant Deputy Minister, Northern Development, Dept. of Indian Affairs and Northern Development): Thank you Mr. Chairman. Perhaps before continuing with my statement of the facts, I might ask for guidance in one respect. I am prepared to the extent that we were able to determine from the files to indicate the actual officials involved in the various acts. If this is of interest to the Committee I could give the various names and their capacities as I go. If it is not then, it would speed it up if I do not, so I am at your disposal.

The Chairman: I believe that on this very point it should be help to the members of the Committee to state the facts as you either recall them and have them in hand. Later when there is a question period, you may indicate to us if there are some other facts that members would like to have cleared up with some other witnesses.

[Interpretation]

M. Peters: Aurions-nous pu déposer l'article de la Loi sur la Chambre des communes se rapportant à cette question sur laquelle une partie du jugement a été portée?

M. E. M. Ollivier (Légiste et conseiller parlementaire): J'ai l'article ici, si le greffier veut le faire polycopier.

Le président: Nous le ferons imprimer et circuler.

M. Portelance: L'un des messieurs ici dit que la pièce 253D n'a pas été réservée, mais il n'y a pas d'équipement dans cette pièce. Nous aurons peut-être besoin d'écouteurs, auriez-vous l'obligeance de vérifier.

M. Badanai: Pourquoi ne venons-nous pas ici?

M. Thomas (Maisonneuve): Revenons ici et il n'y aura pas de problème.

Le président: Très bien. La séance est levée jusqu'à 8 heures ce soir dans cette pièce.

SÉANCE DE LA SOIRÉE

Le président: Monsieur, à l'ordre, s'il vous plaît. Notre réunion de cet après-midi a été interrompue par la cloche, et j'espère que nous pourrions entendre ce soir nos témoins en ce qui a trait à la question que nous étudions. Monsieur Hunt.

M. A. D. Hunt (sous ministre adjoint, Nord canadien, ministère des Affaires indiennes et du Nord canadien): Je vous remercie, monsieur le président. Avant de poursuivre mon exposé, j'aimerais obtenir certains renseignements, je me suis préparé dans la mesure où nous avons pu déterminer d'après les dossiers les fonctionnaires qui étaient en cause. Si le Comité est intéressé, je pourrais donner les divers noms des fonctionnaires et leurs postes au fur et à mesure. Sinon, nous pourrions procéder plus rapidement. Je suis à votre disposition.

Le président: À ce sujet, il serait utile pour les membres du Comité que vous exposiez les faits comme vous vous en souvenez et comme vous les avez en main. Plus tard, pendant la période de questions, vous pourrez nous dire s'il y a d'autres faits sur lesquels les membres pourraient obtenir des précisions en posant des questions aux autres témoins.

[Texte]

Mr. Hunt: Thank you, Mr. Chairman. As I was indicating this afternoon, I thought we should start with the administrative actions with respect to Lease 541 that was applied for and issued to Mr. Nielsen for a term of five years from December 1, 1959. And this was a lease . . .

Mr. Woolliams: Could I just interrupt there? I think I have the right to cross-examine, and ask questions?

The Chairman: Mr. Woolliams.

Mr. Woolliams: Was there any agreement or lease prior to 1959 in reference to this property by Mr. Nielsen?

Mr. Hunt: Not to my knowledge, no, sir. Perhaps I should explain that the plot of land in question is situated on the shore of Marsh Lake in the Yukon near Whitehorse. It is roughly 100 feet by 100 feet and is within what is generally referred to as the waterfront reserve. This waterfront reserve was established in accordance with, or pursuant to Section 12 of the Dominion Water Power Act, by Order in Council PC 855, dated February 22, 1949. The effect of this Order in Council was to remove from disposal the 100 foot waterfront around several lakes and waterways in the Yukon as it was felt that if a potential hydro-electric project, at that time known as the Frobisher project, and perhaps now known as the possible Yukon Taku of Taiya project, were to go ahead that the lands within this waterfront reserve might be flooded.

However,—let me check my date here—on January 8, 1959 a policy decision was made that leases could be issued on a short-term such as the one in question, for not more than five years, and several leases have been issued since that date, including Lease 541 to Mr. Nielsen. The next administrative action in this respect was in regard to an application for renewal of the lease which was executed on June 10, 1965 after, of course, application by Mr. Nielsen for renewal, and this was known as Lease 1329, and again it was issued for five years.

The next administrative action was an application received from Mr. Nielsen for a further renewal of the original lease or the renewed lease, in April 1970. At that time it was indicated from the local Whitehorse office to Mr. Nielsen that the renewal would have to be for an initial period of 13 months only from 1 December 1969 to allow again for the possibility of flooding of the Marsh Lake and its tributaries. A lease renewal, which was actually numbered 2017, was drawn up for this purpose and particularly intended to

[Interprétation]

M. Hunt: Je vous remercie, monsieur le président. Comme je l'ai dit cet après-midi, j'ai pensé que nous devrions commencer avec les mesures administratives concernant le bail 541 que M. Nielsen a demandé et obtenu pour une période de 5 ans à partir du 1er décembre 1959. Ce bail . . .

M. Woolliams: Puis-je vous interrompre? Je pense avoir le droit de poser des questions.

Le président: Monsieur Woolliams.

M. Woolliams: M. Nielsen avait-il conclu une entente ou obtenu un bail avant 1959 en ce qui a trait à cette propriété?

M. Hunt: Pas que je sache, monsieur. Je devrais peut-être expliquer que le lopin de terre en question se trouve sur la rive du lac Marsh au Yukon près de Whitehorse. Le terrain mesure à peu près 100 pieds sur 100 pieds, et il se trouve à l'intérieur de la région qu'on connaît sous le nom de *Waterfront Reserve*. Cette réserve a été établie à la suite de l'article 12 de la Loi sur les forces hydrauliques du Canada, au moyen du décret en conseil PC 855, daté du 22 février 1949. Le but de ce décret en conseil était d'interdire la vente des premiers 100 pieds en bordure de l'eau autour de plusieurs lacs et cours d'eau du Yukon puisqu'on était d'avis que si un programme possible d'énergie hydro-électrique qu'on connaissait sous le nom de programme Frobisher et qu'on connaît peut-être maintenant sous le nom de programme Taku ou Taiya était inauguré que les terres dans cette région pourraient être inondées.

Toutefois, le 8 janvier 1959, on a décidé que des baux pourraient être délivrés à court terme. Les baux ne dureraient pas plus que 5 ans, et un grand nombre d'entre eux ont été délivrés depuis cette date, y compris le bail 541 à M. Nielsen. La prochaine mesure administrative qui a été prise à cet égard fut une demande de renouvellement du bail qui a été effectué le 10 juin 1965 à la suite d'une demande de renouvellement par M. Nielsen. Le bail qui portait le numéro 1329 a de nouveau été délivré pour une période de 5 ans.

En avril 1970, M. Nielsen a fait une demande de renouvellement du bail renouvelé. À l'époque, le bureau local de Whitehorse a annoncé à M. Nielsen que le renouvellement ne serait en vigueur que pour une période initiale de 13 mois à partir du 1er décembre 1969 afin qu'il soit possible d'inonder le lac Marsh et ses cours d'eau tributaires. Un nouveau bail, portant le numéro 2017 a été rédigé à cette fin avec l'intention particulière d'y inclure l'indemnisation pour la Couronne de toute responsabilité à la suite d'inondation

[Text]

include in it, indemnification for the Crown against any liability for compensation for damages from such possible flooding. The lease was prepared in the Yukon; it was executed by Mr. Nielsen and was then forwarded to our office in Ottawa for processing.

● 2015

At that time the question of the proprietary of granting such a lease to a member of the House of Commons was raised, and on the basis of legal advice received from law officers of the Crown, it was concluded that such a lease should not indeed be issued and that in fact the original lease, 541, and the renewable lease, 1329, were voidable instruments or would have been voidable instruments. This information was transmitted to Mr. Nielsen by our official in the Yukon on May 6, 1960.

I think, I might, Mr. Chairman, elaborate to some extent on those facts, as it is quite clear from that record that the Department did, indeed, issue Mr. Nielsen with the original lease; did, indeed, renew it once and was, in fact, about to renew it a second time when on the basis of legal advice received it was determined it would not be appropriate to do so. What happened was that somewhat earlier we had received an application to purchase a lot, not on Marsh Lake, but on Quiet Lake in the Yukon territory from Mr. Nielsen and under a normal, what would be called, agreement for sale. An agreement was drawn up in favour of Mr. Nielsen by the officials in Whitehorse and again he executed it on October 30, 1969. Under the terms of the agreement the lands were to be used for residential and/or commercial purposes. This draw-up agreement was forwarded again to Ottawa requesting clarification of Mr. Nielsen's eligibility to acquire Crown lands. In view of a clause that is set out in the Standard Agreement for Sale, and I refer to clause 10—Mr. Chairman, I think we have with us a blank copy of standard agreements for sale and we could table that.

The Chairman: Would you have sufficient copies to make available to the members?

Mr. Hunt: I am sorry, I only have three copies.

Mr. Lefebvre: Is the photostat running now? We could send a messenger up.

The Chairman: What is the precise paragraph?

Mr. Hunt: It was paragraph 10. I hope I quote correctly:

[Interpretation]

possible. Le bail a été rédigé au Yukon, exécuté par M. Nielsen et expédié à notre Bureau d'Ottawa pour qu'on l'étudie.

À l'époque, on s'est demandé s'il convenait d'accorder un bail de ce genre à un député de la Chambre des communes. À la suite de conseils dispensés par des avocats de la Couronne, on a conclu qu'un bail de ce genre ne devrait pas être délivré et que, de fait, le bail original numéro 541 et le bail renouvelable 1329 étaient des instruments annulables ou qui l'auraient été. Ces renseignements ont été transmis à M. Nielsen par notre représentant au Yukon le 6 mai 1960.

Je crois, monsieur le président, que je pourrais ajouter d'autres faits puisqu'il est assez évident que le ministère a délivré à M. Nielsen le bail original, qui l'a renouvelé une fois et qu'il s'apprêtait à le renouveler une deuxième fois lorsqu'à la suite de conseils d'avocats-conseils on a déterminé qu'il ne conviendrait pas de le renouveler. Voici ce qui s'est produit. Un peu plus tôt, nous avons reçu de M. Nielsen une demande d'achat pour un lot, non pas près du Lac Marsh, mais à proximité du lac Quiet au Yukon. La demande a été faite aux termes d'un accord de vente ordinaire. Un accord a été rédigé en faveur de M. Nielsen par les fonctionnaires de Whitehorse et de nouveau, il l'a exécuté le 30 octobre 1969. Aux termes de cet accord, les terrains devaient être utilisés à des fins résidentielles et commerciales. L'accord a de nouveau été expédié à Ottawa, et on se demandait si M. Nielsen avait le droit de faire l'acquisition de territoires de la Couronne. Il y a un article dans l'accord de vente ordinaire, en l'occurrence l'article 10... monsieur le président, je pense que nous avons un exemplaire de cet accord de vente et que nous pourrions le déposer.

Le président: Avez-vous un nombre suffisant d'exemplaires pour tous les membres.

M. Hunt: Je regrette, mais je n'ai que trois exemplaires.

M. Lefebvre: Nous pourrions envoyer un messenger faire la photocopie.

Le président: Quel est le paragraphe précis?

M. Hunt: Il s'agit du paragraphe 10. J'espère le citer correctement:

[Texte]

No member of the House of Commons shall be admitted to any share or part of this agreement or to any benefit to arise therefrom.

● 2020

This matter therefore was referred to the legal adviser and we received an opinion from him that Mr. Nielsen was prohibited from entering into or benefiting from this particular contract.

Mr. Peters: What is the name of the legal adviser and in what capacity does he serve?

Mr. Hunt: The legal adviser to the Department is Dr. Fischer, who is here tonight, and he is associated with Mr. Whitman. They are actually members of the Department of Justice but I suppose accredited to the Department of Indian Affairs and Northern Development. They are not actual members of the Department.

Mr. Woolliams: Mr. Peters did ask a question and I think it should be clarified. Probably nothing turns on it. I suppose legal officers of one department are as good as legal officers of another department. Are they officers of the Department of Indian Affairs and Northern Development, or the Department of Justice?

Mr. Hunt: They are officers of the Department of Justice.

I think perhaps the confusion arises in that prior to December 20, 1969 both Dr. Fischer and Mr. Whitman were officers of the Department of Indian Affairs and Northern Development, and since that time, in accordance with an administrative decision by the government, as I understand it, all members of the legal profession acting and giving advice in that capacity are now officers of the Department of Justice.

The Chairman: I believe it would be much more appropriate if we allowed the witness to state the facts as he knows them and then we would have our question period after. I think that would be more proper than starting to question on the particular points raised in Mr. Hunt's statement.

I will ask him to complete his statement and then I will call on you for questions.

Mr. Hunt: Thank you, Mr. Chairman.

Mr. Badanai: Mr. Chairman, I appreciate your decision to wait until the end of Mr. Hunt's presentation before asking questions, but is the objection to

[Interprétation]

Aucun membre de la Chambre des communes ne pourra participer à cette entente ou en retirer les avantages.

La question a donc été reportée au conseiller juridique et il nous a dit qu'il était interdit à M. Nielsen de passer ce contrat ou d'en retirer des avantages.

M. Peters: Quel est le nom du conseiller juridique et à quel titre exerce-t-il cette fonction?

M. Hunt: Il s'agit du conseiller juridique du Ministère, M. Fischer, qui est ici ce soir et il est associé à M. Whitman. En réalité, il fait partie du ministère de la Justice, mais je suppose qu'ils ont l'autorisation du ministère des Affaires indiennes et du Nord Canadien. Ils ne sont pas députés.

M. Woolliams: M. Peters a posé une question qui devrait être précisée. Elle n'est peut-être pas très importante. Je suppose que les avocats d'un ministère sont aussi compétents que ceux d'un autre ministère. Sont-ils représentants du ministère des Affaires indiennes et du Nord Canadien ou du ministère de la Justice?

M. Hunt: Ils sont représentants du ministère de la Justice.

Je crois qu'il y a peut-être un malentendu parce qu'avant le 20 décembre 1969, M. Fischer et M. Whitman étaient représentants du ministère des Affaires indiennes et du Nord Canadien. Depuis, conformément à une décision administrative du Gouvernement, tous les avocats agissant en cette qualité et dispensant des conseils juridiques sont devenus des représentants du ministère de la Justice.

Le président: Il serait préférable que nous permettions au témoin de nous exposer les faits tels qu'il les connaît. Nous pourrions ensuite poser nos questions.

Je demande à M. Hunt de terminer ses déclarations et vous pourrez ensuite poser vos questions.

M. Hunt: Merci, Monsieur le président.

M. Badanai: Monsieur le président, je comprends que vous ayez décidé d'attendre la fin de la représentation de M. Hunt avant de passer aux questions, mais je

[Text]

the sale of this land to Mr. Nielsen predicated solely on the fact that he is a member of Parliament? That is what I want to establish.

The Chairman: I believe that question is premature until we have heard all the facts.

● 2025

Mr. Hunt: The opinion received from the legal adviser was communicated to our officials in Whitehorse on November 7, 1969, with the instructions that Mr. Nielsen be advised that the Department felt the Agreement for Sale could not be proceeded with. As I understand it, this information was in fact relayed to Mr. Nielsen on November 12. By letter of November 27 he queried the interpretation and asked to have it reconsidered by the law officers of the Crown. As a result, this request was forwarded on December 24, 1969 to the Department of Justice and a further advice by letter was received from the Department of Justice on December 30, 1969. On the basis of this advice received the previous decision was confirmed and Mr. Nielsen was notified accordingly—I believe this time by our officials in Whitehorse by telephone.

Why I mention this particular parcel of land, which I would want to emphasize is not the lease in question as I understand it today, is to indicate the course of events within the administrative machinery that led to questioning whether a member of Parliament would be entitled to enter into a lease with the Department as well as an Agreement for sale. I think I should say that the original lease was processed in the normal way within the Department and that it was subject to the normal review by a departmental official action as one of the members of the then legal division—I am going back to 1959 now. The change in view by the departmental administrative staff is based on a later advice received and confirmed from the Deputy Attorney General. The incident, I would like to say, is therefore completely co-incidental and I would hazard the thought that if this lease had been applied for renewal and this other matter had not come to a head it is possible that what must be admitted of as an error, in our view anyhow, of departmental officials might have gone undetected and the lease might have been renewed once again.

Those are the administrative facts as far as I know them.

The Chairman: Thank you, Mr. Hunt.

Mr. Badanai: I now will repeat my question. Is the objection to the sale of the land to Mr. Nielsen solely because he is a member of Parliament? If it is then I

[Interpretation]

voudrais savoir si l'on s'oppose à cette vente à M. Nielsen uniquement parce qu'il est député?

Le président: Votre question est prématurée. Il vaudrait mieux connaître tous les faits.

M. Hunt: L'opinion du conseiller juridique a été communiquée à nos fonctionnaires de Whitehorse, le 7 novembre 1969. Il leur demandait d'avertir M. Hunt que d'après le Ministère, il était impossible de donner suite à l'accord de vente. Ces renseignements ont été transmis à M. Nielsen le 12 novembre. Dans une des lettres du 27 novembre, il met en question l'interprétation et demande que les avocats de la Couronne l'étudient de nouveau. La demande a été expédiée le 24 décembre 1969 au ministère de la Justice qui a reçu un autre avis, par courrier le 30 décembre 1969. Dans cet avis, la décision antérieure était confirmée et M. Nielsen a été averti cette fois par nos fonctionnaires à Whitehorse qui lui ont téléphoné.

Je voudrais insister sur le fait que la parcelle de terrain en question ne constitue pas le bail dont nous parlons aujourd'hui. Je parle de cette parcelle afin de faire ressortir la suite des événements au sein des rouages administratifs qui ont mené à la mise en question à savoir si un député a le droit de signer un bail avec le ministère de même qu'un accord de vente. Je dois mentionner que le bail original a été exécuté de la façon ordinaire au sein du ministère et qu'il a fait l'objet de la révision habituelle par un fonctionnaire du Ministère agissant à titre de membre de la division juridique qui existait en 1959. La modification prévue par le personnel administratif du Ministère se fonde sur un conseil reçu plus tard et confirmé par le procureur général adjoint. Il s'agit donc d'une pure coïncidence et je serais porté à croire que si l'on avait fait la demande de renouvellement et qu'il n'y avait pas eu de remise en question, il est possible que le fonctionnaire du ministère ne se serait pas aperçu de l'erreur et le bail aurait été renouvelé de nouveau.

Voici les faits administratifs dans la mesure où je les connaît.

Le président: Je vous remercie, monsieur Hunt.

M. Badanai: Je répète maintenant ma question. S'oppose-t-on à la vente du terrain à M. Nielsen uniquement parce qu'il est député? Je ne vois pas pour-

[Texte]

would like to argue the point, because I am not impressed with the statement by Mr. Hunt to the effect that because he is a member of Parliament he cannot qualify to purchase land from the Crown. That is the point on which I wanted to question him.

The Chairman: Mr. Hunt would you answer the question.

Mr. Hunt: If I might, Mr. Chairman, simply elaborate what our action was and then perhaps, if you agree, ask Mr. Whitman to give the reasons behind the advice on which we acted.

We acted on advice by the legal adviser—that the particular provision of the Senate and House of Commons Act would preclude Mr. Nielsen from entering into a form of lease which, as I understand it, was considered to be a form of contract, and therefore in accordance with the advice we declined to renew the lease.

Perhaps Mr. Whitman might elaborate on the legal basis in augmentation.

● 2030

Mr. Woolliams: I have one little point of order following what Mr. Badanai has said. Have you a written opinion from Dr. Fischer or any other law officer of the Crown, whether he is in your Department or the Department of Legal Affairs, in reference to the question he has posed, giving the answer to his question.

Mr. Hunt: We have a written legal opinion from the Deputy Attorney General in respect to the application to purchase the land on Quiet Lake. Following from that, if I recall the situation correctly, the advice with respect to the renewal of the original lease 541 was essentially oral.

The Chairman: In accordance with the earlier written opinion given regarding the application for purchase, Mr. Whitman, would you . . .

Mr. D. L. Whitman (Counsel, Department of Justice): The original opinion expressed, with respect to the purchase under an agreement for sale of a piece of land, was confirmed by the Deputy Attorney General. With respect to the lease, the matter was not referred back to the Department of Justice, and while it was referred to as the renewal of lease, it did not come to us as a problem involving a renewal.

We expressed the opinion with respect to the lease, based on precedents in the Department of Justice file.

[Interprétation]

quoi monsieur Hunt ne peut acheter un terrain à la Couronne parce qu'il est député.

Le président: Monsieur Hunt, auriez-vous l'obligeance de répondre à la question.

M. Hunt: Je vous donnerai quelques détails, puis je demanderai à M. Whitman de donner les raisons qui ont inspiré les conseils à la suite desquels nous avons pris des mesures.

Le conseiller juridique nous a dit que l'article de la Loi sur le Sénat et la Chambre des communes empêche M. Nielsen de signer un bail qu'on considère un contrat et conformément à ce conseil, nous avons refusé de renouveler le bail.

M. Whitman pourrait peut-être donner des détails sur les aspects juridiques de la question.

M. Woolliams: J'invoque le Règlement à la suite de ce que M. Badanai vient de dire. Avez-vous une opinion écrite de M. Fischer ou de tout autre avocat de la Couronne, qu'il soit de votre Ministère ou du ministère de la Justice en ce qui a trait à la question posée, qui donnerait une réponse à sa question.

M. Hunt: Nous avons une opinion juridique écrite du procureur général adjoint concernant la demande d'achat du terrain situé près du lac Quiet. Les autres conseils donnés par la suite au sujet du renouvellement du bail original de 541 ont été donnés verbalement.

Le président: D'après l'opinion écrite antérieure donnée au sujet de la demande d'achat, monsieur Whitman, diriez-vous . . .

M. D. L. Whitman: (Conseiller, ministère de la Justice): L'opinion originale exprimée au sujet de l'achat aux termes d'un acte de vente d'une parcelle de terrain a été confirmée par le procureur général adjoint. En ce qui a trait au bail, la question n'a pas été reportée au ministère de la Justice et même si on y a fait allusion comme étant le renouvellement du bail, on ne nous l'a pas soumis comme un problème comportant un renouvellement.

Nous avons exprimé notre opinion au sujet du bail en nous fondant sur les précédents se trouvant dans les dossiers du ministère de la Justice.

[Text]

Mr. Woolliams: Yes. I was wondering—you say this is an oral opinion that was given. Have you anything in writing as to what the opinions were and what your judgment was based on in reference to those opinions, given by either yourself or other law officers of the Crown, whether it is one department or the other?

What are those legal precedents? Can we have them filed and tabled here so that we can see them?

Mr. Whitman: We have the permission of Mr. Maxwell to file his letter of December 30.

Mr. Woolliams: Mr. Chairman, with the greatest respect, I am not concerned with permission. Dr. Fischer, as I understood it, said there were certain precedents. Can we have the cases, the names, and the various opinions in that regard?

The Chairman: I believe, on this very point that Mr. Whitman has already stated that he had permission from Mr. Maxwell, I believe, to table the copy of the written legal opinion that was given at the time of the application for the purchase of land. Am I correct?

Mr. Whitman: Yes. I would like to clarify it.

Mr. Lefebvre: Could we read it out?

Mr. Whitman: It was a question of purchasing land under an agreement for sale. It was not a case of purchasing land for cash at a tendered price.

We would not raise an objection to a member of the House of Commons with respect to land which was advertised for sale and could be sold on a cash transaction. This land was not surveyed and could not be sold on that basis.

Mr. Woolliams: What is the difference?

Mr. Whitman: Well, one is an agreement involving performances of various covenants by both parties.

Mr. Woolliams: What is the other?

Mr. Whitman: The other is just a straight sale, rather than a continuing agreement.

Mr. Peters: Could I ask a supplementary question?

The Chairman: Yes, Mr. Peters.

Mr. Peters: You say that this was not a piece of land that could be sold by tender or by public sale. What

[Interpretation]

M. Woolliams: Oui. Je me demandais—vous dites qu'une opinion verbale a été donnée. Avez-vous un document écrit concernant ces opinions et le jugement se fondant sur ces opinions, qui auraient été données soit par vous-même ou par d'autres avocats de la Couronne, soit de votre Ministère ou d'un autre ministère?

Quels sont ces précédents juridiques? Pourraient-ils être déposés afin que nous puissions les consulter?

M. Whitman: M. Maxwell nous donne la permission de déposer sa lettre du 30 décembre.

M. Woolliams: Monsieur le président, en toute déférence, je ne m'inquiète pas de cette permission. Monsieur Fischer, si j'ai bien compris, a dit qu'il y avait des précédents. Pourrions-nous connaître les cas, les noms, et les diverses opinions à ce sujet?

Le président: M. Whitman a déjà dit qu'il avait reçu de M. Maxwell la permission de déposer la copie de l'opinion juridique écrite qui a été donnée au moment de la demande d'achat du terrain. Ai-je raison?

M. Whitman: Oui. J'aimerais donner des précisions.

M. Lefebvre: Pouvons-nous lire la lettre?

M. Whitman: Il s'agissait d'un achat de terrain aux termes d'un acte de vente. Il ne s'agissait pas d'un achat de terrain pour de l'argent comptant par voie d'adjudication.

Nous ne soulèverions pas d'objections si un député voulait acheter une parcelle de terrain dont la vente a été annoncée et qui pourrait être vendue comptant. Le terrain en question n'avait pas été arpenté et ne pouvait être vendu de cette façon.

M. Woolliams: Quelle différence y a-t-il?

M. Whitman: Il s'agit d'une part d'une entente comportant diverses conventions pour les deux parties.

M. Woolliams: En quoi consiste l'autre?

M. Whitman: L'autre est simplement une vente, plutôt qu'une entente continue.

M. Peters: Puis-je poser une question supplémentaire?

Le président: Oui, monsieur Peters.

M. Peters: Vous dites qu'il ne s'agissait pas d'une parcelle de terrain pouvant être vendue au moyen de

[Texte]

kind of an arrangement was it that was being asked to be entered into?

Mr. Whitman: You do not yet have a copy of the agreement for sale?

Mr. Peters: No.

Mr. Whitman: It is a five-year agreement involving an undertaking to expend certain moneys on the land, to carry out surveys, and various other covenants.

Mr. Peters: But this is available to anybody who may apply for it. I presume we are speaking of the sale and not of the renewal of lease now.

● 2035

Mr. Whitman: That is correct.

Mr. Peters: If this meets these conditions, I presume that area was opened up for disposal.

Mr. Whitman: That is not a matter within my knowledge. I assume it was, or an offer to purchase would not have been entertained.

Mr. Lefebvre: Could I ask one question?

The Chairman: Yes, Mr. Lefebvre.

Mr. Lefebvre: To clear up a point, sir, you said that if this land had been publicized for sale, this would be different. A member of Parliament could, like anyone else, apply for a purchase of such land. Is that correct? If it had been advertised publicly. This is what I understood.

Mr. Whitman: If it had been surveyed and advertised, and if the person could come in and put down his money, give his name, and accept the notification, then I believe there would be no question about the identity of the purchaser.

Mr. Lefebvre: I have one more question, before I get mixed up again. What is the difference between this type of purchase and the one that the member of the Yukon attempted to make? Is it a piece of land that nobody else knew about? Somebody else must have seen that land. I do not get the connection here.

The Chairman: I do not mind, Mr. Lefebvre, that we go along this line of questioning. But I think we will be lost somewhere if we do not come back to the precise facts that were referred to us by the terms of reference of the House.

[Interprétation]

soumissions ou d'une vente publique. Quel genre d'arrangement fallait-il faire?

M. Whitman: Vous n'avez pas encore une copie de l'acte de vente?

M. Peters: Non.

M. Whitman: Il s'agit d'une entente de 5 ans comportant les dépenses de certaines sommes, des travaux d'arpentage et diverses autres conventions.

M. Peters: N'importe qui peut faire une demande à cette fin. Je présume que nous parlons de la vente et non du renouvellement du bail.

M. Whitman: C'est exact.

M. Peters: Si l'on répond à ces exigences, je présume que le terrain peut être vendu.

M. Whitman: Je ne suis pas au courant. Je présume que oui, car on n'aurait pas fait d'offres d'achat.

M. Lefebvre: Puis-je poser une question?

Le président: Oui, monsieur Lefebvre.

M. Lefebvre: Vous dites que si l'on avait annoncé la vente de cette parcelle de terrain que la situation aurait été différente. Un député pourrait lui aussi faire une demande d'achat. Est-ce exact? C'est ce que j'ai compris.

M. Whitman: Si le terrain avait été arpenté, qu'on avait annoncé la vente, que la personne donne l'argent, donne son nom et accepte l'avis, je crois qu'il n'y aurait pas de problème au sujet de l'identité de l'acheteur.

M. Lefebvre: J'ai une autre question. Quelle est la différence entre ce genre d'achat et celui que le député du Yukon voulait faire? S'agit-il d'une parcelle de terrain que personne d'autre ne connaissait? D'autres personnes connaissaient certainement l'existence de cette parcelle de terrain. Je ne comprends pas.

Le président: Monsieur Lefebvre, je n'ai pas d'objection à ce que nous poursuivions les questions. Je crois, toutefois, que nous nous embrouillerons si nous ne revenons pas aux faits précis qui nous ont été déférés dans l'ordre de renvoi de la Chambre.

[Text]

With regard to the questions of the legality of it, I believe we could discuss it further, but I believe we should straighten the facts very accurately so that in the minds of the people there could be much more possibility to give an opinion as to the validity of the point raised by Mr. Nielsen in the House in his question of privilege.

I believe that is why Mr. Hunt had stated the fact that he had the legal opinion on December 30, 1969, regarding the question of purchase of land. It is because in the contracts to sell something, it is marked at paragraph 10. These copies will be distributed to you. It says, forbidden to sell anything to a member of Parliament.

Then later on, the question of the renewal of the lease has been put to the Department. Am I correct, Mr. Hunt, in giving this resumé of the facts?

Mr. Lefebvre: Mr. Chairman, on a point or order . . .

Mr. Peters: Mr. Chairman, on a point of order. This question has been raised by Mr. Lefebvre, and it is a legitimate question. This was not introduced by us. This was introduced by the witness. He made a big to-do about another proposition that was not before us, and that at least seems to hinge on the second instance, not the first one.

The question Mr. Lefebvre asked is a legitimate question, and I think that the follow-up question should be clarified and we should know what the decision was, because this decision is a written decision and the other one is not.

Mr. Lefebvre: Yes.

Mr. Peters: We did not introduce it, and I suggest, Mr. Chairman, that we are probably getting into the reason why this was done.

The Chairman: I do not see any objection to the members going along with this kind of questioning if they wish to do so, but we will ask . . .

Mr. Lefebvre: I appreciate your remarks, Mr. Chairman. You are a lawyer and there are many other lawyers here, but I am not, and the majority of Canadians are not, and we are here to find out, and I am mixed up.

I am sorry, but I am mixed up. I would like to get an answer to the question, and that will be the only question I will ask until we get to the general questions.

[Interpretation]

En ce qui a trait aux questions de la légalité, je crois que nous pourrions poursuivre la discussion, mais il faudrait obtenir plus de précisions afin que les gens puissent donner une opinion au sujet de la validité de la question soulevée par M. Nielsen à la Chambre dans sa question de privilège.

Je crois que c'est pour cette raison que M. Hunt a dit qu'il avait l'opinion juridique le 30 décembre 1969 au sujet de la question de l'achat du terrain. Cette question figure au paragraphe 10 dans les contrats de vente. Les copies vous seront distribuées. Il est interdit de vendre quoi que ce soit à un député.

Par la suite, la question du renouvellement du bail a été posée au Ministère, n'est-ce pas monsieur Hunt?

M. Lefebvre: Monsieur le président, j'invoque le Règlement . . .

M. Peters: Monsieur le président, j'invoque le Règlement. Cette question a été soulevée par M. Lefebvre, et elle est légitime. Elle n'a pas été présentée par nous, mais par le témoin. Il a parlé d'une autre solution qui n'est pas à l'étude.

La question de M. Lefebvre est légitime et il faudrait donner des précisions sur la question suivante. Nous devrions connaître la décision parce que cette décision est écrite et que l'autre ne l'est pas.

M. Lefebvre: Oui.

M. Peters: Nous ne l'avons pas présentée et je dirais, monsieur le président, que nous finirons par savoir pourquoi on a procédé ainsi.

Le président: Je n'ai pas d'objection à ce que les membres suivent ce genre de questions s'ils le veulent, mais nous demanderons . . .

M. Lefebvre: Je comprends vos observations monsieur le président. Vous êtes avocat et il y a beaucoup d'autres avocats ici. Je ne suis pas avocat, la plupart des Canadiens ne le sont pas et nous sommes ici pour avoir des renseignements.

Je regrette, mais je ne comprends pas. J'aimerais obtenir une réponse à la question et ce sera la seule question que je poserai jusqu'à ce que nous parvenions aux questions générales.

[Texte]

Mr. Hunt: Mr. Chairman, the piece of land on Quiet Lake that was applied for was not advertised by public tender or as part of a subdivision, as far as I know.

● 2040

The Department manages all the lands in the Yukon and Northwest Territories, outside communities and municipalities, which, I think I have indicated—no, I am sorry, that was in another committee. All Crown lands within municipalities and communities are either at the moment subject to the administration and control of the respective commissioners of the two Territories, or they are being transferred to their administration and control. But for the hinterland, if I might call it that, the Department still manages these lands on behalf of the government, and disposes of them on application. It is not general at all within this hinterland area to offer lands for tender. There are hundreds of thousands of square miles of land available.

So that I think in the Quiet Lake inquiry—why was this not offered for tender? The answer to that is, it is not normal practice. These are vacant lands and are available to anyone on application. They may apply to purchase them. They may apply to lease them. And if they apply to purchase them they may, if they are surveyed, go right ahead and purchase, because, of course, the land then can be registered. If they are not surveyed, which was the case in this instance, it is not possible to issue title until they have been surveyed. So the usual procedure is to enter into an Agreement for Sale.

I am not a lawyer, but if I might attempt to help the Committee on this point, my understanding of the situation is that if a member of Parliament were to come to us on a surveyed piece of land and asked to buy it and had the full cash price available, there would be presumably no objection under the . . .

Mr. Lefebvre: A surveyed piece of land, but we are not speaking of a surveyed piece of land.

Mr. Hunt: We are not speaking of a surveyed piece of land. But in the case of an unsurveyed piece of land where title cannot be issued immediately, therefore where an agreement for sale has to be entered into . . .

Mr. Lefebvre: This you do with ordinary persons who are not members of Parliament?

Mr. Hunt: Yes.

Mr. Lefebvre: All right.

[Interprétation]

M. Hunt: Monsieur le président, la parcelle de terrain située près du lac Quiet que M. Nielsen voulait acheter n'a pas été annoncée au moyen d'une soumission publique ou comme partie d'une subdivision, en autant que je sache.

Le Ministère administre toutes les terres du Yukon et des Territoires du Nord-Ouest, à l'extérieur des localités et municipalités dont j'ai parlées—non, je m'excuse, c'était à une autre réunion de Comité. Toutes les terres de la Couronne au sein des municipalités et localités relèvent en ce moment soit des commissaires des deux Territoires ou elles sont transférées à leur administration. Toutefois l'arrière-pays est toujours administré par le Ministère au nom du Gouvernement qui vend ces terres lorsqu'on en fait la demande. Dans ces régions, il est peu habituel de vendre ces terres au moyen d'appels d'offres. Des milliers de milles de terrains sont disponibles.

Pourquoi n'a-t-on pas fait d'appels d'offres dans le cas du lac Quiet? La réponse est que l'usage habituel ne le veut pas. Il s'agit de terrains vacants auxquels tous ont accès sur demande. N'importe qui peut faire une demande d'achat ou de location à bail. Si les Territoires ont été arpentés, n'importe qui peut les acheter puisque, naturellement, le terrain peut donc être enregistré. Si les terrains ne sont pas arpentés, ce qui est la cas ici, il n'est pas possible à ce moment-là d'émettre les titres jusqu'à l'arpentage. Donc, l'usage courant, c'est de conclure un accord d'achat.

Je ne suis pas avocat, mais je pourrais peut-être aide le comité à ce sujet. Si un député devait venir nous voir au sujet d'un terrain arpenté et nous demandait de l'acheter et s'il avait évidemment l'argent comptant pour l'acheter, je pense qu'il n'y aurait pas d'objection.

M. Lefebvre: Un terrain arpenté, mais il ne s'agit pas d'un terrain arpenté.

M. Hunt: Non, on ne parle pas d'un terrain arpenté, mais d'un terrain qui n'est pas arpenté où les titres ne peuvent pas être émis immédiatement, donc il faut signer une entente de vente . . .

M. Lefebvre: Vous prenez cette mesure avec des gens ordinaires qui ne sont pas députés?

M. Hunt: Oui.

M. Lefebvre: Très bien.

[Text]

Mr. Benjamin: Mr. Chairman, on a point of order. Do you have a list of members of the Committee who wish to ask questions or is everybody going to butt in and take turns?

The Chairman: Precisely, I have your name on the top, but they are asking supplementaries and I do not know how to deal with this. I will allow one supplementary and we will get back to you.

M. Portelance: Je voudrais tout simplement demander à M. Hunt si une autre personne que le député en question aurait demandé d'avoir un terrain semblable au sien? Un contrat semblable a-t-il été signé avec un individu, à part un député?

Mr. Hunt: Yes, there have been many instances where citizens have asked to purchase land in unsurveyed areas and have entered into Agreements for Sale with the Crown.

Mr. Portelance: Were these arrangements made because they were not members of Parliament? Was that the only reason?

Mr. Hunt: No, no, sir, the Agreement for Sale is made either because the land has not been surveyed and title cannot be transferred immediately and, therefore, we are not in a position to effect the sale right away or because the purchaser did not have or did not wish to pay the full purchase price at the time.

The Chairman: Mr. Benjamin.

Mr. Benjamin: Mr. Chairman, I have a feeling that we are off on a rabbit track into the bush right now that does not lead anywhere. As I understand the discussion in the last number of minutes it has been on another parcel of land that was up for sale. Am I correct that what is in question before this Committee is lease number 541, a matter of renewal of lease and whether or not a member of Parliament can have that renewal. Am I correct in that assumption?

The Chairman: You come precisely to the very point, but, Mr. Hunt, our present witness, has seen fit to establish the reasons why the question of the legality of the lease has been put and this was because the question of the purchase of the land had arisen earlier. The question was raised of whether there was a written opinion. This is my interpretation of the testimony.

Mr. Benjamin: Mr. Chairman, maybe I am dense on this and as long as you will not deduct it from my

[Interpretation]

M. Benjamin: Un rappel au Règlement. Est-ce que vous avez une liste de membres du Comité qui veulent poser des questions ou est-ce que chacun dira son mot à son tour?

Le président: J'ai justement votre nom ici en haut de la liste, mais on peut poser des questions complémentaires et je ne sais pas très bien comment procéder. Je vais permettre qu'on pose une question complémentaire, ensuite nous reviendrons à votre sujet.

Mr. Portelance: Now, Mr. Hunt, is it possible that another person, aside from the member of the House would have asked for a piece of land similar to his? Did it happen that another citizen signed such an Agreement for sale?

M. Hunt: Oui, il y a eu bien des cas où des citoyens ont demandé d'acheter des terrains dans des régions qui n'étaient pas arpentées et il y a eu une entente de vente avec la Couronne.

M. Portelance: Ces ententes ont-elles été faites parce qu'ils n'étaient pas députés? Est-ce là la seule raison?

M. Hunt: Non, l'entente de vente est conclue soit parce que le terrain n'a pas été arpenté et qu'il ne pouvait pas y avoir de transfert immédiat de titre et alors, nous n'étions pas en mesure de faire la vente tout de suite, ou parce que l'acheteur ne voulait pas payer le prix d'achat entier à ce moment-là, on n'avait pas à le faire.

Le président: Monsieur Benjamin.

M. Benjamin: Monsieur le président, je pense que nous n'allons nulle part et que nous allons nous perdre. Si je comprends bien, depuis ces dernières minutes, on a parlé d'une autre parcelle de terrain qui était à vendre. Le point contesté ici est le bail n° 541, une question de renouvellement de bail. Il s'agit de savoir si un député peut avoir ce renouvellement. Est-ce que c'est bien ça?

Le président: Justement, monsieur, vous en venez au point là, mais M. Hunt, notre témoin, a jugé bon d'établir les raisons pour lesquelles la question de la légalité du bail avait été posée, justement parce que la question de l'achat du terrain avait été soulevée plus tôt. On a demandé s'il y avait une opinion écrite là-dessus. Voilà mon interprétation du témoignage.

M. Benjamin: Monsieur Hunt peut-il nous dire quel rapport il existe entre la question de vente d'une

[Texte]

time, would Mr. Hunt tell us what the connection is between a matter of a sale on one parcel and the matter of renewal of a lease that has already been renewed several times to a member of Parliament. What is the connection?

● 2045

Mr. Hunt: Mr. Chairman, I apologize if I have confused the Committee on this point. My intention was to indicate the administrative process as clearly and in as much detail as I could, that we went through which led to a review of Mr. Nielsen's application for renewal of the lease in question and why, having first issued it and then renewed it without questioning the appropriateness of the action, it was then questioned by the administration. My purpose was to indicate that coincidentally there had been this application for another piece of land which had drawn to the attention of the administrators the fact that a member of Parliament, according to the legal advice, should not be able to participate in an Agreement for Sale. So, the administrators when the application for lease renewal came up raised the same question. My intention was simply to show that from our point of view, it is clear that if the legal advice is correct which, of course, we accept it as being, then the lease presumably should not been issued in the first place.

Mr. Benjamin: What you are saying, then, is that the matter of the sale on one parcel and the renewal on another parcel, the question of legality as it pertained to a member of Parliament is the same?

Mr. Hunt: That is the advice we received from the law officers of the Crown, yes.

Mr. Benjamin: Mr. Chairman, I will leave those sort of legal things to some of our colleagues in the Committee who are much more able to do some questioning on them.

I will turn to another line of questions on Leases 541. Am I correct in saying that it is a matter of renewal of the lease only? There is no question of the matter of a sale involved.

Mr. Hunt: No, sir.

Mr. Benjamin: How many renewals since the original leasing to Mr. Nielsen in 1952 have been made?

Mr. Hunt: The original lease was issued in 1959; it was renewed once in 1964 and this particular situation now concerns the second renewal.

[Interprétation]

parcelle, d'une part, et d'autre part, le renouvellement d'un bail qui a déjà été renouvelé plusieurs fois pour un député. Donc quel rapport y a-t-il entre les deux?

M. Hunt: Monsieur le président, je m'excuse si je n'ai pas très bien expliqué la chose ici. Je voulais expliquer ici les procédures administratives aussi clairement et d'une façon aussi détaillée que possible. Nous avons révisé la demande de M. Nielsen, de renouveler le bail en question. Et pourquoi après avoir émis ce bail et l'avoir renouvelé sans mettre en cause le caractère approprié de cette mesure l'administration l'a mis en doute. Je voulais vous dire que, par coïncidence, on a présenté cette demande d'une autre parcelle de terrain qui avait été signalée à l'administration et on a dit justement que d'après avis juridique, un député ne devrait pas pouvoir participer à une entente de vente. Donc, quand le renouvellement du bail est venu, les administrateurs ont posé la même question. Je voulais tout simplement vous dire qu'à notre point de vue, en tout cas du point de vue administratif, il est clair que si les conseils de l'avocat sont exacts, le bail n'aurait pas dû être émis en premier lieu.

M. Benjamin: Vous dites donc qu'en ce qui concerne la vente d'une parcelle et le renouvellement d'une autre parcelle la question de la légalité en ce qui a trait à un député est la même.

M. Hunt: En tout cas, ce sont les conseils que nous avons eus des légistes de la Couronne.

M. Benjamin: Je vais laisser à certains de nos collègues du comité le soin de poser des questions à ce sujet.

Je vais poser un autre genre de questions concernant le bail 541. Puis-je dire qu'il s'agit uniquement de renouvellement du bail? Il ne s'agit pas de vente ici?

M. Hunt: Non, monsieur.

M. Benjamin: Combien de renouvellements y a-t-il eus depuis le premier bail accordé à M. Nielsen en 1952?

M. Hunt: Le bail original a été émis en 1959, renouvelé une fois en 1964 et la situation actuelle concerne le deuxième renouvellement du bail.

[Text]

Mr. Benjamin: His original lease was in 1959.

Mr. Hunt: Yes, sir.

Mr. Benjamin: And a renewal in 1964.

Mr. Hunt: Yes, sir.

Mr. Benjamin: He has been a member of Parliament since 1957. Are there any other applicants, other applications or inquiries with your Department or to your knowledge with the Territorial Commission for that same lease?

Mr. Hunt: No, to our collective knowledge here, there are not.

Mr. Benjamin: Then, just to follow up what Mr. Badanai asked or to confirm, it is a case of simply purely and simply nothing more than the fact that Mr. Nielsen is a member of Parliament.

Mr. Hunt: We have been advised this would not allow us to renew the lease, yes.

Mr. Benjamin: Is there anything in your record or files of any kind, shape or colour in 1959 or 1964, calling into question this renewal or this lease because Mr. Nielsen is a member of Parliament?

Mr. Hunt: So far as I am aware and so far as we jointly have been able to check the files there is nothing that called this matter into question at those times.

Mr. Benjamin: Was Mr. Nielsen an occupant of that land prior to 1959?

Mr. Hunt: I have no knowledge of that, but excuse me just a minute. I am sorry, I should not have answered quite like that. The lease application did indicate that Mr. Nielsen had a cottage already on the property, so presumably there was indication that he had been occupying the property.

Mr. Benjamin: Who was the lessor prior to 1959?

Mr. Hunt: So far as I know, there was none.

Mr. Benjamin: It was a straight occupation, squatter or whatever prior to that time.

Have there been any submissions written or verbal by anyone in your Department, from the Territorial Commission or outside of your Department or the

[Interpretation]

M. Benjamin: Donc, son premier bail a été accordé en 1959.

M. Hunt: Oui, monsieur.

M. Benjamin: Le renouvellement a été fait en 1964?

M. Hunt: Oui, monsieur.

M. Benjamin: Il est député depuis 1957, alors est-ce qu'il y a d'autres demandes ou d'autres personnes qui ont présenté une demande à votre ministère ou, à votre connaissance, à la Commission des territoires, concernant le même bail?

M. Hunt: Non, d'après l'ensemble des témoins ici, il n'y en a pas.

M. Benjamin: Pour enchaîner sur ce que M. Badanai a dit, ou pour le confirmer, c'est rien de plus que M. Nielsen est député fédéral.

M. Hunt: On nous a dit que ce fait nous empêcherait de renouveler le bail.

M. Benjamin: Dans vos dossiers, est-ce qu'il y a, en 1959 ou en 1964, quelque chose qui mettait en doute ce bail ou le renouvellement de ce bail, parce que M. Nielsen est député fédéral?

M. Hunt: Dans la mesure où je suis au courant et où nous avons pu vérifier les dossiers, nous n'avons rien trouvé dans les dossiers qui pourrait nous laisser croire qu'on avait soulevé une question à ce moment-là.

M. Benjamin: Est-ce que M. Nielsen occupait ce terrain avant 1959?

M. Hunt: Je ne le sais pas.

Pardon, la demande de bail mentionnait que M. Nielsen possédait déjà un chalet qui était déjà sur la propriété. Donc tout indique qu'il occupait le terrain.

M. Benjamin: Qui était le locataire avant 1959?

M. Hunt: Pour autant que je le sache, il n'y en avait pas.

M. Benjamin: Avant 1959, il s'agissait simplement de première occupation sans titre.

Des instances écrites ou verbales ont-elles été présentées à votre ministère, ou à l'extérieur de votre ministère, ou à la Commission des territoires pour

[Texte]

Commission in opposition to this renewal or drawing to the attention of the Department or the Territorial Commission about Mr. Nielsen's being a member of Parliament?

● 2050

Mr. Hunt: So far as I am aware, sir, there have been no communications with respect to this matter from any private citizen, from any official of government or any member of government.

Mr. Benjamin: That is all for now, Mr. Chairman.

The Chairman: Thank you, Mr. Benjamin. Mr. Woolliams.

Mr. Woolliams: Yes, I think the facts will show that in 1952 Mr. Nielsen was actually in occupation of the land in question. Is that not correct?

Mr. Hunt: I have been informed but I cannot . . .

Mr. Woolliams: You are giving evidence both as to what you were informed and what you know. Most of the information you have given tonight has been from information you have gathered from files.

Mr. Hunt: That is right.

Mr. Woolliams: Now I have asked you a simple question. Has he been in occupation of the land since 1952?

Mr. Hunt: The files, so far as I understand, do not indicate this. He could well have been.

Mr. Woolliams: When was the cottage built?

Mr. Hunt: Again, I do not know.

Mr. Woolliams: Is there anything in the lease that was signed in 1959 to indicate that he had been in occupation of the land and at that time in fact there was a cottage situated on the land in question?

Mr. Hunt: As I understand it, the application indicated that there was a cottage already on the property.

Mr. Woolliams: Have you got a copy of that application?

Mr. Hunt: Yes, we do.

[Interprétation]

s'opposer justement au renouvellement signalant à votre ministère ou à la Commission des territoires que M. Nielsen était député?

M. Hunt: Pour autant que je sache, monsieur, il n'y a pas eu de communication en ce qui concerne cette affaire de la part de qui que ce soit à l'extérieur, que ce soit de simples citoyens ou de fonctionnaires de l'État.

M. Benjamin: C'est tout, monsieur le président.

Le président: Merci, monsieur Benjamin.

M. Woolliams: Je pense que vous constaterez qu'en 1952, M. Nielsen occupait ce terrain. Est-ce exact?

M. Hunt: J'ai appris ce renseignement, mais je ne puis . . .

M. Woolliams: Vous témoignez de ce qu'on vous a dit et de ce que vous savez. Bien sûr, la plupart des renseignements que vous avez donnés ce soir, vous les avez tirés de dossiers.

M. Hunt: C'est juste.

M. Woolliams: Je vous ai demandé une question bien simple: occupe-t-il ce terrain depuis 1952?

M. Hunt: Les dossiers, d'après ce que je puis comprendre, n'indiquent pas ce fait. C'est peut-être vrai.

M. Woolliams: Quand le chalet a-t-il été construit?

M. Hunt: Je ne le sais pas.

M. Woolliams: Y a-t-il quelque chose dans le bail signé en 1959 qui indique qu'à ce moment-là, il occupait déjà le terrain et qu'il y avait en fait un chalet sur ce terrain?

M. Hunt: La demande mentionnait qu'il y avait un chalet, en effet.

M. Woolliams: Avez-vous une copie de cette demande?

M. Hunt: Oui.

[Text]

Mr. Woolliams: Could I ask for that to be tabled and made part of the record?

The Chairman: Is it agreed that the copy of the first application in 1959 be tabled and made part of today's Minutes of Proceedings?

Some Hon. Members: Agreed.

Mr. Woolliams: Can I have a look at that application for a moment?

The Chairman: Mr. Woolliams, while you have a look at it, maybe I could call on some other members to ask questions.

Mr. Woolliams: No, I think I can proceed fairly quickly. I have the application in my hand which is now tabled and you may want to take a look at it too, Mr. Hunt. Has Mr. Nielsen been paying taxes to the Crown since 1952?

Mr. Hunt: I could not answer that, I am sorry.

Mr. Woolliams: Could you go to your advisers and find that out? I would like to see the tax forms and notices and payments and receipts that may show the very thing that I am asking you.

Mr. Hunt: Perhaps if I could ask Mr. Goudie to reply.

The Chairman: Mr. Goudie, would you please sit beside Mr. Whitman.

Mr. Hunt: Mr. Chairman, perhaps I might indicate that we have asked our local Land Office in Whitehorse to forward all their records. I am not quite sure in this instance, whether the taxes and records of taxes would go to the territorial government?

Mr. J. R. Goudie (Head, Territorial Lands Section, Land Management Service, Department of Indian Affairs and Northern Development): Yes, Mr. Chairman, the taxes if they are payable—and we have no record if taxes are payable in this particular subdivision—are payable to the territorial government. Therefore, we have no knowledge of this.

Mr. Woolliams: If you asked for those documents and those records to be forwarded, I think that the answer is "yes" as I understand it. Have they been received as yet?

[Interpretation]

M. Woolliams: Est-ce que l'on pourrait déposer ce document et l'inclure dans le compte rendu d'aujourd'hui?

Le président: Êtes-vous d'accord, messieurs, que la copie de la première demande faite en 1959 soit déposée et fasse partie de notre compte rendu d'aujourd'hui?

Des voix: D'accord.

M. Woolliams: Puis-je voir cette demande s'il vous plaît?

Le président: Monsieur Woolliams, pendant que vous examinez ce document, pourrais-je inviter un autre député à poser des questions?

M. Woolliams: Non, je pense pouvoir procéder assez rapidement. J'ai sous les yeux la demande qui a maintenant été déposée, et vous voudrez peut-être la voir, monsieur Hunt. M. Nielson paie-t-il des impôts à la Couronne depuis 1952?

M. Hunt: Je ne puis pas répondre. Je m'excuse.

M. Woolliams: Pourriez-vous consulter vos conseillers à ce sujet? Je voudrais voir les avis et les formules d'impôt, les paiements et les reçus d'impôts, qui contiennent peut-être les renseignements que je vous demande.

M. Hunt: J'aimerais inviter M. Goodie à répondre.

Le président: Monsieur Goodie, je vous invite à vous asseoir à côté de M. Whitman.

M. Hunt: Monsieur le président, je pourrais peut-être dire ici que nous avons demandé à notre bureau local de cadastre à Whitehorse de nous faire parvenir tous leurs dossiers. Je ne suis pas tout à fait certain si les impôts et les registres d'impôts seraient envoyés au gouvernement territorial.

M. J. R. Goodie (Head, Territorial Lands Section, Land Management Service, Ministère des Affaires indiennes et du Nord canadien): Oui, monsieur le président, si les taxes sont payables—mais nous n'avons pas de document à ce sujet—ils sont payables au gouvernement des territoires. Donc, nous n'avons pas de renseignements à ce sujet.

M. Woolliams: Si vous avez demandé que les dossiers et documents vous soient envoyés, je crois que la réponse serait affirmative, comme je le comprends. Les avez-vous reçus?

[Texte]

Mr. Hunt: I am sorry, Mr. Chairman. I was indicating we have asked for all the records within our Land Office in Whitehorse to be forwarded.

● 2055

Mr. Woolliams: Would the tax records be a part of those records, do you know?

Mr. Goudie: No sir, they would not.

Mr. Woolliams: Where would we find those records and who has them in their possession at the present time?

Mr. Goudie: If there are records available, they would be with the territorial government.

Mr. Woolliams: I am going to suggest to you that Mr. Nielsen has in fact paid the taxes to the Crown since 1952 in reference to this land which was seven years prior to any lease being entered into. Would you say that those facts would be accurate, Mr. Hunt, or do you know?

Mr. Hunt: I do not know, sir.

Mr. Woolliams: Could we have those facts then ascertained at the next meeting? Could you find out?

Mr. Hunt: We would be happy to ask our Land Officers in Whitehorse to make whatever searches they can, both in our own records and in the territorial government's records.

Mr. Woolliams: And as Mr. Peters pointed out so well, basically you arrived at a legal opinion in reference to the application for the renewal after being renewed twice since 1959, 1964 and 1970 was because an application was made in reference to the purchasing of other lands. The legal opinion based on the purchasing of other lands was passed on by the legal officers to yourself. Was a result of perusing that, you, a civil servant, came to the conclusion it was not legal for a member of Parliament—the courts are not making it—for Mr. Nielsen in particular, to get another renewal of his lease in question. Have you a written opinion in that regard?

Mr. Hunt: No, sir.

Mr. Woolliams: Could we now have a full legal opinion, with precedents, mentioned tonight as to what they were based on, what precedents exist and everything in reference to the matter in question?

[Interprétation]

M. Hunt: Je m'excuse, monsieur le président. Je disais que nous avons demandé tous les dossiers qui sont à notre bureau de cadastre de Whitehorse.

M. Woolliams: Mais ces registres d'impôts feraient-ils partie de ces dossiers?

M. Goodie: Non, monsieur.

M. Woolliams: Où pourrions-nous les trouver? Où se trouvent-ils?

M. Goodie: S'il en existe, monsieur, ils seraient dans les bureaux du gouvernement du territoire.

M. Woolliams: Je vous ferai observer que M. Nielsen paye les impôts à la Couronne depuis 1952, en ce qui concerne ce terrain, c'est-à-dire sept ans avant de signer un bail. Est-ce que c'est juste, monsieur Hunt, ou êtes-vous au courant?

M. Hunt: Je ne sais pas monsieur.

M. Woolliams: Pourrions-nous nous rassurer sur cette question d'ici la prochaine séance et pourriez-vous vous renseigner à ce sujet?

M. Hunt: Nous nous ferons un plaisir de demander à notre agent des terres à Whitehorse de faire toutes les enquêtes nécessaires, dans nos propres dossiers et dans ceux du gouvernement des territoires.

M. Woolliams: Comme M. Peters l'a si bien signalé, fondamentalement, vous vous êtes formés une opinion juridique sur une demande de renouvellement de bail, après l'avoir renouvelé deux fois depuis 1959, 1964 et 1970, car une demande d'achat a été faite pour acheter d'autres terres. Cette opinion juridique vous a été transmise par les conseillers juridiques. Par la suite, un fonctionnaire en a conclu qu'un député et surtout M. Nielsen, n'avait pas le droit de faire renouveler son bail. Avez-vous une opinion juridique écrite à ce sujet?

M. Hunt: Nous n'en avons pas.

M. Woolliams: Alors, pourrions-nous avoir maintenant une opinion tout à fait juridique, avec précédents, sur quoi ils sont fondés, et toutes les choses qui se rattachent à cette affaire?

[Text]

The Chairman: Just a moment please. Mr. Whitman could you answer the question?

Mr. Whitman: The precedents referred to were found in the files of the Department of Justice which became available to us after we became part of the Department of Justice.

Mr. Woolliams: When did you become part of the Department of Justice?

Mr. Whitman: December 20, 1969.

Mr. Woolliams: Was that something new? Or was it the fact that Dr. Fischer passed an opinion as a legal officer and therefore having passed an opinion, you became actually a legal officer of the Department of Justice.

Mr. Whitman: As a matter of implementing an administrative decision, as many of the legal people as possible who served various departments were transferred to the Department of Justice. This has been done over a period of years. Our turn came on December 20.

Mr. Woolliams: I see. Now would you give me the legal opinion and the precedents in question that you are referring to. We are talking about a *stare decisis* precedent built up in administrative law rather than a legal precedent built up in reference to precedent and reference to court decisions. Would you give us your precedent that you refer to? Were they based on administrative decisions or court cases?

Mr. Whitman: They were based on administrative decisions over a number of years.

Mr. Woolliams: To the best of your legal knowledge, are there any court cases, any precedents that would confirm the opinion which apparently you have passed in reference to the sale and then used in reference to the renewal of the lease. Are there any court cases that confirm the decision that you have passed as an administrative officer?

Mr. Whitman: None of which I am aware.

Mr. Woolliams: I have no doubt that you did some research in this regard or had other officers do that kind of research.

Mr. Whitman: Yes.

Mr. Woolliams: This has been thoroughly researched has it not.

[Interpretation]

Le président: Un instant, s'il vous plaît. Monsieur Whitman, pouvez-vous répondre à cette question?

M. Whitman: Les précédents dont il est question, ont été trouvés dans les dossiers du ministère de la Justice et ils nous ont été remis après que nous avons été intégrés au ministère de la Justice.

M. Woolliams: Quand avez-vous été intégrés à ce ministère?

M. Whitman: Le 20 décembre 1969.

M. Woolliams: Était-ce là quelque chose de nouveau ou était-ce le fait que M. Fisher a formulé une opinion à titre de légiste qu'en fait vous êtes devenu légiste au ministère de la Justice?

M. Whitman: Pour mettre en vigueur une décision administrative, on a muté au ministère de la Justice le plus grand nombre possible de légistes qui étaient dans les divers ministères. Ce changement s'est fait au cours d'un certain nombre d'années et notre tour est venu le 20 décembre.

M. Woolliams: Pouvez-vous me donner les précédents et l'opinion juridique auxquels vous avez fait allusion. Vous parlez d'un précédent «*stare decisis*», formulé dans la loi administrative plutôt que d'un précédent juridique formulé selon un précédent. Auriez-vous l'obligeance de nous faire part du précédent dont vous parlez? S'agit-il de décisions administratives ou de décisions de tribunaux?

M. Whitman: Ils ont été fondés sur des décisions administratives pendant un certain nombre d'années.

M. Woolliams: Au meilleur de votre connaissance, est-ce qu'il y a des cas ou des précédents dans les tribunaux qui confirmeraient l'opinion que vous avez adoptée apparemment en ce qui concerne la vente et le renouvellement du bail? Est-ce qu'il y a des décisions de tribunaux qui peuvent soutenir l'opinion que vous avez adoptée à titre d'agent d'administration?

M. Whitman: Non, je n'en connais pas.

M. Woolliams: Je ne doute pas que vous ayez fait des recherches à ce sujet ou que vous en avez fait faire.

M. Whitman: Oui.

M. Woolliams: Vous avez fait des enquêtes approfondies?

[Texte]

Mr. Whitman: I believe it has.

● 2100

Mr. Woolliams: Yes. Now would you give us then the administrative decisions that you have and what they are and the facts?

May I make the suggestion to you that even though the opinion was passed verbally from one to another, I presume and assume because it was carefully researched there would be a written brief from the legal officers that assisted those that came to this opinion? Have you a copy of that here?

Mr. Whitman: In answer to your question, Mr. Woolliams, I can only tell you that when Mr. Nielsen requested the opinion of the law officers of the Crown, an opinion was prepared in our office and sent to Mr. Maxwell. Mr. Maxwell issued the opinion to Mr. MacDonald, the Deputy Minister of Indian Affairs in the document before the Chairman.

Mr. Woolliams: Does that document that is before the Chairman contain the legal precedent that you are referring to? I will ask you to read it in a moment.

Mr. Whitman: No, it does not.

Mr. Woolliams: Well would you give us those legal precedents, please sir.

Mr. Whitman: I do not have them with me. They are in the files of the Department of Justice.

Mr. Woolliams: Well what would you feel like as a practising lawyer and a person giving legal opinions if you were before the Supreme Court of Canada or the Court of Appeal and you said, "Look my brief is back at home in the office, sir. I am very sorry my Lord Chief Justice but I have not got the precedents with me. I am only making an opinion here before the court?" Now I am asking you, I think you should send for that. I think we should have that and I think it should be read out and fully gone into. This is a serious thing not only affecting Mr. Nielsen but every member of Parliament. I have got some cases that I am going to refer to it. This case is going to have serious ramifications. For example, all farm members that have received payments under the Prairie Farm Assistance Act, the ARDA, which was the old Prairie Farm Rehabilitation Act, and various other matters. Members of Parliament sitting in Banff that must lease

[Interprétation]

M. Whitman: Oui.

M. Woolliams: Pouvez-vous alors nous donner les décisions administratives que vous avez et nous dire quelles sont ces décisions? Quels sont les faits? Je vous ferais observer que, même si l'opinion a été transmise verbalement, je suppose qu'en raison de recherches approfondies faites à ce sujet il y aura un rapport écrit à ce sujet émanant des agents juridiques qui ont formulé cette opinion. Avez-vous ici une copie de ce document?

M. Whitman: Je crois qu'en réponse à votre question, monsieur Woolliams, je ne peux que vous dire que lorsque M. Nielsen a demandé l'opinion des conseillers juridiques de la Couronne, on a préparé une opinion à notre bureau et on l'a envoyée à M. Maxwell. Celui-ci a transmis l'opinion à M. MacDonald, le sous-ministre des Affaires indiennes, dans le document dont est saisi le président.

M. Woolliams: Le document qui se trouve entre les mains du président renferme-t-il les précédents juridiques auxquels vous vous réferez? Je vous demanderai de les lire tout à l'heure.

M. Whitman: Non. Les précédents juridiques n'y figurent pas.

M. Woolliams: Pouvez-vous nous fournir ces précédents, s'il vous plaît, monsieur.

M. Whitman: Je ne les ai pas avec moi. Ils sont versés aux dossiers du ministère de la Justice.

M. Woolliams: En tant qu'avocat en exercice et conseiller juridique, quelle attitude serait-elle vôtre si vous vous présentiez à la Cour suprême ou à la Cour d'appel en vous excusant devant le juge d'avoir laissé vos documents au bureau ou à la maison, et en vous contentant de donner votre opinion à la Cour? Je vous demande si l'on ne devrait pas faire venir le dossier afin de pouvoir l'examiner à fond. C'est une question importante qui concerne, non seulement M. Nielsen, mais encore chaque député. Je vais en appeler de ces précédents dans certains cas. Celui qui nous occupe présentement entraînera de sérieuses répercussions pour tous les députés cultivateurs qui ont reçu des versements en vertu de la Loi sur l'assistance à l'agriculture des Prairies, refondue dans la Loi sur la remise en valeur et l'aménagement des terres agricoles, et pour d'autres cas également, tels les députés de Banff qui doivent louer des terrains et s'assurer des

[Text]

land and get homes if they are going to live in their ridings in the National Parks. It is going to have serious ramifications in reference to the members of Parliament.

I think we should have an adjournment to have that brief brought from Mr. Maxwell's office and then filed here and read out clearly so that we have here as members of this Committee a full statement from you on how you arrived at this opinion.

The Chairman: Well I do not want, Mr. Woolliams, to rule on the series of questions that you have requested. I believe that many of us here may have some opinions on some legal aspects that have been raised and maybe at this very point and at this time it would be appropriate for the law counsel of the House of Commons to indicate to us what are his own views on this. Later on, if we either decide or agree that the question raised by Mr. Nielsen has been well-founded, we can make some recommendations either to amend Article 19 of the Act and so on. Then, we could go along with that. I believe that we could lose a lot of precious time if we were going to ask our witnesses on what ground they gave legal opinion. You have before you Article 15, 16 and 19 of the Senate and House of Commons Act.

Mr. Woolliams: You are the Chairman and I have always been one of these people who think that where a judge makes a favourable decision I want to go along with it. I would like to have Dr. Ollivier read his opinion and then, reserving the right that if some differences should arise, to have the other opinion filed.

The Chairman: Mr. Badanai.

Mr. Badanai: Mr. Chairman, on a point of order. May I have the floor for a few moments before Dr. Ollivier gives his opinion?

The Chairman: Yes.

Mr. Badanai: I think it is very pertinent to the question that we are faced with. With regard to the question as to whether it is legal to sell a Crown property to a member of Parliament. I believe it would be useful to read the statement of the President of the Privy Council in reply to Mr. Nielsen. It is a question of privilege which to me appears to favour Mr. Nielsen's contention as his rights as a Canadian citizen. I want to read it for the record. Now, the Hon. Donald S. MacDonand said this:

Mr. Speaker, without accepting the suggestion that there has been deliberate harassment of the hon.

[Interpretation]

logements pour demeurer dans leurs circonscriptions qui comprennent les Parcs nationaux.

Je suis d'avis que la séance soit ajournée en attendant le nécessaire qui nous fait défaut nous parvienne du bureau de M. Maxwell et qu'il soit déposé et exposé au Comité afin que nous puissions savoir, par votre entremise, les motifs détaillés de votre décision.

Le président: Je ne veux pas décider, monsieur Woolliams, à propos des questions que vous avez soulignées. Plusieurs d'entre nous peuvent nourrir des opinions sur certains aspects juridiques qui ont été soulevés et, à ce stade, nous pourrions recourir au contentieux de la Chambre des communes pour connaître ses vues sur le sujet. Au cas où nous décidons par la suite que la question posée par M. Nielsen est bien fondée, nous pourrions soumettre des propositions en vue d'amender, par exemple, l'article 19 de la Loi, quitte à procéder ensuite de façon conforme. Nous perdriions un temps précieux à interroger les témoins sur le fondement juridique de leurs opinions. Vous avez devant vous les articles 15, 16 et 19 de la Loi sur le Sénat et la Chambre des communes.

M. Woolliams: Vous êtes le président et j'ai toujours appuyé la décision favorable d'un juge. J'aimerais que M. Ollivier lise son opinion tout en me réservant le droit, en cas de divergences éventuelles de points de vue, à demander le dépôt de l'autre avis.

Le président: Monsieur Badanai.

M. Badanai: J'en appelle au Règlement, monsieur le président. Puis-je avoir la parole pour quelques minutes, avant l'exposé que doit faire M. Ollivier?

Le président: Oui.

M. Badanai: Ce que je vais dire concerne directement la question sous examen. En ce qui concerne la légalité de la vente d'un bien de la Couronne, à un membre du Parlement, il serait utile de lire la déclaration du président du Conseil privé, en réponse à M. Nielsen. C'est une question de privilège qui semble appuyer les prétentions de M. Nielsen à l'exercice de ses droits de citoyen. Je voudrais en faire lecture pour qu'elle figure au compte rendu de la séance. L'honorable Donald S. Macdonald s'est exprimé ainsi:

Monsieur l'Orateur, sans reprendre à mon compte l'idée suivant laquelle le député aurait été

[Texte]

gentleman, I think it would be very desirable if the House were in a position to make this reference to the Standing Committee on Privileges and Elections. The provisions of the Senate and House of Commons Act . . .

and this is what I want to emphasize in particular:

. . . The provisions of the Senate and House of Commons Act have been quite difficult for a number of members in a number of contexts. I agree that on behalf of the hon. member for Yukon and on behalf of other hon. members who may be affected by the section that it would be very desirable to have some clarification of the questions of law involved and some indication of how this and similar types of situations can be handled in the future.

Here is the punch line:

I agree with the hon. gentleman that surely there could not have been any intention on the part of Parliament in passing this section that it should apply in this way.

This is the crux of the question. I would like to have Dr. Ollivier deal with this in particular.

● 2105

Mr. McCleave: Before Dr. Ollivier gives his opinion can I just warm up my voice a little bit since I think everybody else has. I have read the documents that have been tabled with regard to this.

The Chairman: Just a minute, Mr. McCleave. If we are to proceed in some orderly way, I have to recognize some other members. I just wanted to say that Mr. Orange had requested earlier the opportunity to ask a question.

Mr. Thomas (Maisonneuve): I did also, Mr. Chairman.

The Chairman: Yes.

Mr. Woolliams: Let us have the report read by Dr. Ollivier. I have asked for that. He has agreed and you have ruled. Let us hear the report, please.

Mr. Orange: I believe this whole matter can be resolved in terms of Mr. Nielsen's problem very simply. I think we can also come to the question of our rights and privileges as members of Parliament without getting into my hon. friend's learned disserta-

[Interprétation]

soumis à une vexation délibérée, il serait fort souhaitable, il me semble, que la Chambre puisse renvoyer l'affaire au Comité permanent des Privilèges et Élections. Les dispositions de la Loi sur le Sénat et la Chambre des communes . . .

et c'est ce que je désire faire ressortir en particulier:

. . . Les dispositions de la Loi sur le Sénat de la Chambre des communes se sont révélées, dans certains cas, bien incommodes pour certains députés. Tout comme le représentant du Yukon et d'autres députés que pourrait viser l'article en question, j'estime qu'il serait souhaitable de tirer au clair les points de droit en cause et la ligne de conduite à suivre à l'avenir dans des situations analogues.

Et voici le passage capital:

Je conviens avec le député qu'en adoptant cet article, le Parlement n'escomptait certainement pas qu'il serait appliqué de la sorte.

Voilà le fond du problème auquel je prierai M. Ollivier de bien vouloir s'attacher en particulier.

M. McCleave: Je voudrais également élever ma voix avant que M. Ollivier nous fasse part de son avis. J'ai lu les documents qui ont été déposés à ce propos.

Le président: Un instant, M. McCleave. S'il nous faut procéder avec un peu d'ordre, la parole revient à d'autres membres. M. Orange a déjà fait savoir qu'il avait une question à poser.

M. Thomas (Maisonneuve): Il en est de même pour moi, monsieur le président.

Le président: Oui.

M. Woolliams: Laissons à monsieur Ollivier le soin de nous lire le rapport. Je l'ai demandé, il y a consenti et vous en avez décidé. Écoutons le rapport, s'il vous plaît.

M. Orange: Je crois que pour monsieur Nielsen, la question peut être facilement résolue. Nous pouvons examiner le point relatif aux droits et privilèges des membres du Parlement sans recourir à l'exposé juridique de mon distingué collègue. Je ne m'y oppose pas

[Text]

tion on the law. However, I do not want to interject here necessarily. It is up to the Committee to decide which direction they wish to take.

The Chairman: I will ask Dr. Ollivier then to put his legal opinio on the record and then I will call upon you Mr. Orange and then Mr. McCleave. Dr. Ollivier.

Dr. Ollivier: Mr. Chairman, in this presentation to the Committee I would like to start with a quotation which is found in the case of *Regin ex rel. Stubbs versus Steinkopf—Manitoba Queen's Bench*, August 31, 1964, in which Judge Bastin is reported to have said:

It has been clearly established as early as the reign of Queen Elizabeth I that the qualification of members of Parliament must be decided by the House of Commons, itself. As one judge said: '... it would be great presumption in this Court to meddle with elections to Parliament before the matter hath been determined in Parliament.'

This opinion seems to be in agreement with the statement of the member for the Yukon when he said in the House:

Surely the forum to decide the matter of the interpretation of such provision of the Senate and House of Commons Act is this House itself, the other place or the courts, and not a civil servant purporting to act as a judge or even more.

Legislation on the independence of members of Parliament was in effect in the province of Canada and was subsequently re-enacted at the first session with certain changes and with further amendments as the years went by.

The principle behind such legislation has been expressed by Norman Ward in *The Canadian House of Commons* at page 83 when he said:

It is an ideal of democratic government that representatives should be independent of undesirable forces that might pass their judgement on public matters. In particular they should be free of the executive, at least in so far as direct pecuniary benefit is concerned. For that reason the Imperial Parliament has for many decades zealously guarded its independence, refusing to accept members who were in a position of reliance on the Crown for any part of their income.

[Interpretation]

nécessairement et il appartient au Comité de fixer la ligne de conduite.

Le président: Je prie monsieur Olliver de nous donner lecture de son opinion juridique, après quoi messieurs Orange et McCleave pourront intervenir à leur tour. Monsieur Ollivier.

M. Ollivier: Monsieur le président, je commencerais cet exposé en citant un extrait du jugement rendu, le 31 août 1964, dans l'affaire *Regina ex rel. Stubbs contre Steinkopf*, par le Juge Bastin qui aurait décidé ainsi:

«Il a été clairement établi, depuis le règne de la Reine Elizabeth I, que la qualité des membres du Parlement est définie par la Chambre des communes elle-même. Comme le dit un juge: «... il serait présomptueux que la Cour s'entremette dans les élections au Parlement avant que la question n'ait fait l'objet d'une décision à ce Parlement».

Cette opinion semble corroborer la déclaration suivante du député du Yukon à la Chambre:

L'assemblée à qui incombe l'interprétation d'une pareille disposition de la Loi sur le Sénat de la Chambre des communes, est la Chambre elle-même, l'autre lien, ou bien les tribunaux et non un fonctionnaire public s'arrogeant les prérogatives d'un juge, sinon plus.

La législation relative à l'indépendance des membres du Parlement était appliquée dans la province du Canada et elle a fait l'objet, au cours de la première session, d'un texte de loi qui a subi des modifications et des changements au long des années.

Le principe à l'appui de cette loi a été repris par Norman Ward dans *The Canadian House of Commons* où il dit, à la page 83:

Pour un gouvernement démocratique, l'idéal consisterait dans l'indépendance de ses représentants en égard aux influences extérieures indésirables qui exprimeraient leur jugement sur les affaires publiques. En particulier, ces représentants doivent être indépendants du pouvoir exécutif, tout au moins en ce qui concerne les avantages pécuniaires directs. Pour cette raison, le Parlement impérial a jalousement gardé, durant plusieurs décennies, son indépendance et refusé d'accueillir les membres qui dépendaient de la Couronne pour une quelconque source de leurs revenus.

[Texte]

The present legislation relating to the independence of Parliament is found in Section 10 to 20 inclusive, and Section 22 of the Senate and House of Commons Act, R.S.C. 1952, c.249 as amended.

The heart of the legislation relating to the independence of members is found in Sections 15 and 16. These relate to contracts, service, work or sales with or to the government.

● 2110

These sections prohibit any relationship with the Crown where the member would receive public money for a contract or work or service performed or a sale to the government. The latter necessarily entails a contract.

Members worry about availing themselves of legislation enacted for the benefit of all Canadians generally and of sharing its benefits in common with other citizens. In the case of the Veterans' Land Act, for instance, it is specifically provided that a member veteran may with impunity enter into a contract or receive the benefit under the Act. However, this is probably the only example where members of Parliament are specifically mentioned and it is suggested that an exemption of a general nature might be more suitably set out in the Senate and House of Commons Act.

We were referring a minute ago to Western farmers. Where Western farmers are entitled to advances on their grain for future sales, the Western farmer member who receives it should not, and he is not considered to be but members still have some doubts, be placing his seat in jeopardy. Where the Crown in right of Canada expropriates property, the expropriated party has by virtue of legislation the right to negotiate and agree to a price or litigate. A member of Parliament who is expropriated would find himself in a questionable circumstance should he afford himself the opportunity of negotiating and agreeing to a price.

I can only offer to this committee my own opinion and the reasons therefore, in the meantime referring to the different sections of the Senate and House of Commons Act. For instance, it is my view that a lease entered into between the Minister of the Department of Indian Affairs and Northern Development and the honourable member did not provide or contemplate the payment of any public money of Canada and therefore would not constitute a contract nor an agreement within the meaning of Sections 15 and 16 of the Senate and House of Commons Act. Having said this, the effect of Section

[Interprétation]

L'actuelle loi sur l'indépendance du Parlement se retrouve aux articles 10 à 20 inclusivement et à l'article 22 de la Loi sur le Sénat et la Chambre des communes, S.R.C. 1952, c. 249 modifié.

Les articles 15 et 16 traitent spécialement de l'indépendance des députés en ce qui a trait aux contrats de services, de travail ou de ventes passés avec le gouvernement.

Ces articles interdisent tout bien avec la Couronne qui entraîne paiement de fonds publics découlant d'un contrat de travail, de service ou de vente conclu avec le gouvernement. La vente fait nécessairement l'objet d'un contrat.

Les membres manifestent une réticence à se prévaloir des lois adoptées pour tous les citoyens qui peuvent en récolter les avantages. C'est ainsi que la Loi sur les terres destinées aux anciens combattants prévoit expressément qu'un ancien combattant, aujourd'hui député, peut impunément, contracter ou recevoir des avantages aux termes de cette loi. C'est probablement le seul exemple où les membres du Parlement sont mentionnés explicitement et il est suggéré qu'une exemption d'ordre général serait plus appropriée dans la Loi sur le Sénat et la Chambre des communes.

Nous avons, tout à l'heure, mentionné les agriculteurs de l'Ouest. L'agriculteur de l'Ouest, membre du Parlement, qui reçoit des subventions sur les ventes futures de son grain, ne met pas, à l'encontre de ce que penseraient certains membres, son siège parlementaire en jeu. Lorsque la Couronne, du chef du Canada, exproprie un bien quelconque, l'intéressé joint du droit légal à la négociation ou au recours en justice. Par contre, un député dont le bien est exproprié, se verrait placé dans une situation équivoque, s'il se permettait de négocier ou d'actionner en justice.

Je ne peux que donner au Comité mon avis et les raisons sur lesquelles il se fonde tout en me référant aux divers articles de la Loi sur le Sénat et la Chambre des communes. A mon point de vue, un bail conclu entre le ministre et le ministère des Affaires indiennes et du Développement du nord canadien, n'entraîne pas et ne prévoit pas le versement de deniers publics et, de ce fait, ne constitue pas un contrat ou un accord comme les définissent les articles 15 et 16 de la Loi sur le Sénat et la Chambre des communes. Cela étant, on ne peut faire fi de l'article 19 de cette même loi dont je cite le paragraphe (1):

[Text]

19 of the same Act cannot be ignored. I will read only subsection (1).

19. (1) In every contract, agreement or commission to be made, entered into or accepted by any person with the Government of Canada, or any of the departments or officers of the Government of Canada, there shall be inserted an express condition, that no member of the House of Commons shall be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom.

That is where paragraph 10 of your agreement comes in. It is copied from Section 19 (1). In my humble opinion, Section 19 cannot be divorced from Sections 15 and 16. Section 15 in dealing with contracts refers to contracts or agreements and I quote, "for which any public money of Canada is to be paid". The word "contract" should not have a different interpretation in Section 19 which deals with a clause to be inserted as a result of the prohibitions provided in Section 15.

No doubt this view could be argued pro and con, and has been, which in certain cases would render the legal position of many members at best doubtful.

There have been a number of cases of charges in relation to contractors in Parliament when members had real contracts with the government from which they benefited as moneys were paid. It is sufficient to recall the Pacific Railway scandal in 1873; the Ryckert case in 1890; the case of Thomas McGreevy in 1891; the Sawdust Wharf of 1909-10; the Shell contracts in 1916 and others like the Lanctôt scandal in 1910-11, which it is not necessary to enumerate here. The last one I believe which you probably all remember is the Pallett case where the Speaker rendered a decision on June 19, 1959.

There are not, of course, many cases which have been brought before the courts on this subject. I can think of only one at the moment which is the case of Kelly vs. O'Brien in 1935, which is reported in the *Dominion Law Reports* of 1943 at page 725.

● 2115

Mr. Woolliams: What volume is that, please?

Dr. Ollivier: That was 1 *Dominion Law Reports*.

The judgment of the Court of Appeal was in agreement with the views of the trial judge and the decision was:

where an action is brought to recover a penalty . . .

[Interpretation]

19.(1) Dans tout contrat ou marché fait ou conclu avec le gouvernement du Canada, ou avec quelqu'un des fonctionnaires ou ministères du gouvernement du Canada, et dans toute commission acceptée par qui que ce soit de leur part, il est inséré une condition formelle et explicite qu'aucun député à la Chambre des communes n'est admis à être partie à ce contrat, à ce marché ou à cette commission, ni à participer à aucun des bénéfices ou profits qui en proviennent.

C'est ici qu'intervient l'alinéa 10 de votre accord. Il reproduit l'article 19(1). A mon humble avis, l'article 19 ne peut être séparé des articles 15 et 16. L'article 15 qui traite des contrats se réfère aux contrats et aux accords, et je cite: «pour lesquels des deniers publics doivent être versés». Le mot «contrat» ne devrait pas être interprété différemment dans l'article 19 qui traite d'une disposition nouvelle résultant des interdictions prévues à l'article 15.

On peut discuter du bien-fondé de ce point de vue, comme ce fut déjà le cas, ce qui rend la position légale de plusieurs députés, sujette à conjectures.

Certaines accusations ont été portées contre des entrepreneurs, membres du Parlement, qui ont reçu des paiements en vertu de contrats conclus avec le gouvernement. Il suffira de rappeler le scandale du *Pacific Railway*, en 1873, le cas Ryckert en 1890, celui de Thomas McGreevy, en 1891, du Sandust Wharf en 1909-1910, les contrats de la *Shell*, en 1916, le scandale Lanctôt en 1919-1911 et d'autres exemples qu'il est inutile d'énumérer. Le dernier en date est celui de l'affaire Pallett dont vous vous souvenez, et au sujet duquel l'Orateur a rendu une décision le 19 juin 1959. Rares sont les cas dont les tribunaux ont eu à connaître. Je me rappelle seulement celui de Kelly & O'Brien en 1935, dont mention est faite à la page 725 du *Dominion Law Reports* de 1943.

M. Woolliams: Dans quel tome figure-t-il?

M. Ollivier: Dans le tome I du *Dominion Law Reports*. L'arrêt de la Cour d'appel, confirmait le jugement de première instance, décidait que:

lorsqu'une action est introduite en recouvrement d'une pénalité . . .

[Texte]

Section 19. (2) provides for that penalty.

...under a statute which is ambiguous and capable of two equally reasonable interpretations, that interpretation should be adopted which will relieve defendant from the penalty.

My view, therefore, is that it would appear a reasonable interpretation in the present circumstances that your Committee should decide that the word "contract" in Section 19 has the meaning of "contract, ... for which any public money is to be paid" and that the penalty provided in subsection (2) of Section 19 has no application to the agreement entered into by the honourable member.

Finally, I am of the opinion that in consequence of this reasoning no such clause relating to "contract, agreement or commission" mentioned in subsection (1) of Section 19 should be inserted or made applicable in this case. The word "commission" in line one of this subsection strengthens my view that what was envisaged was a contract or agreement "for which any public money of Canada is to be paid". The addition of these words to Section 19 would clarify the matter save that it would always be open to the House to determine whether a member has broken the spirit of the legislation. Evidently, what I mean there is if a member, being a member, uses his influence to have the rent cut in half or something of that sort. But that could always be proved in the courts and the member could be punished from that point of view.

It is to be noted that section 19 (1) does not contain a direct prohibition as is found in Section 15. It simply states that in contracts with the government there shall be inserted a condition that no member of the House shall be admitted to any share or part of a contract, agreement or commission or to any benefit to arise therefrom.

We may again ask ourselves what contract is meant if not the contract or transaction referred to in the previous sections, that is, Sections 15-18 which do contain the prohibition. However, having said that, I am still bothered by the fact that in 1945 it was found necessary to insert Section 43 in the Veterans Land Act.

I will read this Section now and I will refer to it later:

43. Notwithstanding the *Senate and House of Commons Act* or any other law, no veteran by reason only of his entering into a contract or receiving a benefit under this Act, is liable for any forfeiture or penalty imposed by the *Senate and House of Commons Act* or disqualified as a

[Interprétation]

L'article 19(2) prévoit cette pénalité.

...imposée en vertu d'une loi ambiguë et susceptible de deux interprétations également acceptables, on devra retenir celle qui est à la décharge du défendeur.

A mon point de vue, il serait raisonnable que le Comité interprète, dans les circonstances actuelles, le mot «contrat» figurant à l'article 19, comme étant «tout contrat... pour lequel des deniers publics sont versés» et que la pénalité prévue au paragraphe (2) de l'article 19 ne s'applique pas à l'accord conclu par l'honorable député.

Je suis d'avis, enfin, qu'en conséquence de ce qui précède, les termes «contrat, marché ou commission» figurant au paragraphe (1) de l'article 19 ne peuvent être applicables à ce cas d'espèce. Le mot «commission» dont fait état ledit paragraphe me confirme dans l'opinion que le législateur avait en vue un contrat ou un accord «entraînant le versement des deniers publics». L'adjonction de ce membre de phrase, à l'article 19, éclaircirait la situation bien qu'il soit toujours loisible à la Chambre de décider si l'un de ses membres a contrevenu à l'esprit de la Loi. Ainsi en serait-il d'un député qui use de son influence pour bénéficier d'une réduction de 50 p. 100 de son loyer, ou d'un avantage similaire. Cependant ces pratiques pourraient être prouvées en justice et le membre responsable, puni en conséquence.

L'article 19(1), notons-le, n'est pas directement prohibitif à l'instar de l'article 15. Il prévoit simplement l'insertion d'une condition à l'effet qu'aucun député n'est admis à être partie à un contrat, marché ou commission, ni à participer à aucun des bénéfices ou profits qui en proviennent. Nous pourrions une fois de plus nous demander de quel contrat il s'agit, sinon du contrat ou de la transaction dont traitent les articles 15 à 18 qui stipulent l'interdiction. Cependant, et malgré ce qui précède, je suis toujours préoccupé par le fait qu'en 1945, on ait jugé nécessaire d'inclure l'article 43, dans la Loi sur les terres destinées aux anciens combattants. Je vais en donner lecture, quitte à m'y reporter, par la suite:

43. Nonobstant la Loi sur le Sénat et la Chambre des communes ou toute autre loi, nul ancien combattant, du seul fait qu'il passe un contrat ou reçoit quelque avantage prévu dans la présente loi, n'est passible d'une amende ou peine infligée par la Loi sur le Sénat et la Chambre des communes, ni

[Text]

member of the House of Commons or incapable of being elected to, or of sitting or voting in the House . . .

This Section may well have been inserted for greater certainty and to resolve any doubts that could otherwise have existed as in the present case.

Exception has been made in the Senate and House of Commons Act for members of the House of Commons, for instance, who become ministers of the Crown and are paid a salary as provided in Section 4 of the Salaries Act. Previous to 1931, a member who became a minister of the Crown had to resign his seat and be re-elected in his constituency. How that covered the defect, I do not know but that was the theory.

Mr. Woolliams: That is going back to 1925 and 1926.

Dr. Ollivier: In 1931 an Act was passed, Chapter 52, "to remove the necessity of the re-election of members of the House of Commons of Canada on acceptance of office". Thus, Sections 13 and 14 were then inserted in the Senate and House of Commons Act as it then existed.

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One might also refer to the Parliamentary Secretaries Act, Chapter 15 of the Statutes of 1959 where Section 6 expressly states that:

6. A person is not rendered ineligible to be a member of the House of Commons or disqualified from sitting or voting therein by reason of his accepting or holding the office of Parliamentary Secretary or receiving any payment under this Act.

In all those cases, that is where payment of the Crown is given to members. Of course, in that case a statutory salary, therefore, is there paid at the rate of \$4,000 per annum which, as I have said, is a different matter.

In conclusion, it would be preferable to have Section 19 of the Senate and House of Commons Act redrafted, or a new section inserted either after Section 20 or 21, along the lines of Section 43 of the Veterans Land Act to clarify the situation leaving it, perhaps as I have said, open to the House to determine whether a member has broken the spirit of the legislation. I still think it is up to the Committee to decide whether a member has or has not.

[Interpretation]

frappé d'incapacité comme membre de la Chambre des Communes ou inhabile à y être élu, y siéger ou y voter.

Cet article se justifie par un souci de clarté pour mettre fin à toute espèce de doutes qui, autrement, auraient surgi comme dans ce cas d'aujourd'hui.

La Loi sur le Sénat et la Chambre des communes a excepté les députés qui, par exemple, accèdent aux postes de ministres de la Couronne et qui sont rétribués conformément à l'article 4 de la Loi sur les traitements. Antérieurement à 1931, un député qui devenait ministre de la Couronne devait abandonner son siège et se faire réélire dans sa circonscription. Comment cela palliait-il la carence? Je ne le sais; mais telle était la théorie.

M. Woolliams: Nous remontons à 1925 et 1926.

M. Ollivier: Une loi de 1931, chapitre 52, a eu pour objet «d'abolir la nécessité d'une réélection des membres de la Chambre des communes du Canada lorsqu'ils acceptent une charge». Ainsi, les articles 13 et 14 furent insérés par la suite dans la Loi sur le Sénat et la Chambre des communes. On pourrait également se référer à la Loi sur les secrétaires parlementaires, chapitre 15 du Statuts de 1959, dont l'article 6 dispose que:

6. Ni l'acceptation ou occupation du poste de secrétaire parlementaire ni la réception de quelque versement prévu par la présente loi ne rendent une personne inéligible à la Chambre des communes ou inhabile à y siéger ou voter.

C'est-à-dire, dans tous les cas où la Couronne effectue un paiement à des députés. Bien sûr, dans ce cas, le traitement réglementaire payé est de \$4,000 par an, ce qui constitue une toute autre question.

En conclusion, il vaudrait mieux rédiger de nouveau l'article 19 de la Loi sur le Sénat et la Chambre des communes ou bien insérer soit après l'article 20 ou 21, un nouvel article qui aurait le même sens que l'article 43 de la Loi sur les terres destinées aux anciens combattants, ce qui permettrait peut-être de préciser la situation tout en laissant la Chambre libre de décider si un député a détruit ou non l'esprit de la loi. A mon avis, cette décision revient au Comité.

[Texte]

Mr. Woolliams: I wonder just on one little point if I could add just a point of order. Would Mr. Hunt who had the facts, and he set them out very precisely which we appreciate, would he be prepared to make his notes a part of the record of the Committee's report, table them here and make them a part of the report?

The Chairman: I think this is an acceptable request, Mr. Hunt.

Mr. Hunt: Yes, I would be happy to, Mr. Chairman.

The Chairman: Is it agreed?

Some hon. Members: Agreed.

The Chairman: Mr. Orange.

Mr. Orange: Mr. Chairman, before us we have a form of lease which is numbered IAND 52-3-5-A. I would like to ask Mr. Hunt if he has any knowledge when this form was brought in the first instance? Mr. Chairman, is this the agreement for sale form?

Mr. Hunt: This is the agreement for sale form, the one that has been passed out. I do not have any personal knowledge.

Mr. Lefebvre: It says 52 on the form.

Mr. Hunt: If it says 52 it would be 1952.

Mr. Orange: Well, I am not sure.

Mr. Hunt: Mr. Chairman, I am sorry I do not have it.

Mr. Orange: I notice there is authority here for the signature of the Department of Indian Affairs and Northern Development. This Department came into being in 1966 and I am wondering whether this form was produced following the setting up of this particular Department? May I ask the other questions? Is this the same form in substance that was signed by Mr. Nielsen in 1959?

Mr. Hunt: No, Mr. Chairman, the form Mr. Orange is referring to is, as I understand it, the form for agreement for sale. The form Mr. Nielsen entered into in 1959 was a lease and perhaps I might ask whether we have a sample of that. Perhaps I might distribute that, too.

Mr. Orange: Can we have a sample of that, too?

Mr. Hunt: Yes.

[Interprétation]

M. Woolliams: J'invoque le Règlement. M. Hunt dont l'exposé a été très précis, accepterait-il qu'on insère ses notes dans le rapport du comité?

Le président: Cette requête est tout à fait pertinente, monsieur Hunt.

M. Hunt: J'en serais très heureux, monsieur le président.

Le président: D'accord?

Des voix: D'accord.

Le président: Monsieur Orange.

M. Orange: Monsieur le président, nous avons devant nous un bail qui porte le numéro IAND 52-3-5-A. Monsieur Hunt sait-il à quel moment ce formulaire a été introduit pour la première fois? S'agit-il du contrat de vente?

M. Hunt: C'est le contrat de vente, mais je ne sais rien de plus.

M. Lefebvre: Il est écrit 52 ce formulaire.

M. Hunt: Si c'est écrit 52, cela veut dire 1952.

M. Orange: J'en suis pas sûr.

M. Hunt: Excusez-moi, je n'ai pas ce formulaire.

M. Orange: On y demande la signature du ministère des Affaires indiennes et du Nord canadien. Or, ce ministère a été créé en 1966. Je me demande, si c'est après la création de ce ministère qu'on a établi cette formule. Est-ce qu'en substance, cette formule est identique à celle que monsieur Nielsen a signée en 1959?

M. Hunt: Non, monsieur le président, la formule dont parle M. Orange est un contrat de vente, tandis que la formule que M. Nielsen a signée en 1959 était un bail et si nous avons des exemplaires, nous pourrions peut-être les distribuer.

M. Orange: Pouvons-nous en avoir des exemplaires?

M. Hunt: Oui.

[Text]

Mr. Orange: Mr. Chairman, I might just continue this. I go back and look at Section 10 which says:

10. No member of the House of Commons shall be admitted to any share or part of this agreement or to any benefit to arise therefrom.

This particular document purports to be a sale agreement, if I am correct?

The Chairman: That is it.

Mr. Orange: It seems to me we heard earlier that it was possible for a member of Parliament to enter into a sale agreement to purchase federal lands and there seems to be in my view some conflict in regard to the testimony here.

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The Chairman: Mr. Whitman.

Mr. Whitman: Mr. Orange, what I said was that if we posted land which had been surveyed for sale at a standard price and someone came in and paid the money we would provide him with the letters patent, but Section 19 of the Senate and House of Commons Act states as you will notice that every contract for the purchase, or every contract or agreement shall be inserted. An expressed provision, in other words it is a written agreement, but as far as I am concerned Section 19 does not direct itself to what you might call over the counter transactions.

Mr. Orange: Mr. Chairman, I am sorry I must admit I am a little bit confused at this stage. I think this comes to another point with respect to the Canadian North where all lands outside of those few parcels of acres, very few in number, that are either owned by municipalities or administered by the territorial governments, no member of Parliament, and it does not matter whether he comes from the North or comes from the South is unable to either put a privy, a cottage or a house on federal lands because he is unable to purchase these lands unless they go through this procedure outlined by Mr. Whitman.

I am not trying to be critical of you, sir, but I am saying that I think this whole thing is just one of the most absolutely stupid kind of arrangements that discriminates against people such as ourselves, members of Parliament, when we, particularly those of us who live in the North like Mr. Nielsen and I, really are unable to purchase a piece of land from the federal government upon which we can put a house. It really is that simple and I cannot help asking myself in terms of this Committee if we should not be examining some

[Interpretation]

M. Orange: Je reviens maintenant à l'article 10 qui se lit comme suit:

10. Aucun député à la Chambre des communes n'est admis à faire partie de ce contrat, ni à participer à aucun des bénéfices ou profits qui en proviennent.

Ce document était en accord de vente, n'est-ce pas?

Le président: C'est juste.

M. Orange: Ne nous a-t-on pas dit plus tôt qu'un député à la Chambre pouvait prendre part à un accord de vente et acheter des terres fédérales? Est-ce qu'on ne contredit pas le témoignage que nous avons ici?

Le président: Monsieur Whitman.

M. Whitman: J'ai dit que si nous décidons de vendre à un prix ordinaire des terres qui ont été arpentées ainsi que le cas se présente et que nous versons l'argent nécessaire, nous lui donnerons des lettres patentes; mais l'article 19 de la Loi sur le Sénat et la Chambre des communes stipule que tout contrat d'achat ou tout accord en général doit être inséré. Il s'agit expressément d'un contrat écrit, mais l'article 19 ne prévoit rien directement pour ce que vous pourriez appeler des transactions.

M. Orange: J'avoue que je suis un peu perdu. Cette question nous amène naturellement à parler du Nord canadien ou, en dehors des terres qui appartiennent aux municipalités ou qui sont administrées par les gouvernements des Territoires, il est interdit à tout député de bâtir une maison sur les terres fédérales puisqu'il ne peut les acheter sans passer par cette procédure que vient de décrire monsieur Whitman.

Mon intention n'est pas de critiquer, monsieur, mais ces dispositions sont absolument ridicules puisqu'elles établissent une distinction injuste qui nuit aux députés qui, comme M. Nielsen et moi-même, demeurons dans le Nord et ne pouvons acheter un lot de terre au gouvernement fédéral pour s'y faire bâtir une maison. C'est très simple, et le Comité ne devrait-il pas revoir cet état de fait qui affecte les députés à cause du rôle qu'ils jouent au sein du gouvernement fédéral par rapport à la Société dans laquelle nous vivons.

[Texte]

of these things that really affect the rights and privileges of members of Parliament in relation to their role with the federal government in terms of the society in which we live.

The Chairman: I wish we could do this, but within the terms of reference we have we are quite restricted. However, I believe when the time comes to draft a report that it will be up to the members of the Committee since there has been a reference to Section 19 of the Senate and House of Commons Act that we may then at this point make recommendations. Mr. Thomas.

Le président: Monsieur Thomas.

M. Thomas (Maisonneuve): Monsieur le président, sur la demande de M. Nielsen présentée en 1959, est-ce que sa profession était enregistrée? Y-est-il considéré comme «avocat» ou «député»?

Mr. Whitman: A Member of Parliament.

M. Thomas (Maisonneuve): Le Ministère savait donc que celui qui faisait cette demande était un député. Ces gens ont attendu que les conseillers juridiques viennent leur dire que M. Nielsen n'était pas éligible.

Mr. Whitman: The legal advisers at the time approved the lease.

Mr. Thomas (Maisonneuve): They approved the lease on top of that?

Mr. Whitman: But the lease did not contain the written insertion which Section 19 requires.

M. Thomas (Maisonneuve): Les conseillers qui avaient accepté le bail de M. Nielsen et ceux qui ont trouvé à redire dernièrement sont-ils les mêmes?

Mr. Whitman: No.

M. Thomas (Maisonneuve): Merci, monsieur le président.

The Chairman: Mr. McCleave.

Mr. McCleave: First, Mr. Chairman, I think it should be clear that in the documents we have before us, and this was the point I was trying to make before Dr. Ollivier gave his opinion, not only did Mr. Nielsen sign them but he stated very clearly in at least two of the documents that I read of the 1959 group that we were handed, that he was a member of Parliament, so that

[Interprétation]

Le président: J'aimerais vous donner satisfaction, mais nos attributions sont très restreintes. Cependant, lorsque viendra le moment de rédiger le rapport, les membres de ce Comité pourront présenter des recommandations portant sur l'article 19 de la Loi sur le Sénat et la Chambre des communes dont nous venons de parler. Je cède la parole à M. Thomas.

The Chairman: Mr. Thomas.

Mr. Thomas (Maisonneuve): Mr. Chairman, when Mr. Nielsen made his application in 1959, was his occupation mentioned or registrated on the form? Was he then considered as a "lawyer" or as a "member of Parliament"?

M. Whitman: Comme député.

Mr. Thomas (Maisonneuve): At that time therefore the Department knew that the applicant was a member of Parliament and they waited for the legal advisers to say that Mr. Nielsen was not eligible.

M. Whitman: A cette époque, les conseillers juridiques ont approuvé le bail.

M. Thomas (Maisonneuve): Et en plus, ils ont approuvé le bail?

M. Whitman: La section écrite que l'article 19 exige ne figurait pas sur ce bail.

Mr. Thomas (Maisonneuve): Did the same advisers accept the lease and refuse it later on?

M. Whitman: Non.

Mr. Thomas (Maisonneuve): Thank you, Mr. Chairman.

Le président: Monsieur McCleave.

M. McCleave: Dans les documents que nous avons devant nous et c'est ce que je voulais faire ressortir avant l'intervention de M. Ollivier, non seulement M. Nielsen les a signés mais, en 1959, il a déclaré très nettement dans deux documents parmi ceux que j'ai lus qu'il était député. Je tenais à éclaircir ce point pour dissiper les doutes.

[Text]

there was clear notice there. I just make that point so there could be no question about his side of this transaction.

May I ask Dr. Ollivier one question? You have given us your opinion, Dr. Ollivier, as to the lease. What is your opinion with regard to the purchase?

Dr. Ollivier: To the purchase?

Mr. McCleave: Yes?

Dr. Ollivier: Before I answer that question I would like to say that in spite of Section 19 (1) which says that that condition should be put in the contract, I think it could be put in the contract and the member could still pass that contract because Section 19 (1) does not provide that the contract shall not be passed. It provides only that in the contract there should be a clause that the member shall not get, the words are shall not get:

[Interpretation]

Monsieur Ollivier, vous nous avez dit ce que vous pensez du bail. Que pensez-vous de l'achat?

M. Ollivier: Ce que je pense de l'achat?

M. McCleave: Oui?

M. Ollivier: Même si l'article 19(1) prévoit l'assertion de cette condition, il me semble qu'on pourrait très bien l'insérer en effet, ce qui n'empêcherait pas le député de passer son contrat parce que l'article 19(1) ne précise pas que le contrat ne doit pas être passé. La seule précision que donne cet article, c'est que le député ne participera:

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... any benefit to arise therefrom.

The way I read benefit it means any undue benefit, any benefit that would not accrue to any ordinary person, that is the way I read it. I do not see that it makes too much difference between a lease and a sale.

If a member has been leasing lands for 15 years and has built a house on it, what is the difference whether he buys the house or whether he leases it. To me he can just as well buy it as lease. The principle is the same. The main point to me is that he does not obtain an undue benefit from the fact that he is a member of Parliament, then you have to make a distinction. A member of Parliament is not an administrator or anything. Although many members of Parliament think they are administrators, they are legislators.

What happens many times is that many members of Parliament who are lawyers have clients and they go to the Income Tax and other departments. I do not see anything wrong with that. They do not use their influence. I consider members of Parliament generally very honest men and they do not use their influence in a department because they then are not acting as legislators, which is their main function.

Mr. McCleave: Finally, Dr. Ollivier, so we can really bang this point home on the head, the same reasoning would apply to this document, which confused us for a time, the agreement of sale.

... aucun des bénéfices ou profits qui en proviennent.

Par bénéfices ou profits, j'entends des bénéfices ou profits injustifiés que ne retirerait pas une personne ordinaire. Je ne vois pas en quoi cette question établit une différence entre un bail et une vente.

Si un député loue des terres depuis 15 ans et qu'il y a bâti une maison, quelle différence y aura-t-il s'il achète la maison ou s'il la loue à bail? A mon sens, le principe est le même. L'essentiel est qu'il n'en tire pas un profit injustifié du fait même qu'il est député; voilà où il faut faire la différence. Un député n'est pas un administrateur, contrairement à ce que beaucoup pensent, c'est un législateur.

Il arrive souvent que les députés qui sont également avocats s'adressent au ministère du Revenu national ou à certains autres ministères pour leurs clients. Je n'y vois aucun mal. Ils ne se servent pas de leur influence. Je considère les députés comme des gens intègres et, lorsqu'ils s'adressent à un ministère, ce n'est jamais en qualité de législateurs.

M. McCleave: Pour en terminer avec cette question, on pourrait appliquer ce même raisonnement à cet accord de vente, qui a semé la confusion parmi nous tout à l'heure.

[Texte]

Dr. Ollivier: All of a sudden I imagine the Department of Justice discovered Section 19. I should not say anything against the Department of Justice, but Section 19 was there before Mr. Nielsen rented his property. It did not come into being in the last two or three years, it always has been there. It is in the revised statutes of 1952 and it was there a long time before that.

Mr. Peters: Mr. Chairman, I think there is some vindictive on the part of somebody in this particular case. Now that Mr. Nielsen has not a lease what happens to this property? Are you letting them squat on it, or have you sold it?

Mr. Hunt: No action is being taken at the moment.

Mr. Peters: Why? If you are so sure you are right, why have you not done something about it?

Mr. Hunt: The House, as I understand it, in referring the matter to this Committee . . .

Mr. Peters: You did not refer this matter to this Committee.

Mr. Hunt: Yes.

Mr. Peters: No, the Department did not, Mr. Chairman. This was referred to this Committee because of a motion that was made in the House and the House made the order referring it to this Committee, not the Department of Justice or the Department of Indian Affairs.

The Chairman: But it is within our terms of reference.

Mr. Peters: I am well aware of that. What is going to happen to this place, and why have you not done something about it?

Mr. Hunt: As I understand it, at the same time that the House agreed to refer this matter to this Committee it also agreed that the Department should take no action until the matter had been resolved.

Mr. Peters: What happened before that? This was referred only two weeks ago. You have not done anything about it since it was turned down in 1969, I presume. What did you do in January, February, March and so on?

Mr. Hunt: Mr. Nielsen was informed by letter on May 6, 1970 that the Department would not process the renewal.

[Interprétation]

M. Ollivier: Je suppose que tout à coup le ministère de la Justice a découvert l'article 19. Je n'accuse pas le ministère de la Justice, mais l'article 19 existait bien avant que M. Nielsen loue sa propriété. Ce n'est pas il y a deux ou trois ans qu'il est entré en vigueur; il figure dans les statuts révisés de 1952 mais il existait longtemps auparavant.

M. Peters: Dans ce cas particulier, il s'agit d'une rancune de la part de quelqu'un. Maintenant que M. Nielsen n'a plus de bail, qu'arrive-t-il à sa propriété? Est-ce que vous voulez l'approprier ou l'avez-vous vendue?

M. Hunt: Pour l'instant, nous n'avons pris aucune mesure.

M. Peters: Pourquoi? Puisque vous êtes certain d'avoir raison, pourquoi n'avez-vous rien fait?

M. Hunt: En portant cette question devant le Comité, la maison . . .

M. Peters: Vous n'avez pas porté cette question devant le Comité.

M. Hunt: Si.

M. Peters: Non, ce n'est pas le ministère, mais la Chambre qui, à la suite d'une motion, a demandé que l'affaire soit portée devant ce Comité, ce n'est pas le ministère de la Justice ni le ministère des Affaires indiennes.

Le président: Toutefois cette question entre dans le cadre des attributions.

M. Peters: J'en suis conscient. Qu'adviendra-t-il de cette propriété et pourquoi n'avez-vous encore rien fait?

M. Hunt: En même temps que la Chambre a demandé que l'affaire soit portée devant ce Comité, elle a donné ordre au ministère de ne prendre aucune mesure avant que l'affaire ne soit réglée.

M. Peters: Que s'est-il passé auparavant? Cette affaire nous a été soumise il y a 15 jours seulement, mais depuis 1969, je suppose que vous n'avez rien fait. Qu'avez-vous fait en janvier, février, mars et les mois suivants?

M. Hunt: C'est par une lettre datée du 6 mai 1970 que le Ministère a avisé M. Nielsen qu'il ne renouvelerait pas le bail.

[Text]

Mr. Peters: If this decision is upheld, is it your intention to expropriate this property and, if so, what kind of relief do you intend to give Mr. Nielsen?

The Chairman: I think this is . . .

● 2135

Mr. Peters: No, Mr. Chairman. I have heard of this kind of thing before, when a Department gets carried away. And each one of the officials in this Department are as responsible as the little guy in Whitehorse who made this decision. I suggest these decisions were made for political reasons rather than for reasons of justice. I think this case has been doctored up to suit the justice part of it and that this will come out. If necessary, we may have to call the people that were involved. So I do not think the Justice Department would allow them to make this kind of a decision without making some decision on what kind of compensation would be forthcoming or how the compensation would be arrived at, Mr. Chairman.

The Chairman: Mr. Peters, I do not want to argue your point, but your statement is making an inference in respect of some of the witnesses we have here. You can ask them any questions, but I believe . . .

Mr. Peters: I asked them a question, Mr. Chairman.

The Chairman: Would you please listen until I have finished my statement.

Mr. Peters: Mr. Chairman, you are not in a position to make a statement, you are the Chairman.

The Chairman: I am not making a statement, I am making a ruling, if you wish. I do not believe it is up to the members to make any inference in respect of any of the witnesses, unless they have evidence before them.

Mr. Peters: Mr. Chairman, we have the evidence before us. Just to renew it, we have been handed a sales document, which is a totally different thing than a lease. What we really are discussing is a renewal of a lease, not a sales document. The member from Northwest Territories has indicated that this must be very recent because the name of the Department was changed. So it is not an old document. The document that we have been handed says:

. . . will sell to the Purchaser . . .

Then it goes on to talk about sales, not a lease. So we have been given a lot of hanky-panky. I suggest that if

[Interpretation]

M. Peters: Au cas où cette décision serait maintenue, avez-vous l'intention d'exproprier M. Nielsen et, dans l'affirmative, avez-vous l'intention de le dédommager?

Le président: Je crois que c'est . . .

M. Peters: Non, monsieur le président. J'ai déjà entendu des paroles semblables et, lorsqu'un ministère se laisse emporter, chaque fonctionnaire est aussi responsable que celui qui prend la décision. Je suis en train de penser que ces décisions sont motivées par la politique plutôt que par souci de justice. Dans cette affaire, on s'est arrangé pour donner un semblant de justice, mais on saura tout si c'est nécessaire, nous ferons venir tous les gens en cause. Je ne pense pas que le ministère de la Justice les autorisera à prendre une décision de ce genre sans prévoir un dédommagement.

Le président: Vous accusez certains témoins qui sont ici présents. Nous pouvons les interroger, mais je crois . . .

M. Peters: Je leur ai posé une question, monsieur le président.

Le président: Je vous prie de ne pas m'interrompre.

M. Peters: Vous êtes président, et, par conséquent, vous n'êtes pas autorisé à faire une déclaration.

Le président: Ce n'est pas une déclaration. Les membres n'ont pas le droit d'accuser les témoins qui sont convoqués devant ce Comité à moins qu'ils n'aient des preuves à l'appui.

M. Peters: Nous avons des preuves. On nous a remis un contrat de vente qui est totalement différent d'un bail. En réalité, notre discussion porte sur le renouvellement d'un bail et non pas sur un contrat de vente. Le député des Territoires du Nord-ouest laisse entendre que c'est très récent car le nom du ministère a changé. Par conséquent ce n'est pas un document ancien. Le document qu'on nous a remis se lit comme suit:

. . . vendra à l'acheteur, . . .

Puis il parle de vente, et non de bail. Il me semble que si le bail a été annulé parce que le preneur a été élu

[Texte]

this lease has been turned down because the man became a member of Parliament and is disqualified obviously there has to be some compensation. For instance, if I had a loan from Central Mortgage and Housing and I later became a member of Parliament and therefore am not entitled to get a loan from Central Mortgage and Housing, if you are going to do something about it you obviously either have to buy my house you expropriate or provide me with something else. Certainly I cannot be disqualified from owning that house, or having that loan, because I was given it—although I could not get it afterwards. So I suggest that this must have been considered. Mr. Chairman.

The Chairman: Yes, Mr. Hunt.

Mr. Hunt: Mr. Chairman, all I can say in response to the question is that future action with respect to this particular lot and to any improvements on it has not been a matter of consideration by any official within the Department and that the Department intended, as I already have indicated, to leave any consideration of future action until this matter had been resolved and we had received direction from Parliament as to how to dispose of it.

The Chairman: Do you have more questions, Mr. Peters?

Mr. Peters: Mr. Chairman, is there an indication that this is a commercial transaction?

Mr. Hunt: Mr. Chairman, I am not quite clear.

Mr. Peters: Well, is the property solely for the purpose of a summer cottage or is it for commercial purposes?

Mr. Hunt: Our understanding is that it is solely a summer cottage area and that it could be used only for that purpose.

If I might, Mr. Chairman, I should perhaps mention again that the particular leased land in question is on what we call the waterfront reserve and generally that is only available for this type of activity.

Mr. Benjamin: May I have a short supplementary, Mr. Chairman?

The Chairman: Yes, Mr. Benjamin.

Mr. Benjamin: Are there any conditions in the lease that restrict the use of that property for residential

[Interprétation]

député, on doit le dédommager. Si je contractais un prêt à la Société centrale d'hypothèques et de logement et que plus tard j'étais élu député, je n'aurai plus droit à un prêt de la Société centrale d'hypothèques et de logement. Si vous me retirez ce prêt, vous devez acheter la maison de laquelle vous m'expropriez ou me donner une indemnisation. Ce n'est pas le fait de posséder cette maison ou d'avoir un prêt puisqu'on me l'a octroyé, qui me disqualifie. Voilà ce dont il aurait fallu tenir compte.

Le président: Monsieur Hunt.

M. Hunt: A cette question, je répondrai que le Ministère a résolu de ne prendre aucune mesure jusqu'à ce que cette affaire soit réglée, c'est le Parlement qui nous l'a mis entre les mains.

Le président: Avez-vous d'autres questions à poser, monsieur Peters?

M. Peters: Cette transaction est-elle de nature commerciale?

M. Hunt: Je n'ai pas très bien saisi.

M. Peters: Le but était-il d'en faire une résidence d'été ou bien y avait-il des fins commerciales?

M. Hunt: Cette zone était réservée uniquement à la construction de résidence d'été.

J'ajouterais que ce terrain loué à bail est en bordure de l'eau et qu'on ne peut en disposer autrement.

M. Benjamin: Puis-je poser une brève question supplémentaire?

Le président: Oui, monsieur Benjamin.

M. Benjamin: Est-ce que le bail stipule que la propriété ne peut être utilisée que dans un but

[Text]

purposes only, or are there other conditions or other uses that are allowed?

Mr. Whitman: Yes, there usually are. Various leases have various special clauses. I would expect to find it, though I have not examined this lease. I would also like to remark, Mr. Peters, that when this lease was put forward to the Department here in Ottawa there was no indication whatever that it was a renewal of a lease, that there was any building on it, or that Mr. Nielsen had any prior interest in the property.

Mr. Peters: Are you suggesting that this decision was made without all that knowledge?

Mr. Whitman: Oh yes. It came to us as just an ordinary application to lease what we understood to be vacant land. But I do not believe that that would have had any . . .

Mr. Peters: You are at a much higher level than the person that renewed this lease previously. You in the Justice Department certainly do not renew leases for the National Capital Commission and so on. These are done obviously by people at a lower level. In this particular case why did it come to your attention? Was there a change in the personnel at Whitehorse or wherever the headquarters of your land office is?

● 2140

Mr. Hunt: Mr. Chairman, I might answer that question and answer an earlier question. I believe perhaps it might be helpful, if Mr. Nielsen agrees, if we could table these documents themselves.

Mr. Woolliams: Just on one little point there as a supplementary, that application form is prepared by the Department, is it not? The questions that you require are put in the application form so if there are any omissions it is because your form did not call for that information and nobody bothered, of course, to look it up. Is that not correct, Mr. Hunt?

Mr. Hunt: The application form contains those questions about information that the Department feels should be revealed at the time of application for a lease.

Mr. Woolliams: If these other facts that Mr. Peters has brought out as being essential to your legal decision or your administrative decision had been essential you would have naturally included that in your application form because you are very thorough in that regard.

[Interpretation]

résidentiel ou bien d'autres conditions ou d'autres usages sont-ils permis?

M. Whitman: Les baux diffèrent les uns des autres. Cette clause s'y trouve probablement, même si je n'ai pas examiné ce bail. Lorsqu'il a été soumis au Ministère, ici à Ottawa, rien n'indiquait qu'il s'agissait d'un renouvellement ni qu'il y avait une maison sur le terrain ni que M. Nielsen avait déjà occupé cette propriété.

M. Peters: Voulez-vous dire que la décision a été prise sans même connaître tous ces éléments?

M. Whitman: Bien entendu. Sa demande nous est parvenue comme s'il s'agissait d'un simple bail à octroyer pour une terre vacante.

M. Peters: Vous occupez un poste beaucoup plus important que la personne qui avait renouvelé ce bail auparavant. Ce n'est certainement pas le ministère de la Justice qui renouvelle les baux pour la Commission de la Capitale nationale. Ce sont des personnes moins haut placées qui le font. Pourquoi cette affaire en particulier vous a-t-elle été soumise? Est-ce que le personnel de Whitehorse a été changé?

M. Hunt: Monsieur le président, je pourrais répondre à cette question ainsi qu'à une question qui a été posée précédemment. Si c'est utile et si monsieur Nielsen accepte, nous pourrions déposer ces documents.

M. Woolliams: Cette formule de demande est préparée par le Ministère, n'est-ce pas? Toutes les questions dont vous avez besoin figurent sur la formule de demande; par conséquent, s'il y a des omissions, c'est parce que votre formule ne demandait pas ces renseignements et que personne ne s'est inquiété de les obtenir. C'est bien ainsi, n'est-ce pas?

M. Hunt: La formule de demande fait apparaître sous forme de questions tous les renseignements que le Ministère juge nécessaires pour accorder un bail.

M. Woolliams: Si tous les autres éléments que monsieur Peters a évoqués sont essentiels à son avis ou selon le vôtre, vous les auriez évidemment inclus dans la formule de demande avant de rendre une décision juridique.

[Texte]

Mr. Hunt: I think if there were felt to be a need for any additional information either we would request it or if it was standard it would be included in the form, yes.

With respect to the question asked whether this could be a lease for residential or commercial use, the 1964 renewal of the lease contains a restriction. The lessee will use the land for residential purposes only. It was intended that this same restriction should be placed in the lease that I indicated had been drawn up but not executed by the Department just yet.

Mr. Benjamin: The one for 1969?

Mr. Hunt: Yes.

Mr. Orange: I have a supplementary here. I am a little concerned that Mr. Whitman has testified that when the documents reached him he had no indication that Mr. Nielsen had a prior lease and this was just a renewal, or that there were any improvements on the land. For clarification purposes, is this a fact?

Mr. Whitman: I did not even see the documents but I would like to point out that the application was filed in the Whitehorse office. On the basis of the application, they prepared a lease which was a renewal. When the lease document came through to our land section they called me and asked me if the opinion previously expressed by the law officers of the Crown in respect to agreements for sale applied equally to leases. I told them that in my opinion it did. On that basis, they advised Whitehorse that they were not prepared to proceed with the lease. It is my information that no one here in Ottawa knew at the time that it was a renewal nor that there had been prior occupancy or improvement.

Mr. Lefebvre: This is a question in line with what Mr. Woolliams said a little while back when he said that Mr. Nielsen had been paying taxes on this property, I believe, from 1952 if that is correct. He was apparently paying taxes to land which he did not lease nor own to the territorial government. Is that right so far? Where I am getting mixed up is, now he has applied for a lease and then a sale agreement to the Department of Indian Affairs, which is a federal government agency. When was this particular land transferred from the territorial government to your Department? This is where I am getting a little mixed up here.

An hon. Member: That is all right, good.

[Interprétation]

M. Hunt: Quand on a besoin d'un renseignement supplémentaire, on le lui demande et s'il s'agit d'un renseignement courant, il figure sur la formule.

Quant à la question de savoir si ce bail était de nature résidentielle ou commerciale, le bail renouvelé de 1964 contient une clause restrictive. Le preneur ne peut utiliser le terrain qu'à des fins résidentielles. On avait l'intention d'inclure cette même clause dans le bail dont j'ai parlé et qui a été rédigé mais auquel le Ministère n'a pas encore donné suite.

M. Benjamin: Vous parlez de celui de 1969?

M. Hunt: Oui.

M. Orange: Je voudrais poser une question supplémentaire. Je suis surpris d'entendre monsieur Whitman déclarer que lorsque les documents lui ont été remis, rien n'indiquait que monsieur Nielsen avait déjà eu un bail et que ce dernier n'était qu'un renouvellement, et rien n'indiquait non plus que le terrain avait été aménagé. Les faits sont-ils exacts?

M. Whitman: Je n'ai même pas vu les documents et je voudrais attirer l'attention sur le fait que la demande a été enregistrée au Bureau de Whitehorse. A partir de cette demande, ils ont préparé un bail qui n'était que la prolongation du premier. Lorsque ce bail est parvenu à nos services, on m'a demandé si l'avis précédemment émis par les conseillers juridiques de la Couronne à propos des accords de vente s'appliquait également aux baux. J'ai répondu affirmativement. A partir de cela, ils ont avisé le Bureau de Whitehorse de ne pas donner suite à ce bail. J'ai appris qu'à l'époque, personne ne savait à Ottawa qu'il s'agissait d'un renouvellement ou que le terrain avait déjà été occupé et amélioré.

M. Lefebvre: Il y a un instant, monsieur Woolliams a dit que monsieur Nielsen payait un impôt foncier depuis 1952. Apparemment, il payait un impôt sur un terrain qu'il n'avait pas loué à bail et qui ne dépendait pas non plus du gouvernement territorial. Jusqu'à présent, est-ce exact? Là où je ne comprends plus, c'est qu'il vient de demander un bail, puis un accord de vente au ministère des Affaires indiennes qui est un organe du gouvernement fédéral. Depuis quand cette terre a-t-elle été transférée du gouvernement territorial à votre Ministère? Voilà où je ne comprends plus.

Une voix: Très bien.

[Text]

● 2145

Mr. Hunt: Mr. Chairman, there was no such transfer. The ownership and administration control of this particular land has always rested with the federal government and has been administered through the Department of Indian Affairs and Northern Development and its predecessor departments. However, the municipalities can assess municipal taxes and the territorial government can assess land taxes against lands either leased, particularly leased, and of course sold by the federal government to the individuals. It appears that they can also assess taxes against an improvement even though the ownership to the land itself was not to the territory.

Mr. Lefebvre: They were, in effect, collecting taxes up until 1959 from what we call back home a squatter? Would that be correct?

Mr. Hunt: I hesitate, sir, because I have no information that they were in fact collecting the taxes but if they were then presumably this is right.

Mr. McCleave: I am sure my friend would not want to be unfair. When a person pays taxes and taxes are being collected that is an acknowledgement of title and that does not give the designation of squatter to the person involved.

Mr. Lefebvre: I do not know if we can define the term squatter, but where I come from if a guy goes off and buys a piece of land which he has no title to and nobody takes him off it after a few years he is a squatter. Some of them have been on it for maybe 25 or 30 years, they acquire what they call squatter's rights, I believe.

Dr. Ollivier: If it belongs to the Crown especially.

Mr. Lefebvre: Yes, Crown land I am speaking of. There was a further question I wanted to ask before I finished about something Mr. Peters brought up to which I did not hear any of the witnesses' reply. Mr. Peters said he was convinced that this was a political decision only and had nothing to do with Justice or anything else. I did not hear any of the witnesses say that they were in agreement or disagreement with this question of Mr. Peters. In other words, are the witnesses here accepting that question as yes or is it no?

Dr. Ollivier: Can I ask you a question on that, Mr. Chairman.

Mr. Lefebvre: It was brought up in committee but there was no answer given.

[Interpretation]

M. Hunt: Il n'y a jamais eu un tel transfert. La propriété et le contrôle administratif de cette terre ont toujours été dans les mains du gouvernement fédéral. Ces terres ont toujours été gérées par le ministère des Affaires indiennes et du Nord canadien et les ministères qui l'ont précédé. Il n'en demeure pas moins que les municipalités et le gouvernement territorial peuvent lever un impôt foncier sur ces terres qu'elles soient louées à bail ou vendues à des particuliers par le gouvernement fédéral. Ils sont également à même de lever un impôt sur toute amélioration même si la terre elle-même n'appartient pas au Territoire.

M. Lefebvre: En fait, même les squatters étaient tenus de leur verser un impôt jusqu'en 1959, n'est-ce pas?

M. Hunt: J'hésite à vous répondre, car je n'ai aucun renseignement à ce sujet, mais c'est très probable.

M. McCleave: Il n'y a pas lieu de mettre en doute la parole de mon ami, j'en suis certain. Lorsqu'un impôt est levé et qu'une personne paie cet impôt, on ne peut pas la désigner comme squatter puisqu'il y a reconnaissance de propriété.

M. Lefebvre: Qu'est ce qu'un squatter sinon une personne qui achète un lopin de terre sans y être autorisée et que personne n'expulse. Il y en a qui sont sur leur terre depuis 25 ou 30 ans, et je crois qu'ils acquièrent ce qu'on appelle les droits du squatter.

M. Ollivier: En particulier, si la terre appartient à la Couronne.

M. Lefebvre: Je parle des terres de la Couronne. Monsieur Peters a posé une question à laquelle aucun des témoins n'a répondu. Monsieur Peters est convaincu que la décision a été guidée par des motifs politiques plus que par ceux de justice. Aucun témoin n'a approuvé ou désapprouvé cette déclaration. Autrement dit, les témoins sont-ils d'accord avec cette déclaration?

M. Ollivier: Permettez-moi de vous poser une question à ce sujet.

M. Lefebvre: Cette question a été posée devant le Comité, mais personne n'y a répondu.

[Texte]

Dr. Ollivier: It is easily answered I think. If you ask the witness if the same form of agreement applies to the Northwest Territories, for instance, as it applies to the Yukon Territory you will get your answer whether it is political or not.

Mr. Lefebvre: What is the answer? What does apply?

Mr. Hunt: Exactly the same forms of agreement apply and exactly the same land disposal policies for federal land apply because they are administered in accordance with the Territorial Lands Act and regulations made subject to that Act.

Mr. Lefebvre: I have a final question of Dr. Ollivier. I understand under this Act that the same thing would apply if members of Parliament were renting or leasing homes or lands that have been expropriated by the federal government in the National Capital Commission area. I understand there are certain ones who are doing this. Would they, in effect, be in the same jacksot if I can use that term as Mr. Nielsen?

Dr. Ollivier: That is true, but they are worried also. Some of them are worried because Section 19(1) is not clear, although 19(1) does not contain a prohibition. It says that there shall be inserted in the contract certain conditions. That is why I say that as it does not contain prohibitions, as it mentions contract, we should interpret that word contract in the same way as we interpreted it in Sections 15, 16 and 17, which is a contract for which money is being paid at least. Or, if there is no money at least that the member would not get undue advantage. It only says advantage but I think the word undue is understood there.

Mr. Lefebvre: Right, right.

Dr. Ollivier: I think that should be clarified. The farmers in the West accepting money for their lands and many others. I think that should be covered. There are quite a number of members of Parliament and quite a number of conditions where the same situation exists.

Mr. Lefebvre: Order, please.

● 2150

Dr. Ollivier: Whether it be given lands or given money not to cultivate or being expropriated. Those are all contracts whether written or unwritten but they are contracts with the government. If you applied the law strictly then you would not be able to have any dealings with the government at all which is absolutely unfair. If it is a general law that applies to the whole community and you are not taking any

[Interprétation]

M. Ollivier: La réponse est très imple. Demandez aux témoins si le même accord s'appliquait aux Territoires du Nord-ouest et du Yukon et vous saurez, si oui ou non, c'est une question de politique.

M. Lefebvre: Quelle est la réponse?

M. Hunt: Ce sont exactement les mêmes formules qui s'appliquent dans le cas des terres fédérales parce qu'elles sont administrées au terme de la Loi sur les terres territoriales et conformément aux règlements qui découlent de cette Loi.

M. Lefebvre: Je voudrais poser une dernière question à monsieur Ollivier. En vertu de cette Loi, tout se passerait de la même façon si les députés louaient des maisons ou des terrains dans la région de la capitale nationale et dont le gouvernement fédéral aurait exproprié les occupants. Seraient-ils dans la même situation que monsieur Nielsen?

M. Ollivier: Absolument, et ils s'inquiètent eux aussi. Certains sont inquiets parce que l'article 19 (1) n'est pas très clair puisqu'il ne renferme aucune interdiction. Ils stipulent que les conditions doivent être insérées dans le contrat. Il faut interpréter le mot «contrat» de la même manière que nous l'avons fait dans les articles 15, 16 et 17, à savoir un contrat qui implique une certaine somme d'argent ou bien dans le cas contraire, le député ne doit pas en tirer un profit injustifiée. On n'emploie que les termes «bénéfices ou profits», mais les mots «peu justifiés» sont sous-entendus.

M. Lefebvre: C'est exact.

M. Ollivier: Il faudrait éclaircir la situation. Les cultivateurs de l'Ouest acceptent l'argent en échange de leurs terres et ils ne sont pas les seuls. Il y a bien des députés qui se trouvent dans une situation identique.

M. Lefebvre: A l'ordre, s'il vous plaît.

M. Ollivier: Qu'on donne des terres ou de l'argent pour empêcher que la terre ne soit cultivée ou pour éviter une expropriation, il s'agit dans tous les cas d'un contrat écrit ou non passé avec le gouvernement. Si l'on appliquait la loi à la lettre, on ne pourrait faire aucune transaction avec le gouvernement. Si l'on en fait une loi générale qui s'applique à tout le monde, on n'en tirera pas davantage de profits que si l'on prêtait

[Text]

advantage any more than when you are loaning money to the government. There is an exception for loans in the Act, but why just limit it to loans? That is what makes the difficulties that sometimes you specify, as in loans you say, "People making loans to the government will now come under this thing". Or, in the Veterans' Land Act you quote that it will not disqualify a member. That is what has created the difficulty because the fact that you have said in certain cases that it would not disqualify members then in other cases people think it does or might disqualify them.

Mr. Lefebvre: Right, thank you, sir.

The Chairman: Mr. Woolliams.

Mr. Woolliams: To bring this matter to a end, I would appreciate any suggestions from any of the members if I have left anything out. I think this is what everybody seems to be talking about.

In view of the legal opinion now heard by Dr. Ollivier, I now move:

That both the lease and the sale in question between the Crown and Mr. Nielsen be proceeded with forthwith, according to the law and that the Committee confirm this decision and this be accepted as an administrative precedent for the future dealings between members of Parliament and the Crown.

Dr. Ollivier: I am not sure that you can give the notice. That is not exactly in your order of reference. You say that the government shall proceed to do this. I do not think the Committee could go that far and give instructions to the Committee. You could say though, in your report, that the question of privilege was well founded and that the law should be administering it and that in your opinion, the law should be administered in such a way as to not prejudice members of Parliament, that they should be treated the same way as any other citizen.

Mr. Woolliams: I am prepared to take that suggestion. I want to be a little more positive. What I am concerned about is the very point, Dr. Ollivier, you mentioned. For example there have been subsidies paid to the Wheat Board on one or two occasions. I as a member of Parliament have farmed although it is not my main occupation at the moment, and I get Wheat Board payments. I get the initial payments, sometimes a second and third payment so that I am doing exactly what Mr. Nielsen is doing. I am quite concerned as a member of Parliament.

[Interpretation]

de l'argent au gouvernement. Dans la Loi, on fait exception pour les prêts, mais pourquoi s'en tenir uniquement aux prêts? La difficulté provient du fait que parfois, comme dans le cas des prêts, vous précisez très exactement les termes du contrat. Ainsi la Loi sur les terres destinées aux anciens combattants ne stipule pas la disqualification d'un député. Encore une fois, la difficulté provient du fait que dans certains cas, vous avez précisé que les députés ne seraient pas disqualifiés tandis que dans d'autres cas, c'est le contraire.

M. Lefebvre: Exact. Merci monsieur.

Le président: Monsieur Woolliams.

M. Woolliams: Pour en finir, j'aimerais que les députés me disent si j'ai oublié quelque chose. A la suite de la déclaration de M. Ollivier, je propose:

que la location et la vente dont il est question entre la Couronne et M. Nielsen soient mises à exécution selon la Loi et que le Comité confirme cette décision comme étant un précédent administratif en ce qui concerne les transactions à venir entre les députés et la Couronne.

M. Ollivier: Je me demande si on peut procéder ainsi. Ce n'est pas votre mandat. Vous dites que le gouvernement peut agir ainsi. Le Comité ne pourrait pas aller jusque-là, je pense, et donner des ordres au gouvernement. Vous pourriez dire toutefois, dans votre rapport, que la question de privilège était fondée et que la Loi devrait être appliquée que les députés soient traités comme tous les autres citoyens.

M. Woolliams: Je voudrais être un peu plus positif. Ce qui me préoccupe, c'est que ce que vous avez dit, monsieur Ollivier, à une ou deux occasions, on a versé des subventions à la Commission canadienne du blé; en tant que député, j'ai déjà eu une ferme; j'ai reçu des paiements de la Commission; bien que ce ne soit pas ma principale occupation présentement, je reçois les paiements initiaux, parfois un deuxième et un troisième paiement. Je fais la même chose que M. Nielsen.

[Texte]

Dr. Ollivier: I think that is different. In your case, you have received money but Mr. Nielsen has not received any. He has been paying money to the government.

Mr. Woolliams: I do not know how I would get paid for my grain any other way. I happen to deal in a complex society.

The Chairman: Mr. Woolliams, I do not want to interrupt you but I believe we should try maybe to put some questions if there are some other members who have questions. Maybe we could delay until next Tuesday, the drafting of our report that we will be making to the House and tabling in the House within the terms of reference. For the time being, no one will suffer any prejudice.

Mr. McCleave: Mr. Chairman. We were asked to consider a second question too. Perhaps if I read something that I drafted here, it would be in the record that would be available for consideration next week. Unfortunately, I cannot be here at that time. We were asked also the question as to whether an employee and/or employees of the Government of Canada in making and applying such decisions is acting within the scope of his responsibilities. I have written:

Your Committee has been directed to consider the question as to whether the government employees involved acted within the scope of their responsibilities. We find the decisions were made after receiving legal advice. Since these decisions in effect constituted an attack on the privileges of a member of Parliament and since the House of Commons itself is the proper judge of the privileges of its members, your Committee is of opinion that no decision should have been made in this case without first requesting the opinion of the House of Commons.

The Chairman: Yes, Mr. Fischer.

Dr. H. Fischer (Legal Adviser to Department of Indian Affairs): Mr. Chairman, it was expressly stated in the opinion of the Deputy Attorney General that no opinion is being expressed on the propriety of a member of the House of Commons or his duties towards the House. This is expressly stated in their opinion. There is no intention on the part of the Deputy Attorney General to give any opinion in that respect. Further, all he did and all my colleague was doing, was to advise the department what is proper for the department to do. We are not rendering advice what is proper for the member to do. This Committee may, of course, and I hope it will, say that there is no

[Interprétation]

M. Ollivier: Je ne crois pas. M. Nielsen n'a pas reçu d'argent; il en a versé au gouvernement.

M. Woolliams: Je ne vois pas de quelle autre façon je pourrais être payé pour mon grain. Je fais des affaires au sein d'une société complexe.

Le président: Monsieur Woolliams, je ne voudrais pas vous interrompre, mais je crois qu'il faudrait questionner d'autres témoins. Nous pourrions peut-être remettre à mardi la rédaction du rapport que nous devons déposer à la Chambre. Ainsi, il n'y aura pas d'injustices.

M. McCleave: On nous a demandé d'étudier une autre question. Si je vous lis ce que j'ai rédigé, on pourra l'inscrire dans le compte rendu qui sera à l'étude la semaine prochaine. Je ne serai probablement pas ici à ce moment-là. On nous a demandé si des fonctionnaires ont le droit d'agir ainsi. Voici ce que j'ai écrit:

Votre Comité doit s'efforcer de découvrir si les fonctionnaires ont le droit d'agir comme il le faut. On s'est rendu compte que les décisions ont été prises après avoir reçu l'avis d'experts en droit. Puisque ces décisions lèsent les droits des députés et puisque la Chambre des communes doit juger des privilèges de ses députés, le Comité estime qu'aucune décision n'aurait dû être prise avant d'obtenir d'abord l'opinion de la Chambre des communes.

Le président: Oui, monsieur Fisher.

M. Fisher (Conseiller juridique, ministère des Affaires indiennes et du Nord canadien): Monsieur le président, le sous-procureur général a déclaré qu'on ne possède aucun écrit en ce qui a trait à la propriété d'un député et à ses responsabilités envers la Chambre. Il n'a pas l'intention de se prononcer à ce sujet. Mes collègues et moi-même avons tenté de suggérer la meilleure ligne de conduite possible au ministère. Nous ne dicterons toutefois pas la conduite des députés. Nous espérons que le Comité sera libéral envers les députés. Nous vous dirons s'il est préférable que le contrat contienne un article 19(1), mais nous ne vous dicterons pas quoi faire.

[Text]

[Interpretation]

impropriety on the part of the member. This is not our job and we are definitely not giving any opinion whatsoever on the propriety or otherwise of the member. All we are doing is advising, whether in the particular circumstances, this contract should include a particular clause 19(1) or not. If it does, should we go ahead or what?

● 2155

Mr. Woolliams: I would like to speak to that point. That is a point well taken but it does seem to me law is not an exact science. We have listened with interest to your opinion. We listened to Dr. Ollivier's opinion. Probably if we had other legal people here give an opinion, we might have come up with an opinion slightly different from that of the two of you. That is why we have a judiciary. Sometimes when there is a conflict, they come up with this. The terms of reference are wide enough in this regard, with greatest respect to the officers of the Crown. You are not acting in a judicial capacity, you are merely giving an opinion as you see it. I think the Committee and I think the Chairman's point is well taken that when they draft their report that they have to set out some basis in how the members of Parliament are going to deal.

We are dealing now in a complex society. We have got the Wheat Board and the LIFT program that affects western Canadians. You may have other boards affecting eastern members and you have people that may have to sign leases for their residence, their commercial property with the Crown who are members of Parliament. If we do not come up with some answer in that regard, then we are going to disqualify a lot of people from acting in the public service as a member of Parliament. Right now we are all in agreement and I think the Chairman has taken the point well. What we need now is a little time to put it down in refined language.

The Chairman: I have before me a suggestion.

Mr. McCleave: It is not a motion, Mr. Chairman. It is just that I cannot be here next week and because I feel very keenly about it, I thought it might help the Committee. If it does not, fine.

The Chairman: I appreciate your suggestion. Mr. Benjamin, do you have any comments?

Mr. Benjamin: One point to clear up in my own mind. Am I correct in assuming that in the terms of reference to the Committee, we are concerned only with the matter of leasing a property. There is no sale involved. The other case—Mr. Nielsen may or may not

M. Woolliams: J'aimerais exprimer mon opinion. Je ne crois pas que le droit soit une science exacte. Nous avons écouté ce que vous aviez à dire; nous avons entendu M. Ollivier. Un autre expert des questions juridiques nous ferait probablement voir les choses d'une autre façon. C'est pourquoi il y a des juges; on fait parfois appel à ces derniers quand il y a un conflit. Vous ne faites qu'exprimer une opinion. Dans le rapport, il faudra décider du sort des députés.

Nous vivons dans un monde complexe. La Commission canadienne du blé et le Programme de réduction des stocks de blé affectent les habitants de l'Ouest canadien. D'autres commissions existent pour les habitants de l'Est. Vous connaissez peut-être des députés qui doivent signer des baux avec la Couronne. Si nous ne prenons pas une décision, nombreux seront ceux qui ne pourront agir en tant que député. Présentement, nous sommes d'accord. Il nous faut maintenant réfléchir afin de bien faire comprendre ce que nous pensons.

Le président: J'ai ici une suggestion.

M. McCleave: Ce n'est pas une motion, monsieur le président. Je ne serai pas ici la semaine prochaine et je croyais pouvoir aider le Comité en présentant mon texte. Si vous croyez que...

Le président: Je vous remercie monsieur Benjamin.

M. Benjamin: Est-ce que le mandat du Comité consiste simplement à étudier la question du bail; il n'y a pas de vente en causes. L'autre cas n'a rien à voir avec le mandat.

[Texte]

be involved in concerning the sale of a piece of land—really has nothing to do with the terms of reference.

The Chairman: It has unfortunately nothing to do with our terms of reference as they are written now. The Clerk of the House of Commons has referred to us and so ordered the precise motion put by Mr. Nielsen in the House of Commons within these precise terms. We are bound by these terms of reference but I believe that since we have Dr. Ollivier with us here, we could maybe then see fit to make some recommendations with regard to some amendments because Dr. Ollivier has raised a point in his written opinion that we could maybe make some recommendations as to the way the Clause 19 (1) should be interpreted precisely with regard to the member of Parliament.

Mr. Benjamin: Mr. Chairman, Dr. Ollivier might want to straighten me out on this. Since our terms of reference ask us to decide on this matter of privilege concerning a lease, is it his opinion that sale of land which is essentially something quite different is the same. Does he consider both the same in terms of the law that we have?

The Chairman: I want to interrupt you and read again: "as to the right of a member of the House of Commons to purchase or lease lands."

Mr. Benjamin: That is in the terms of reference.

The Chairman: Yes.

Mr. Benjamin: All right. Fair enough, I am straightened out.

Dr. Ollivier: I think a question of privilege is a little different from other questions that are referred to the committees. In the case of a question of privilege, it is up to the committee to decide what the question of privilege is and if the question of privilege is well founded. If you decide—which I hope and I think you will—that the question of privilege is well founded, then you can say that the member was right in what he thought. What I would object to in this suggestion is that "those decisions in effect constituted an attack on the privileges of the members of Parliament." I do not think they constituted an attack for the reason that the law itself is not as clear as it should be. It is possible that if I had been in the Department of Justice, I myself would have adopted their attitude.

● 2200

I am not sure because when you are on a case it depends which side hires you to give an opinion. I do

[Interprétation]

Le président: C'est exact. Le greffier de la chambre des Communes a présenté la motion de monsieur Nielsen textuellement. Nous sommes liés par ce mandat; cependant, monsieur Ollivier est ici ce soir; nous pourrions peut-être faire des recommandations, car monsieur Ollivier a souligné que nous pourrions le faire en ce qui a trait à l'article 19(1).

M. Benjamin: Peut-être monsieur Ollivier pourrait-il me répondre; puisque notre mandat nous demande de prendre une décision en ce qui concerne un bail, pense-t-il que la vente de terrains, qui est, en fait, très différente, est semblable? Est la même chose aux termes de la Loi?

Le président: Je voudrais relire l'article en question: «En ce qui a trait aux droits d'un député de la chambre des Communes d'acheter ou de louer des terrains».

M. Benjamin: C'est là le mandat.

Le président: Oui.

M. Benjamin: J'ai compris.

M. Ollivier: La question de privilège est un peu différente des autres questions qui sont présentées au Comité. En ce qui concerne les questions de privilège, c'est le Comité qui doit décider ce qu'est la question de privilège et si elle est bien fondée. Si vous décidez que la question de privilège est bien fondée, vous pouvez dire que le député était dans son droit. Je ne crois pas qu'il s'agissait d'une attaque aux privilèges des députés, car la Loi n'est pas assez claire à ce sujet. Peut-être aurais-je adopté leur attitude si j'avais fait partie du ministère de la Justice. Je n'en suis pas certain, car vous analysez une situation différemment selon la personne qui vous emploie. Je crois que c'est la Loi, surtout l'article 19(1), qui n'est pas claire.

[Text]

not want to be silly but I think the member for the Yukon and I have said so. It is a question of privilege. It does not arise from an attack by the department. It arises from the uncertainty of the law, especially Section 19(1), which has known many deputy ministers of Justice since it is there.

Mr. McCleave: Mr. Chairman, I have changed the words "constituted an attack" to the word "involved".

The Chairman: Thank you for the suggestion, Mr. McCleave. Before adjourning, I believe it would be appropriate to ask the members if they want to put a motion to have included in today's records the legal opinion given by the Deputy Attorney General on December 30, 1969.

Mr. Woolliams: I so move.

Motion agreed to.

Mr. Peters: Mr. Chairman, before you adjourn I would like to just state very strongly my objection to the reasons why this matter of privileges had to be raised. I think that the particular legal officials have been well aware of what was in the Senate and House of Commons Act and of the fact the reason those words were in there. Sections 15 and 19 were in there to stop members of Parliament from abusing their office in getting advantages that were only available to them because of their office. This certainly has not been borne out in this case. Each of the officers who has made this decision will have to be jointly responsible for having made this decision along with all the other officials who were involved. Certainly, I for one think they should be highly criticized for the decision that they made.

The Chairman: Since it is past 10 o'clock p.m. this meeting is adjourned until next Tuesday at 9.30 a.m.

Mr. Nielsen: May I speak about the timing now. Next Tuesday and Thursday there are meetings of the Indian Affairs and Northern Development Committee starting at 11 o'clock in the morning.

The Chairman: We are scheduled for 9.30 a.m., next Tuesday in Room 308, West Block.

The meeting is adjourned.

[Interpretation]

M. McCleave: J'ai remplacé «constitue une attaque» par «met en cause»:

Le président: Avant d'ajourner je crois que nous devrions demander aux députés s'ils veulent présenter une motion en vue d'inclure au procès-verbal l'opinion émise par le sous procureur général le 30 décembre 1969.

M. Woolliams: Je le propose.

Motion adoptée.

M. Peters: Monsieur le président, avant d'ajourner, j'aimerais vous dire que je n'approuve pas les raisons qui vous ont fait étudier cette question de privilèges. Je crois que les fonctionnaires juridiques savent ce qu'il y a dans la Loi sur le Sénat et la Chambre des communes et pourquoi. Les clauses 15 et 19 sont incluses pour éviter que les membres du Parlement n'abusent de leurs droits. Je crois qu'ici ce n'était pas le cas; les fonctionnaires devraient être responsables de ce qu'ils ont fait, et l'on devrait les critiquer à ce sujet.

Le président: Il est plus de 22 heures; la séance est levée jusqu'à mardi prochain, 9.30 heures.

M. Nielsen: Il y a des réunions du Comité des Affaires indiennes et du Nord canadien mardi et jeudi prochain à 11 heures.

Le président: Notre prochaine réunion aura lieu à 9 heures trente mardi prochain à la pièce 308 de l'Edifice de l'ouest.

La séance est levée.

APPENDIX "4"

APPENDICE «4»

Form 52-2-1

Formule 52-2-1

Department of Northern Affairs &
National Resources
RESOURCES DIVISION

Ministère du Nord canadien et
des ressources nationales
DIVISION DES RESSOURCES

Application to lease Territorial Lands
(delete word not applicable)

Demande de location et achats
des terres territoriales
(supprimer le mot qui ne s'applique pas)

Surname . . . Nielsen . . . Full Christian Names . . Erik
Herscott
Address . . P.O. Box 100, Whitehorse, Y.T.
Occupation . . MP-Yukon . . . Employed by
Lands now owned or controlled by the applicant in
the Yukon Territory

Nom . . . Nielsen Prénoms . . . Erik Herscott
Adresse . . B.P. 100, Whitehorse, T.Y.
Profession . . Député-Yukon . . . A l'emploi de . . Les
terres appartenant maintenant ou contrôlées par le
demandeur dans le territoire du Yukon
. Néant

I hereby make application to (lease) the land described
hereunder . . . 100' portion of waterfront reserve
adjoining the NE 50' portion of Lot 4 Block E and the
SW 50' portion of Lot 3 Block E, Marsh Lake, Y.T. . .
and if the land has not been surveyed I hereby agree to:—

Je demande par la présente de (louer) la terre décrite
ci-dessous . . . une portion de 100' des terrains réservés
sur la rive adjacente à la portion de 50' NE du Lot 4,
bloc E et la portion de 50' SO du Lot 3, bloc E, lac
Marsh, T.-Y.
et si la terre n'a pas été arpentée, j'accepte par les
présentes de:

- (a) Lease the land until such time as a survey
approved by the Surveyor General has been
made.

(b) Pay the costs of any survey that may be
required under the provisions of Sec 12 (1),
(2) and (3) of the Territorial Lands Regu-
lations.
- (a) louer la terre jusqu'à ce que je sache que
l'arpentage a été approuvé par l'arpenteur
général. (b) payer les coûts de tout arpentage
requis en vertu des dispositions de l'article 12
(1), (2) et (3) du Règlement sur les terres
territoriales.

If unsurveyed, date of staking . . . August 2, 1959 . .
For what purpose will the land be used? . . Residential
. . . (Summer cottage site)
Is any part of the land occupied? . . Yes . . If so, by
whom and for what purpose? . . E.H. Nielsen—
summer cottate site
.
Are there any improvements on the land? . . Yes
. . . If so,
Nature . . Cottage
Value . . \$1,800.00
Name of sole owner . . E.H. Nielsen
Are the lands wooded? . . Yes . . If so, state the
species of trees with the approximate size and density:
. . . Poplar and spruce 6" maximum diameter

Si l'arpentage n'a pas été fait, date du jallonnement du
terrain . . 2 août 1959
A quelle fin la place sera-t-elle utilisée? . . Résidentielle
. . . (Emplacement de chalet d'été)
Une partie de ces terres est-elle occupée? . . Oui
. . . Dans l'affirmative, par qui et à quelle fin?
. . . E.H. Nielsen, emplacement de chalet d'été
Y a-t-il des améliorations sur la terre? . . Oui
. . . Dans l'affirmative
Nature . . Chalet
Valeur . . \$1,800
Nom du propriétaire unique . . . E.H. Nielsen
Les terres sont-elles boisées? . . . Oui . . . Dans
l'affirmative, mentionnez quelles espèces d'arbres, leur
grandeur et densité approximatives:
. Peupliers et sapins, maximum 6" diamètre

I enclose herewith the required \$5.00 application fee
with the distinct understanding that such payment
does not entitle me to take, occupy or use the land.

J'inclus les \$5 nécessaires pour les frais de demande,
étant bien attendu qu'un tel paiement n'autorise pas à
prendre, occuper ou utiliser la terre.

I certify that the information furnished by me in this application is true and correct.

Je certifie que les renseignements fournis dans cette demande sont véridiques et exacts.

Date: . . . 20 August 1959 . . . Erik Nielsen . . .
Signature of Applicant

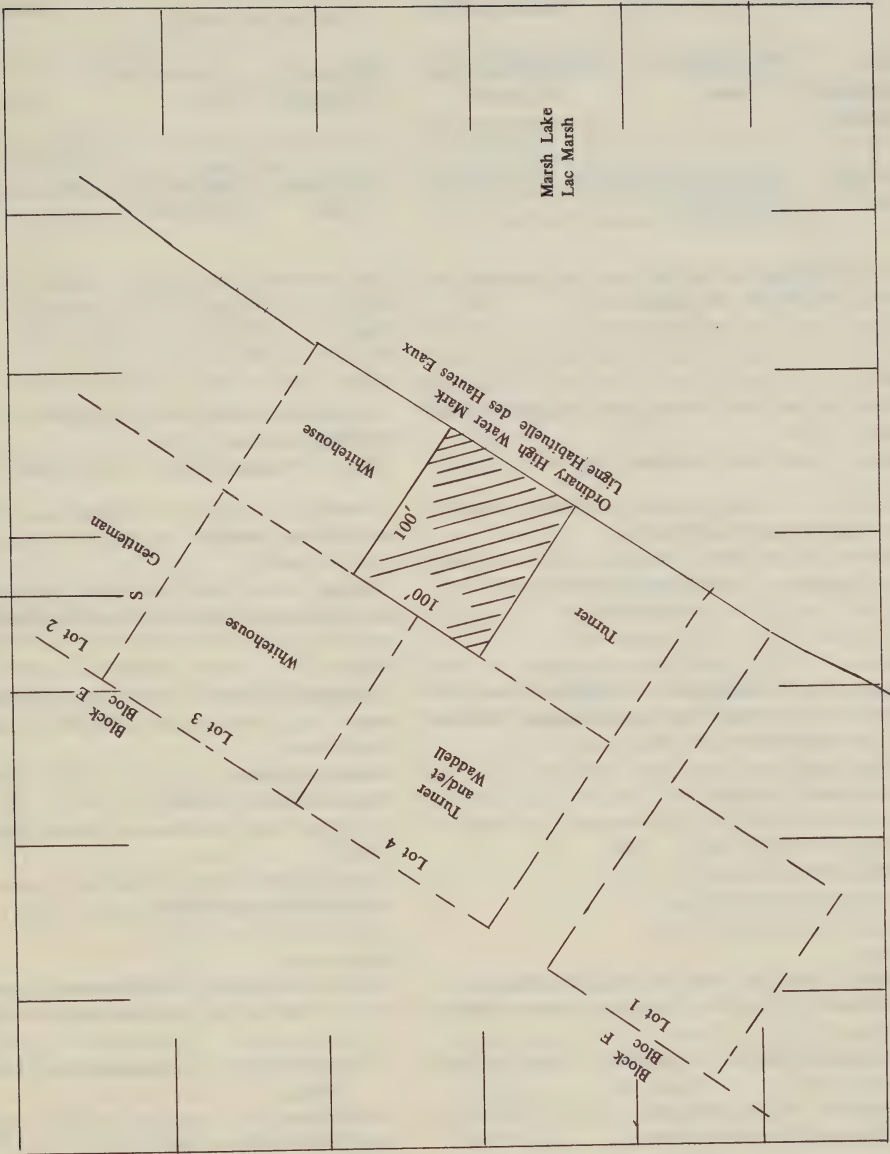
Date . . . 20 août 1959 . . . Eric Nielsen . . .
Signature du demandeur

N.B. Sketch and brief description of land applied for must be completed on the reverse of this form.

N.B. Un croquis et une brève description du terrain demandés doivent apparaître au verso de cette formule.

Sketch Plan of Land
Croquis du terrain

N



Scale 1 inch.....feet
Échelle 1 po.....pi

NOTE: A complete inspection report, on this form, must accompany each application for unsurveyed land.

NOTE: Un rapport d'inspection complet, sur cette formule doit accompagner chaque demande pour terrains non-arpentés.

5/54

(See over)

(Verso)

Form 52-2-1

Formulaire 52-2-1

Description of lands, tie-in and sketch

Description des terres et annexes et dessin:

See attached sketch:

Voir dessin ci-joint

REMARKS As parts of the waterfront reserve adjoining Lots 3 and 4, Block E, have already been conveyed in Leases No. 453 and 501, this parcel should be described as the residue.

REMARQUES Comme des sections du terrain en bordure de l'eau adjacent au lots 3 et 4, blocs E, ont déjà été données dans les baux n^{os} 453 et 501, ce lot devrait être décrit comme en étant le reste.

Inspector's remarks and recommendations: Recommend issuance of a lease to cover that part of the waterfront reserve outlined in red on the attached sketch.

Remarques et recommandations de l'inspecteur: Recommande la délivrance d'un bail pour couvrir cette partie réservée le long du rivage et tracée en rouge sur le dessin ci-joint.

Date of Inspection 25 Sept 1959

Date de l'inspection 25 septembre 1959

Signature of Inspector

Signature de l'inspecteur

Agent's remarks and recommendations: Concur in recommendation of Land Inspector and suggest 5-year residential lease at minimum rental of \$10.00 per annum subject to provisions of Orders-in-Council P.C. 1949-855 & P.C. 1954-1056

Remarques et recommandations de l'agent: Est d'accord avec la recommandation de l'inspecteur du terrain et suggère un bail résidentiel de 5 ans à un loyer minimum de \$10 par année sujet aux clauses de l'Ordre en conseil C.P. 1949-855 et C.P. 1954-1056

Date November 30th, 1959, ... below and upon submission of Affidavit of Ownership re improvements.

Date 30 novembre 1959 ... et sujet à présentation et déclaration de droit de propriété, au sujet des améliorations.

W. M. Emery,
Agent of Territorial Lands
Whitehorse Land District.

W.M. Emery
agent des terres territoriales
Whitehorse District territorial

Miscellaneous Concurrences			Accords divers		
Concurred in	Concurred in	Concurred in	Est d'accord	Est d'accord	Est d'accord
Not concurred in	Not concurred in	Not concurred in	N'est pas d'accord	N'est pas d'accord	N'est pas d'accord
(Signature)	(Signature)	(Signature)	(signature)	(signature)	(signature)
(Appointment)	(Appointment)	(Appointment)	(nomination)	(nomination)	(nomination)
Date	Date	Date	Date	Date	Date



AFFIDAVIT OF OWNERSHIP

CANADA
YUKON TERRITORY
TO WIT:

I, . . . Erik Hersholt Nielsen
 (Christian Names in full) (Surname)
 of . . . Whitehorse, Yukon Territory
 (Address) Member of Parliament
 (Occupation)

MAKE OATH AND SAY:

1. THAT I am the applicant for the parcel of land in the Yukon Territory described hereunder:

100 foot portion of waterfront reserve adjoining the north-easterly 50 foot portion of Lot 4, Block "E" and the south-westerly 50 foot portion of Lot 3, Block "E" of the Marsh Lake Subdivision.

2. THAT I am the owner of all improvements located in whole or in part within the boundaries of the above described parcel of land

SWORN before me at...Whitehorse...in the Yukon Territory this 24th day of November A.D. 1959 } Erik Nielsen

D. A. MacNeill
A Commissioner for taking Affidavits
in and for the Yukon Territory

DÉCLARATION DE DROIT DE PROPRIÉTÉ

CANADA
TERRITOIRES DU YUKON
A SAVOIR:

Je, ... Eijk Hersholt Nielsen
(prénom au complet) (nom)

de ... Whitehorse, Territoire du Yukon ..., député
(adresse) (profession)

FAIT SERMENT ET DÉCLARE:

1. QUE je suis le demandeur d'une section de terrain dans le territoire du Yukon décrite ci-dessous:

Portion de 100 pieds de terrains réservés en bordure de l'eau adjacents à la portion de 50 pieds au nord-est du Lot 4, bloc E et au sud-ouest et à la portion de 50 pieds au sud-ouest du Lot 3, bloc E de la subdivision du lac Marsh.

2. QUE je suis le propriétaire de toutes les améliorations situées en totalité ou en partie dans les limites de la portion de terrain décrite ci-dessus.

ASSERMENTÉ devant MOI à...
Whitehorse... dans le territoire du
Yukon ce 24^{ème} jour de novembre A.D. 1959
Erik Nielsen

.....
Commissaire chargé de recueillir les
déclarations
au et pour le territoire du Yukon.

APPENDIX "5"

APPENDIX «5»

Ottawa 4, December 30, 1969

Ottawa 4, le 30 décembre 1969.

194951

194951

Dear Mr. MacDonald:

Cher M. MacDonald,

I refer to Mr. Yates' memorandum of December 15, 1969, file no. 8-3-855-0-5, wherein he requested an opinion as to whether an agreement for sale of territorial lands to Mr. Eric H. Nielsen, M.P., would contravene subsection 19(1) of the *Senate and House of Commons Act*.

Je me reporte au mémorandum de M. Yates, du 15 décembre 1969, numéro de dossier 8-3-855-0-5, dans lequel il demande si un accord de vente de terres territoriales à M. Eric H. Nielsen, député, enfreindrait le paragraphe 19 (1) de la *Loi concernant le Sénat et la Chambre des Communes*.

It will, of course, be understood that we cannot officially advise as to the legal position of a member of the House of Commons who should be guided by the advice of counsel of his own choosing in matters such as this.

Vous conviendrez évidemment que nous ne pouvons officiellement donner de conseils quant à la position légale d'un député de la Chambre des Communes qui devrait être guidé par un avocat de son propre choix dans des affaires de ce genre.

Subsection 19(1) of the Act reads as follows:

L'article 19 (1) de la Loi se lit comme suit:

"19. (1) In every contract, agreement or commission to be made, entered into or accepted by any person with the Government of Canada, or any of the departments or officers of the Government of Canada, there shall be inserted an express condition, that no member of the House of Commons shall be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom."

19. (1) Dans tout contrat ou marché fait ou conclu avec le gouvernement du Canada, ou avec quelqu'un des fonctionnaires ou ministères du gouvernement du Canada, et dans toute commission acceptée par qui que ce soit de leur part, il est inséré une condition formelle et explicite qu'aucun député à la Chambre des Communes n'est admis à être partie à ce contrat, à ce marché ou à cette commission, ni à participer à aucun des bénéfices ou profits qui en proviennent.

Unless the application of section 19 is restricted by its context, it may well not be legally possible for a department of government to make a binding contract or agreement with a member of the House of Commons since, by law, such contracts or agreements must contain a condition to the effect that no member of the House of Commons shall be admitted to any benefit or share arising therefrom. There can be no doubt that an agreement for the sale of land confers benefits upon the purchaser.

A moins que l'application de l'article 19 ne soit restreinte par son contexte, il peut n'être pas légalement possible pour un ministère du gouvernement de faire un contrat qui lie ou de conclure un marché avec un député de la Chambre des Communes étant donné, que de par la Loi, ces contrats ou marchés doivent contenir une clause portant qu'aucun député de la Chambre des Communes ne peut participer à aucun des bénéfices ou profits qui en proviennent. Il n'y a pas de doute qu'un marché pour la vente de terres procure des bénéfices à l'acheteur.

J. A. MacDonald, Esq.,
Deputy Minister,
Department of Indian Affairs and
Northern Development,
400 Laurier Avenue West,
Ottawa, Ontario.

Since the legal position with regard to this matter is at best doubtful, it may be that this can be viewed as sufficient justification for not proceeding with the agreement for sale mentioned in Mr. Yates' memorandum.

Étant donné que la position légale de cette affaire est assez douteuse, on peut la tenir comme justification suffisante pour ne pas poursuivre le marché de vente mentionné dans le mémorandum de M. Yates.

Yours truly,

Le sous-procureur général du Canada
Maxwell

Deputy Attorney General.

APPENDIX "6"

APPENDICE «6»

*Urgent and confidential*Ministère des Affaires
indiennes et du Nord
canadien.

Mr. A. D. Hunt.

M. A. D. Hunt.

Ottawa 4, May 27, 1970.

Ottawa 4, le 27 mai 1970

8-3-804-179.

8-3-804-179

8-3-855-0-5.

8-3-855-0-5

8-3-804-0-393.

8-3-804-0-393.

*Chronological Summary—Land Transactions in the
Yukon Territory: Mr. E. H. Nielsen, M.P.**Sommaire chronologique—Transactions foncières au
Territoire du Yukon: M. E. H. Nielsen, député*

Pursuant to your instructions, the following analysis of the sequence of events in negotiations with Mr. Erik H. Nielsen, M.P., has been compiled for the information of the Chairman of the Standing Committee on Privileges and Elections:

Conformément à vos instructions, l'analyse suivante de la séquence des événements dans les négociations avec M. Erik H. Nielsen, député, a été dressée pour l'information du président du Comité permanent des privilèges et élections.

1. *Lease No: 541. Head Office File: 8-3-804-0-179. Whitehorse File: 3692.*

1. Bail n^o. 541, dossier du bureau central: 8-3-804-0-179. Dossier de Whitehorse: 3692.

Issued in favour of Erik Hersholt Nielsen, *Member of Parliament*, for a term of 5 years from December the 1st, 1959, at a rental of \$10.00 per annum, covering a 100' x 100' parcel of land in the Waterfront Reserve fronting on Marsh Lake, Y.T., for residential purposes, subject to termination on 1 months' notice without payment of compensation.

Délivré au nom de Erik Hersholt Nielsen, *député* pour une période de 5 ans à partir du 1^{er} décembre 1959, à un loyer de \$10 par année, couvrant une portion de terrain de 100' x 100' sur le terrain réservé le long du rivage du lac Marsh, T.-Y. à des fins résidentielles, sous réserve de résiliation à un mois de préavis sans paiement de compensation.

Application: Application dated August the 20th, 1959, approved by Mr. D. W. Cairns, on behalf of Mr. W. M. Emery, Agent of Territorial Lands, Whitehorse on November the 30th, 1959, on the recommendation of Mr. J. Whyard, Inspector of Lands. The lease was executed by Mr. T. D. Skelly, Head of the Lands and Timber Section, Ottawa, on December the 24th, 1959, after endorsement by Mr. F. G. Smith, Legal Adviser.

Demande: La demande est datée du 20 août 1959, approuvée par M. D. W. Cairns, au nom de M. W. M. Emery, agent des terres territoriales, Whitehorse, le 30 novembre 1959, sur la recommandation de M. J. Whyard, inspecteur des terres. Le bail a été fait par M. T. D. Skelly, chef de la section des terres et du bois d'œuvre, le 24 décembre 1959, et endossé par M. F. G. Smith, conseiller juridique.

Remarks: Mr. Nielsen claimed ownership of a 44' x 32' cottage, valued at \$1,800.00, which was *already* on the property, but the Whitehorse office records do not reveal any evidence of previous land tenure. Inasmuch as the parcel concerned lay within the 100' Waterfront Reserve normally retained by the Crown pursuant to Section 8(b) of the Territorial Lands Act, it could not be sold without special authority of the Governor General in Council, and, in the case of Marsh Lake, such authorization could not be recommended, since the area might be inundated if proposals for a hydro-electric power development project in the district were carried out.

Remarques: M. Nielsen réclame le droit de propriété d'un chalet de 44' x 32', évalué à \$1,800, qui était *déjà* sur la propriété, mais le bureau de Whitehorse ne possède dans ces dossiers de preuves d'occupation de terrains antérieurs. Étant donné que le morceau de terrain dont il est question se situe dans les 100' du terrain en bordure de l'eau réservé normalement retenu par la Couronne conformément à l'article 8 (b) de la Loi concernant les terres territoriales, il ne pouvait être vendu sans autorisation spéciale du gouverneur général en conseil, et dans le cadre du lac Marsh, une telle autorisation ne pouvait être recommandée, étant donné que les secteurs peuvent être

This Waterfront Reserve was specifically withdrawn from disposal pursuant to Section 12 of the Dominion Water Power Act, by Order-in-Council P.C. 855, dated February the 22nd, 1949. Leases were not authorized until January the 8th, 1959, and anyone using the property prior to that date were reported to be squatters. Mr. Nielsen's name was not on the initial list of applicants, most of whom were occupants of the upland lots and had encroached on the Waterfront Reserve.

2. *Lease No: 1329, (renewal of Lease 541). Whitehorse File: 306-4.*

Issued in favour of Erik Hersholt Nielsen, *Member of Parliament*, for a further term of 5 years from December the 1st, 1964, at a rental of \$15.00 per annum, covering the same parcel of land, under similar terms and conditions as Lease 541.

Remarks: The lease was executed by Mr. F. A. McCall, supervisor of Lands, Whitehorse, on June the 10th, 1965, after endorsement by Mr. C. P. Hughes, Registrar of Land Titles for the Yukon Territory. Particulars concerning his application are not immediately available, as the transaction was dealt with on Whitehorse File No. 306-4, which is somewhere en route to Ottawa by Air Express.

3. *Agreement For Sale: 3869. Head Office File: 8-3-855-0-5. Whitehorse File: 306-4. Justice File: 194951.*

Application: Mr. Nielsen, in his capacity as a *Barrister* applied to purchase a parcel of land measuring approximately 400' x 400', lying to the rear of the 100' Waterfront Reserve at Quiet Lake, Y.T., for \$110.00, payable in five equal, consecutive, annual instalments of \$22.00 each, bearing interest at 5% per annum. Agreement For Sale 3869 was drawn up in his favour by Mr. T. A. Retallack, Supervisor of Lands, Whitehorse, and he executed it on October the 30th, 1969. Under the terms of the Agreement, the lands were to be used for residential and/or commercial purposes, and he was to occupy the property by the 1st of August, 1970, and was to complete building improvements valued at not less than \$1,000.00 before the 1st of August, 1973. Mr. Nielsen also undertook to pay the full cost for surveying this parcel, prior to the issue of a Grant conveying title to him.

Remarks: The draft Agreement was forwarded to the Land Management Service, Ottawa, under a

inondés si les propositions d'un projet de développement de l'énergie hydroélectrique dans le district étaient appliquées. Ce terrain réservé en bordure de l'eau a été spécifiquement déclaré non disponible en vertu de l'article 12 de la Loi sur les forces hydrauliques du Canada, par l'Ordre en conseil C.P. 855, le 12 février 1949. Jusqu'au 8 janvier 1959, on ne pouvait obtenir l'autorisation pour des baux, et toute personne utilisant la propriété avant cette date était considérée comme «squatter». Le nom de M. Nielsen n'était pas sur la première liste des demandeurs, dont la plupart étaient des occupants des lots des terres hautes ayant empiété sur le terrain réservé en bordure de l'eau.

2. *Bail n°. 1329 (renouvellement du bail 541). Dossier Whitehorse: 306-4.*

Émis au nom de Erik Hersholt Nielsen, *député* pour une autre période de 5 ans à partir du 1^{er} décembre 1964, à un loyer de \$15. par année, couvrant la même portion de terrain, en vertu de conditions semblables à celles du bail 541.

Remarques: Le bail a été fait par M. F. A. McCall, surveillant des terres, Whitehorse, le 10 juin 1965, avec l'autorisation de M. C. P. Hughes, registraire des titres des terres pour le territoire du Yukon. Les détails concernant sa demande ne sont pas disponibles pour l'instant, étant donné que la transaction a été effectuée sur le dossier de Whitehorse n°. 306-4, qui est en route pour Ottawa par courrier aérien.

3. *Accord de vente: 3869. Dossier du bureau central: 8-3-855-0-5. Dossier de Whitehorse: 306-4. Dossier de la Justice: 194951.*

Demande: M. Nielsen, en sa qualité d'*avocat*, a fait une demande d'achat d'une portion de terrain mesurant approximativement 400'x400', située à l'arrière du terrain réservé en bordure de l'eau de 100', à Quiet Lake, T.-Y. pour une somme de \$110.00 payable en 5 versements annuels égaux et consécutifs de \$22. chacun portant intérêt à 5% par année. L'accord de vente 3869 a été dressé en son nom par M. T. A. Retallack, surveillant des terres, à Whitehorse, et passé le 30 octobre 1969. En vertu des conditions de cet accord, les terres devaient être utilisées à des fins résidentielles et (ou) commerciales, et il devait prendre possession de la propriété le 1^{er} août 1970. Il devait en outre compléter les améliorations de construction évaluées à pas moins de \$1,000 avant le premier août 1973. M. Nielsen s'engagea à payer le plein montant de l'arpentage de cette portion, avant la publication de la subvention lui conférant le titre.

Remarques: Le projet d'accord a été envoyé au service de gestion des terres à Ottawa, avec un

memorandum from Mr. Retallack dated October the 30th, 1969, requesting clarification of Mr. Nielsen's eligibility to acquire Crown Lands, in view of Clause 10 of the Agreement, as set out hereunder:

"10. No member of the House of Commons shall be admitted to any share or part of this agreement or to any benefit to arise therefrom."

The matter was referred to the departmental Legal Adviser, and M. D. L. Whitman expressed the opinion that Mr. Nielsen was prohibited from entering into or benefitting from contracts with the Government of Canada, by virtue of Section 19(1) of the Senate and House of Commons Act, cited below:

"19.(1). In every contract, agreement or commission to be made, entered into or accepted by any person with the Government of Canada, or any of the departments or officers of the Government of Canada, there shall be inserted an express condition, that no member of the House of Commons shall be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom. This opinion was communicated to Mr. Retallack by Mr. J.R. Goudie, Head of the Territorial Lands Unit, on November the 7th, 1969, with instructions that Mr. Nielsen be advised that we were not in a position to proceed with the agreement. Mr. G.A. McIntyre, Regional Director of Resources, Whitehorse, relayed the information to Mr. Nielsen on November the 12th, 1969, but, by a letter of November the 27th, Mr. Nielsen queried this interpretation, and asked to have it reconsidered by the law officers of the Crown. On December the 24th, 1969, his request was forwarded to the Department of Justice by Mr. Whitman, and, on the basis of the advice received from the Deputy Attorney General of Canada by a letter of December the 30th, 1969, we confirmed our previous decision that we were not in a position to proceed with the agreement. Mr. Nielsen was notified accordingly by Mr. McIntyre, apparently by telephone."

This parcel of land was subsequently acquired by Ralph Edward Hudson, Barrister, of the law firm of *Nielsen, Hudson and Anton*, under Agreement For Sale No. 3923 dated May the 6th, 1970. The agreement was executed on behalf of the Crown by Mr. McIntyre, and the terms and conditions were similar to those offered to Mr. Nielsen.

mémorandum de M. Retallack, le 30 octobre 1969, demandant d'étudier l'admissibilité de M. Nielsen à acheter les terres de la Couronne, à cause de l'article 10 de l'accord, qui se lit comme suit:

«10. Aucun député à la Chambre des communes n'est admis à être partie à ce contrat, ni à participer à aucun des bénéfices ou profits qui en proviennent.

La question a été transmise au conseiller juridique du ministère, et M. D. L. Whitman a émis l'opinion que M. Nielsen était empêché de passer un contrat, ou de bénéficier de contrat avec le gouvernement du Canada, en vertu de l'article 19 (1) de la Loi concernant le Sénat et la Chambre des communes, mentionnée plus bas:

«19. (1). Dans tout contrat ou marché fait ou conclu avec le gouvernement du Canada, ou avec quelqu'un des fonctionnaires ou ministères du gouvernement du Canada, et dans toute commission acceptée par qui que ce soit de leur part, il est inséré une condition formelle et explicite qu'aucun député à la Chambre des communes n'est admis à être partie à ce contrat, à ce marché ou à cette commission, ni à participer à aucun des bénéfices ou profits qui en proviennent.

Cette opinion a été transmise à M. Retallack par M. J.R. Goudie, chef de la section des terres territoriales, le 7 novembre 1969, avec instructions que M. Nielsen en soit informé qu'il n'était pas dans une position de donner suite à l'accord. M. G.A. McIntyre, directeur régional des ressources à Whitehorse, a transmis l'information à M. Nielsen, le 12 novembre 1969 mais, dans une lettre du 27 novembre, M. Nielsen mettait en question cette interprétation, et demandait qu'elle soit réétudiée par les légistes de la Couronne. Le 24 décembre 1969, sa demande était transmise au ministère de la Justice par M. Whitman et, sur la foi des conseils reçus du Sous-procureur général du Canada dans une lettre du 30 décembre 1969, nous confirmons notre décision précédente portant que nous n'étions pas dans une position de donner suite à l'accord. M. Nielsen en fut informé par M. McIntyre, apparemment par téléphone.»

Cette parcelle de terre fut subséquemment achetée par Ralph Edward Hudson, avocat, du bureau d'avocats *Nielsen, Hudson et Anton*, en vertu de l'accord de vente n° 3923 du 6 mai 1970. L'accord a été conclu au nom de la Couronne par M. McIntyre et les conditions étaient semblables à celles offertes à M. Nielsen.

Application: Mr. Nielsen applied for a further renewal of Lease 541, in April, 1970, and was advised that the term would have to be reduced to 13 months from the 1st of December, 1969, with rental at the established minimum rate of \$25.00 per annum, to allow for the possibility of flooding if the waters of Marsh Lake, or its tributaries, rose, as a result of the development of a power project or concession proceeding under the provisions of the Dominion Water Power Act. Lease 2017 was drawn up in his favour, with a covenant indemnifying the Crown against any liability for compensation for damages attributable to such a project. The lease was prepared by Mr. Retallack, and was executed by Mr. Nielsen on April the 20th, 1970, after which it was submitted to the Land Management Service, Ottawa, for approval. The question of the propriety of granting a lease to a member of the House of Commons was discussed by Mr. Goudie, Head of the Territorial Lands Unit, and Mr. Whitman, of the Legal Adviser's Office. On the strength of available opinions of the law officers of the Crown, it was concluded that a lease was a contract, or agreement, within the terms of reference of Section 19.(1) of the Senate and House of Commons Act, and could not be endorsed by the Legal Adviser. Mr. Whitman also expressed the view that original Lease 541 and renewal Lease 1329 were voidable instruments, and it would be contrary to the public interest to perpetuate the irregularity. It was decided that the Department could not grant a further extension of the lease, under the circumstances, and this information was conveyed to Mr. Retallack by Mr. Goudie on May the 1st, 1970, and transmitted to Mr. Nielsen by Mr. McIntyre in a letter of May the 6th, 1970.

It should be noted that opinions of the law officers of the Crown are classified as "*Confidential*", and may only be released, or discussed, at the discretion of the Deputy Attorney General of Canada or the Minister of Justice.

A. B. Yates,
Acting Director,
Northern Economic
Development Branch.

Harris/pm

Demande: M. Nielsen a présenté une demande pour un autre renouvellement du bail 541 en avril 1970 et il fut informé que la période serait réduite à 13 mois à partir du 1^{er} décembre 1969, avec un loyer fixé au taux minimum de \$25, par année, pour tenir compte de la possibilité d'inondation si les eaux du lac Marsh, ou de ses affluents, s'élevaient, à la suite du développement du projet d'énergie hydroélectrique ou de poursuite ou des travaux de concession en vertu des clauses de la Loi sur les forces hydrauliques du Canada. Le bail 2017 fut passé en sa faveur, avec contrat dédommageant la Couronne contre toute responsabilité pour compensation des dommages attribuables à un tel projet. Le bail fut préparé par M. Retallack, et passé par M. Nielsen le 20 avril 1970 après quoi il a été soumis à l'approbation du service de gestions des terres à Ottawa. La question du droit d'accorder un bail à un député de la Chambre des communes a été discutée par M. Goudie, chef de la section des terres territoriales et M. Whitman du bureau du conseiller juridique. Sur la foi des opinions émises par les légistes de la Couronne, on a conclu que le bail était un contrat ou marché selon les termes de l'article 19. (1) de la Loi concernant le Sénat et la Chambre des communes et ne pouvait être autorisé par un conseiller juridique. M. Whitman a également exprimé l'opinion que le bail original 541 et le bail de renouvellement 1329 étaient des documents annulables et qu'il serait contraire à l'intérêt public de perpétuer cette irrégularité. Il a été décidé que le ministère ne pouvait accorder une nouvelle prolongation du bail, dans les circonstances, et ce renseignement a été transmis à M. Retallack par M. Goudie le 1^{er} mai 1970 pour être communiqué à M. Nielsen par M. McIntyre dans une lettre du 6 mai 1970.

Il faut remarquer que les opinions des légistes de la Couronne sont classifiées comme «*confidentielles*» et ne peuvent être communiquées ou discutées qu'avec autorisation du Sous-procureur général du Canada ou du ministre de la Justice.

Le directeur suppléant du
Développement du Nord canadien
A.B. Yates.

APPENDIX "7"

APPENDICE «7»

OTTAWA, June 2, 1970

OTTAWA le 2 juin 1970

The Clerk
Standing Committee on
Privileges and Elections
House of Commons
Ottawa, Ontario

Le greffier du
Comité permanent
Des privilèges et élections
Chambre des communes
Ottawa (Ontario)

Dear Sir,

Monsieur,

In accordance with the terms of the motion passed at today's meeting of the Standing Committee on Privileges and Elections, I am providing the following written summary of my testimony for printing.

Conformément à la motion adoptée à la séance d'aujourd'hui du Comité permanent des privilèges et des élections, je sou mets, pour qu'il soit imprimé, le résumé écrit suivant de mon témoignage.

Gentlemen, it is my submission that Section 19 of the House of Commons and Senate Act places me in an unfair position and that the letter of the law in this case does not accord with the intent of the law.

Messieurs, selon moi, l'article 19 de la Loi sur le Sénat et la Chambre des communes me place dans une situation injuste, et la lettre de la Loi, dans ce cas, n'est pas en accord avec l'esprit de la Loi.

My situation is this, and I will summarize as succinctly as possible.

Ma situation est la suivante et je vais la résumer aussi succinctement que possible.

Roughly in the years 1958 to 1968, a large proportion of my income was obtained by writing and selling to the Canadian Broadcasting Corporation a series of television plays. These ranged in length from half an hour to an hour and a half. Most were under the general title, *Cariboo Country*. There were 24 to 30 in all.

De 1958 à 1968, je peux dire qu'une grande partie de mon revenu provenait d'une série de pièces de télévision écrites et vendues à Radio-Canada. Elles duraient d'une demi-heure à une heure et demie et la plupart se plaçaient sous le titre général, *Cariboo Country*. Il y en avait de 24 à 30 en tout.

For each, I signed a contract which was, with possibly one minor variation concerning use of credit lines, the standard C.B.C. contract for artist's supplying original scripts. Although I do not have a copy at hand, I can repeat the essentials from memory. The corporation would purchase, at an agreed price, first nationwide television broadcast rights for one showing. Copywrite remained with me. However, all contracts contained clauses which permitted the C.B.C. to rerun films, a second time, within certain time limits, for a set percentage of the original fee. A third rerun was provided for at a still lower percentage payment.

Pour chacune, j'ai signé un contrat qui était, à part probablement une variation secondaire concernant l'utilisation des crédits, le contrat régulier de Radio-Canada pour les artistes offrant des manuscrits originaux. Même si je n'ai pas un exemplaire sous la main, je peux vous dire de mémoire ce qu'il contenait essentiellement. La société achetait à un prix convenu, les premiers droits de télédiffusion nationale d'une première représentation. Les droits d'auteur m'étaient réservés. Toutefois, tous les contrats comprenaient des clauses qui permettaient à la société Radio-Canada d'utiliser les films une seconde fois, dans un certain délai pour un pourcentage fixé du droit original. Une troisième projection était prévue à un pourcentage encore plus bas.

There was also provision for the corporation to sell the television film abroad at "fair and reasonable price".

La société prévoyait également de vendre le film de télévision à l'étranger, à «un prix juste et raisonnable».

Since my election as a Member of Parliament, I find myself in an extraordinary position in this regard. Although the C.B.C. holds rerun rights in contract, it would be unable to carry out this contract and make the specified payment to me because, as an agency of

Depuis mon élection comme député de la Chambre des communes, je me trouve dans une situation assez extraordinaire sous ce rapport. Bien que la société Radio-Canada détienne des droits de reprise dans le contrat, elle ne pourrait donner suite à ce contrat et

the Crown, it cannot issue cheques to an M.P. Similarly, actors and other contractual people involved in the original production would be unable to get their shares under the circumstance by which I would be unable to sign a release for rebroadcast.

I am aware that there is some dispute as to whether Section 19 should be interpreted so narrowly. However, I have asked legal advice on this matter and been told that probably the exact wording of the act implies this prohibition.

One of my plays was sold, recently, to a United States television network. In this case I am able to collect my fee, since the American network and not the Canadian government network pays it but my own works are now effectively barred from reuse on the Canadian network which provides most of such market in this country.

The act affects me in other ways. Before my election, I wrote and had produced in British Columbia a stage play. The National Arts Centre would not be able to use this play and pay me for it, as I understand it—again, because a government agency would be issuing me the cheque.

Of course, whether the National Arts Centre would consider such a play worth producing is quite another matter. My point is that, were I still in private life, I would have almost automatically submitted this script for their consideration. That's what you do with any property you own—try to sell it. Because of my election to Parliament, and for that reason only, I have not even submitted the script to the Arts Centre.

It is my submission that reuse of works done before my election under old contracts should not be made impossible by my election to Parliament. It is my further submission that it should be possible, legally, for me to write for and sell to government agencies works old or new, unlike political broadcasts, nation's business broadcasts or other similar programs in which a Member of Parliament may be acting in this role as M.P. and appearing solely because he is an M.P., my works bear no relationship to my membership in the House of Commons but are activities separate and apart from my work as an M.P.

Yours truly,

Paul St-Pierre, M.P.
Coast-Chilcotin.

me faire le paiement mentionné parce que, en tant qu'organisme de la Couronne, elle ne peut émettre des chèques à un député. De même, les acteurs et autres personnes à contrat engagées dans la production originale ne pourraient recevoir leur part dans les circonstances parce que je serais dans l'impossibilité de signer l'autorisation de retransmettre le programme.

Je sais que l'on discute de l'article 19 pour savoir si on doit l'interpréter de façon aussi étroite. Toutefois, j'ai demandé des conseils juridiques dans la matière et on m'a dit que probablement les mots mêmes de la loi impliquent cette interdiction.

Une de mes pièces a été vendue, récemment, à un réseau de télévision des États-Unis. Dans ce cas, je peux retirer mes droits puisque les réseaux américains, et non pas le gouvernement canadien, les paient, mais mes propres travaux ne peuvent maintenant être retransmis sur le réseau canadien qui constitue la majorité du marché au Canada.

La Loi m'affecte d'autres façons. Avant mon élection, j'ai écrit et présenté en Colombie-Britannique une pièce de théâtre. Le Centre national des arts ne pourrait utiliser cette pièce et me la payer, si je comprends bien,—là encore parce qu'un organisme du gouvernement ne peut émettre de chèques.

Évidemment, la question de savoir si le Centre national des arts considérerait cette pièce digne d'être présentée est une tout autre question. Mon argument est le suivant: si j'étais toujours dans la vie privée, j'aurais automatiquement présenté mon manuscrit pour qu'il l'étudie. C'est ce que vous faites avec ce qui vous appartient, vous essayez de le vendre. A cause de mon élection au Parlement, et pour cette raison seulement, je n'ai même pas présenté le manuscrit au Centre des arts.

Selon moi, la réutilisation de mes travaux faits avant mon élection, en vertu de contrats anciens, ne devrait pas être rendue impossible à cause de mon élection. Je soutiens également qu'il devrait être possible légalement pour moi d'écrire et de vendre aux organismes de l'État des travaux anciens ou nouveaux, à l'exception d'émissions politiques, de diffusions sur les affaires de l'État, ou autres émissions semblables dans lesquelles un député de la Chambre des communes peut agir en sa qualité de député et paraître simplement parce qu'il est député; mes travaux n'ont aucun rapport avec ma qualité de député à la Chambre des communes, mais ce sont des activités distinctes de mon travail de député.

Le député de Coast-Chilcotin
Paul St-Pierre.

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969-70

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 20

TUESDAY, JUNE 9, 1970

LE MARDI 9 JUIN 1970

Revision of the provisions of the Repre-
sentation Commissioner Act.

Révision des dispositions sur la Loi sur le
commissaire à la représentation.

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir les Procès-verbaux)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

Vice-Chairman

Mr. Steve Paproski

Vice-président

and Messrs.

et MM.

Badanai,
Benjamin,
Duquet,
Forest,
Forget,
Forrestall,
Fortin,

Howe,
Jerome,
Lefebvre,
Macquarrie,
Orange,
Peddle,

Peters,
Portelance,
Thomas (*Maisonneuve*),
Woolliams,
Yanakis—20.

(Quorum 11)

Le greffier du Comité,

Robert D. Marleau,

Clerk of the Committee.

Pursuant to Standing Order 65(4)(b), Suivant l'article 65(4)b) du Règlement,

¹ Replaced Mr. McCleave on June 8, 1970. ¹ Remplace M. McCleave le 8 juin 1970.

ORDER OF REFERENCE

MONDAY, March 23, 1970

Ordered,—That in relation to S. 22 of the Representation Commissioner Act, Statutes of Canada 1963, C. 40, the Standing Committee on Privileges and Elections be empowered to review the provisions of the Representation Commissioner Act and recommend to the House any amendments, alterations or modifications thereto that to the said Committee shall appear to be necessary or desirable.

ATTEST:

Le greffier de la Chambre des communes,
ALISTAIR FRASER,
The Clerk of the House of Commons.

ORDRE DE RENVOI

Le LUNDI 23 mars 1970

Il est ordonné,—Que, relativement à l'article 22 de la Loi sur le commissaire à la représentation, chapitre 40 des Statuts de 1963, le comité permanent des privilèges et élections soit autorisé à reviser les dispositions de la Loi sur le commissaire à la représentation et à recommander à la Chambre des amendements, changements ou modifications à cette loi que ledit comité estimera nécessaire ou opportun de faire.

ATTESTÉ:

[Text]

MINUTES OF PROCEEDINGS

TUESDAY, June 9, 1970
(29)

The Standing Committee on Privileges and Elections met at 9:50 a.m. this day. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Forest, Howe, Jerome, Laflamme, Lefebvre, Paproski, Thomas (*Maisonneuve*)—(7).

Other Members present: Messrs. Howard (*Skeena*) and Marceau.

Witness: Mr. N. T. Castonguay, Representation Commissioner.

The Chairman read the Order of Reference, dated Monday, March 23, 1970, and invited Mr. Castonguay to make an opening statement.

Then, the Committee proceeded to the questioning of the witness.

The questioning being completed, the Chairman stated, that at its next sitting, the Committee will consider certain recommendations proposed by Mr. Castonguay.

At 10:55 a.m., the Committee adjourned to the call of the Chair.

[Texte]

PROCÈS-VERBAL

Le MARDI 9 juin 1970
(29)

Le Comité permanent des privilèges et élections se réunit à 9:50 du matin, aujourd'hui. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Forest, Howe, Jerome, Laflamme, Lefebvre, Paproski, Thomas (*Maisonneuve*)—(7).

Autres députés présents: MM. Howard (*Skeena*), Marceau.

Témoin: M. N. T. Castonguay, Commissaire à la représentation.

Le président lit l'Ordre de renvoi du lundi 23 mars 1970 et invite M. Castonguay à faire une déclaration.

Ensuite le Comité interroge le témoin.

L'interrogatoire terminé, le président déclare, qu'à sa prochaine réunion, le Comité discutera certaines recommandations mises de l'avant par M. Castonguay.

A 10:55 du matin, le Comité s'ajourne jusqu'à nouvelle convocation du président.

Le greffier du comité,
Robert D. Marleau,
Clerk of the Committee.

[Texte]

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, June 9, 1970

• 0950

The Chairman: We do not have a quorum yet, but I believe our committee has agreed we could hear evidence when five members were present. I think at this point we could ask Mr. Castonguay, our witness, to make a statement.

Firstly I will read the Order of the House.

*Ordered,—*That in relation to S. 22 of the Representation Commissioner Act, Statutes of Canada 1963, C. 40, the Standing Committee on Privileges and Elections be empowered to review the provisions of the Representation Commissioner Act and recommend to the House any amendments, alterations or modifications thereto that to the said Committee shall appear to be necessary or desirable.

Je pense que lorsque nous avons étudié la électorale dans son ensemble, nous avons par voie de conséquence, disposé en quelque sorte de la législation existante concernant le commissaire à la représentation, à l'exception toutefois de l'article 8, traitant surtout des conséquences d'un recensement national sur la représentation à la Chambre des communes.

Mais cette loi avait été adoptée en vue d'établir un secrétariat des dix commissions qui avaient été constituées pour déterminer le mode de représentation des provinces, à l'intérieur de chacune de ces provinces, la Chambre des communes. Il serait peut-être nécessaire et opportun d'analyser ensemble les conséquences qu'aura sur la représentation à la Chambre des communes le recensement national prévu pour l'an prochain. Je demanderais donc à M. Nelson Castonguay s'il a une déclaration d'ordre général à faire, étant celui qui a eu la responsabilité de l'application de cette loi à venir jusqu'à maintenant, ce ci nous permettra ainsi de connaître les diverses implications des amendements que nous pourrions proposer, Monsieur Castonguay.

Mr. N. T. Castonguay (Representation Commissioner): Mr. Chairman, I think this Committee has already studied most of this Act and has dealt with those parts of the Canada

[Interprétation]

TÉMOIGNAGES

(Enregistrement électronique)

Le mardi 9 juin 1970

Le président: Nous n'avons pas encore le quorum, mais nous avons convenu que nous pouvons entendre les témoins lorsque cinq députés sont présents. Nous pourrions demander à notre témoin, M. Castonguay, de faire une déclaration d'ouverture.

Je voudrais d'abord vous communiquer l'Ordre de renvoi de la Chambre.

*Il est ordonné—*Que, relativement à l'article 22 de la Loi sur le commissaire à la représentation, chapitre 40 des Statuts de 1963, le Comité permanent des privilèges et élections soit autorisé à réviser les dispositions de la Loi sur le commissaire à la représentation et à recommander à la Chambre des amendements, changements ou modifications à cette loi que ledit comité estimera nécessaire ou opportun de faire.

I feel that when we have considered the Canada Elections Act as a whole, we have consequently been able to deal with the whole existing legislation concerning the office of the Representation commissioner, except for clause 8 which deals with the effects of a national census on representation in the House of Commons.

This law had however been passed to create some kind of a secretariat for the 10 commissions that had been created in order to find out how each province should be represented in the House of Commons. I think it might be useful and well advised to study together the consequences that the national census scheduled for next year will have on representation in the House of Commons. I would like to ask Mr. Nelson Castonguay whether he has a general statement to make since he has been responsible for the enforcement of this law until now. Thus, we would be able to know the various implications of the amendments that will be proposed. Mr. Castonguay.

M. N. T. Castonguay (commissaire à la représentation): Monsieur le président, je crois que le Comité a déjà étudié la majeure partie de la Loi électorale qui est touchée par

[Text]

Elections Act affected by the Representation Commissioner Act. You have dealt with the report I was required to prepare on methods of registration and absentee voting. What is left in this Act is Section 8 which requires me to prepare population maps for the Commissions so they will have a working map to do their arithmetic on. Secondly, Section 8 requires me to prepare alternative proposals showing the boundaries of the electoral districts that may be established in light of the changes of population since the last census.

When this legislation was passed in 1963—you may recall the minority government—the redistribution was two years overdue because of the election of 1962 and the election of 1963. They wanted to have the general assurance at the time that the 10 Commissions would complete their work in one year. So this Representation Commissioner Act was set up to provide financing and administrative machinery for the 10 Commissions, because the 10 Commissions are ad hoc and once their work is over they are *finis*.

The proposals were also put in so that the Commissions would have experimental proposals and would not have to do too much experiment to see the use of the quota and the 25 per cent either way they could work. So the experience we have had—and I am speaking personally, I was a member of each of the 10 Commissions and there are 30 other members of the Commission—would be that my proposals in so far as the next redistribution is concerned would not be necessary at all with one qualification. It certainly was proven that in the Provinces of Ontario and Quebec you would have to give them additional time beyond the year to finish their work if my proposals were no longer required to be made to the Commissions.

● 0955

I found that working these proposals, for instance, if I sat with a trained technician and worked a complete new map for the Province of Ontario it would take me five weeks to do this. If you work out a proposal using a 5 per cent tolerance above the quota in the cities and then try to work the rest in the rural and the hinterlands that will produce you one map. If you use a 10 per cent tolerance above the quota in the cities and work in some rural to hinterland below the quota, that will produce you a different type of map. These are the alternative proposals, using 5, 10, 15 and 20 per cent.

On these Commissions there is always someone who believes on equality of population between constituencies. One way to cure that person is to show him a map on an equal

[Interpretation]

la Loi sur le commissaire à la représentation. Vous avez étudié le rapport que je devais rédiger sur les méthodes d'inscription et le vote des absents. Il nous reste maintenant l'article 8 qui me demande de préparer des cartes de population pour les commissions et également des cartes indiquant les délimitations des circonscriptions qui pourront être modifiées à la suite du changement dans les tendances démographiques depuis le dernier recensement.

Lorsque la loi a été adoptée en 1963—vous vous souviendrez peut-être du gouvernement minoritaire—le remaniement était en retard de deux ans à cause de l'élection de 1962 et de celle de 1963. On voulait s'assurer que les dix commissions termineraient tout le travail en l'espace d'un an. Cette Loi sur le commissaire à la représentation avait pour but de prévoir le financement et l'administration des dix commissions, parce qu'elles disparaissent une fois leur travail terminé.

Les commissions pouvaient aussi présenter des propositions à titre expérimental et il s'agissait de voir à ce qu'elles n'aient pas à faire trop d'expériences pour déterminer l'usage du contingentement et le 25 p. 100. Je crois qu'à la suite de l'expérience que nous avons eue, car je faisais partie des dix commissions et il y avait 30 autres membres de la commission, mes propositions concernant le prochain remaniement ne sont pas nécessaires à une condition. On a prouvé que les provinces d'Ontario et de Québec, auraient besoin de plus de temps pour terminer leur travail, si mes propositions à la Commission n'étaient plus nécessaires.

En étudiant ces projets, je me suis rendu compte qu'en travaillant avec un technicien, je pourrais terminer la nouvelle carte pour la province de l'Ontario en cinq semaines. Si vous mettez au point une proposition en vous fondant sur une tolérance de 5 p. 100 de plus que le chiffre requis dans les centres urbains et que vous mettez les autres dans des régions rurales et isolées, vous aurez une carte. Si vous parlez d'un excédent de 10 p. 100, vous aurez une carte différente. Il s'agit des nouvelles délimitations utilisant des tolérances de 10, 15 ou 20 p. 100.

Dans les commissions, il y a toujours des gens qui veulent l'égalité de la représentation entre les circonscriptions. Il suffit toutefois de leur montrer une carte préparée d'après une

[Texte]

basis, because some of the constituencies would take eight-tenths of the area of a province. I found that impossible; as Chief Electoral Officer for 20 years I thought I had the knowledge to make reasonable proposals that would be acceptable to the Commissions.

I have some comments on my proposals which I will pass to the members, that I extracted from all the reports of the Commissions. Generally speaking, they say my proposals were useful; I think they were very kind. What they particularly found useful were the technicians I trained. These technicians worked on these maps for about a year. I had one man especially for Quebec, one for Ontario; one for two of the Prairie Provinces, one for B.C. and Alberta and one for each two Maritime Provinces.

When these people came along to show the proposals to the Commissions the members of the Commissions were more impressed with my technicians than they were with my proposals because it did not take long for them to discard my proposals.

I think it is impossible for me, with a technician, to sit down and make a map of Saskatchewan that is going to be at all satisfactory to everyone in Saskatchewan. I think it would take three people from Saskatchewan to come down here, make a map and then give to the Commission; and that is only a duplication of the work I am doing. I would recommend very strongly from the point of view of future redistributions that these proposals no longer be required to be made by the Representation Commissioner.

Serious consideration should be given, and other views can be obtained from former members of the Ontario and Quebec Commissions, to make sure they are given sufficient time. If they do not get proposals, they are not going to have technicians from me; they will have to train their own technicians and make their own experiments. I think Ontario and Quebec would need perhaps three to six months longer than the other provinces, and the other provinces have a year in which to do their work.

I want to make this clear: my proposals are not necessary in Ontario and Quebec, but they would be if you want to keep the work uniform within the one year.

The technicians I had were not basically trained with the idea of supplying them to the Commission; accidentally my proposals were not acceptable, but my technicians were and they were put at the disposal and lent

[Interprétation]

répartition égale pour qu'ils changent d'idée. En effet, certaines circonscriptions couvriraient les sept-dixièmes de la superficie d'une province. J'ai constaté que cette solution était impossible, et comme j'ai été directeur général des élections pendant 20 ans, j'ai cru avoir suffisamment de connaissances pour présenter des recommandations qui seraient acceptables pour les commissions.

De tous les rapports des commissions, j'ai extrait certaines observations sur mes propositions et je les distribuerai. Les commentaires étaient favorables, et ils ont trouvé particulièrement utiles les techniciens que j'ai formés. Ils ont travaillé à la préparation des cartes pendant environ un an. J'avais un technicien qui s'occupait du Québec, un autre de l'Ontario, un technicien pour deux des provinces des Prairies, un pour la Colombie-Britannique, un pour l'Alberta et un technicien pour chacune des deux provinces Maritimes.

Lorsqu'ils sont venus présenter les propositions, les membres des commissions ont été beaucoup plus impressionnés par le travail de mes techniciens que par mes propositions, car ils ont rapidement mis de côté toutes mes propositions.

Je crois qu'il m'est impossible de préparer une carte de la Saskatchewan qui puisse satisfaire tous les habitants de la Saskatchewan. Il faudrait que trois personnes de la Saskatchewan préparent une carte qu'elles soumettraient à la Commission. Il y aurait alors double emploi. Je recommande fortement que pour les prochains remaniements de la carte électorale, le commissaire à la représentation ne s'occupe plus des propositions.

Toutefois, les membres de la commission du Québec et de l'Ontario devraient avoir assez de temps pour faire le travail, car s'ils ne présentent pas de propositions, ils n'obtiendront pas mes techniciens; ils devront faire leurs propres expériences et former leurs propres techniciens. Je crois que l'Ontario et le Québec auraient probablement besoin de six mois de plus que les autres provinces et les autres provinces disposent déjà d'un an pour faire le travail. Je veux donc dire que mes propositions ne sont pas nécessaires en Ontario et au Québec, mais l'adoption de ces propositions seraient nécessaires si l'on vise à l'uniformité.

Les techniciens que j'ai formés ne l'ont pas été pour être mis à la disposition des commissions; mes propositions n'ont pas été jugées acceptables, mais mes techniciens l'ont été et ils ont été mis à la disposition des commis-

[Text]

their services to the Commissions at their request for the whole period of the redistribution.

● 1000

If I am no longer required to make proposals to the Commissions, please do not give me the duty of training technicians because there is only one way of training them, that is to train them on working on proposals. I do not think the House of Commons would be terribly happy to have me in while they are training technicians working on proposals. Let the Commissions themselves train their own people and work on their own proposals that they are going to submit, but not have me in Ottawa training technicians because there is only one way I can train them so they can be of use to the Commission, that is to have them work on maps. That I do not think would be satisfactory.

If you read the debates that took place in 1964 and 1963 there was a motion to produce my papers and one of my maps and so on. You will find there was a great deal of suspicion about my proposals on all sides. I think there was a feeling that maybe somebody was guiding my hand. Well, nobody guided my hand. I did my own work but you cannot help have a form of suspicion as to who was influencing me and how to accept these proposals and whether the Commissions will act as a rubber stamp when they get these Commissions. I can tell you they did not act as a rubber stamp. They refused all these. They did not accept any of my proposals. So that any of the fears of members of the House in so far as the Commissions acting as a rubber stamp are concerned, boy those fears completely disappeared because they did not accept any of my proposals. So they would not act as a rubber stamp. That is stage number one.

Now the other thing I would like to deal with is that a problem will come with these proposals and the problem will come with me if I am required to continue them and it will certainly come with the Commissions in certain provinces. The Dominion Bureau of Statistics put out estimates of population and I worked out the mathematical formula set out in Section 51 of the British North America Act and applied those statistics as of January 1, 1970, to see what the representation of the provinces would be. I have done this in the past; I did it in 1950 prior to the 1951 census and I did it in 1960 prior to the 1961 census and the actual number of members that I found out in 1950 and in 1961 were borne out by the official census of 1951 and 1961.

[Interpretation]

sions sur demande pendant toute la période du remaniement. Si je ne dois plus faire de propositions à la Commission, ne me demandez pas d'assurer la formation des techniciens, car ce n'est possible de le faire que s'ils travaillent aux propositions. Je ne crois pas que la Chambre des communes verrait d'un bon œil que j'occupe mon poste pendant qu'ils forment des techniciens. Je crois que chacune des commissions pourrait former ses propres techniciens et travailler à ses propositions, mais je ne peux les former qu'en leur faisant préparer des cartes.

Si vous lisez les comptes rendus des débats qui ont eu lieu en 1963 et en 1964, il y a eu une motion portant sur la production de mes documents et une de mes cartes. Je crois qu'on était fort méfiant de part et d'autre au sujet de mes propositions. J'ai fait mon propre travail, mais on a cru que quelqu'un avait exercé des influences sur moi. Je puis vous dire que les commissions n'ont pas accepté automatiquement ce qu'on leur a présenté, elles ont tout refusé. Les craintes qu'éprouvaient les députés, en ce qui concerne les commissions, ont été entièrement dissipées, car aucune de mes propositions n'a été acceptée. C'est donc la première étape.

Je voudrais maintenant vous dire que ces propositions vont présenter un problème dont j'aurai à m'occuper si je continue de faire les propositions. Le problème se fera sentir au sein de certaines commissions. Le Bureau fédéral de la statistique a publié des données sur la population et j'ai mis au point la formule mathématique de l'article 51 de l'Acte de l'Amérique du Nord britannique, et j'ai appliqué ces données statistiques afin de savoir quelle serait la représentation des provinces. J'avais fait ce travail par le passé, notamment en 1950 avant le recensement de 1951 et en 1960 avant le recensement de l'année suivante. Le nombre de députés que j'avais trouvé en 1950 et en 1961 a été confirmé par le recensement officiel de 1951 et de 1961.

[Texte]

Now in working out these figures, as I have worked them out here, you will find that you obtain the following results. This is applying a mathematical formula set out in Section 51 and with this sheet I have Section 51 set out to help you understand my position. What happens is that in applying the mathematical formula, Prince Edward Island would have 4 members if the redistribution took place this year; New Brunswick would have 10; Nova Scotia would have 10; Newfoundland would have 6; Quebec would have 72; Ontario would have 91; Manitoba would have 12; Saskatchewan would have 12; Alberta would have 19; British Columbia would have 26; Yukon would have 1 and the Northwest Territories would have 1. Now that is one side of the coin. It gives you the membership of the House at 264. I want to draw to your attention that Saskatchewan will now get an extra seat by virtue of the 15 per cent and if you recall in 1952, Saskatchewan was going to drop from 20 to 15 and that 15 per cent rule was put in 1952 to protect Saskatchewan. Now they have gone right around a full cycle and they have come back and they are enjoying the benefit of that 15 per cent clause again.

Now I will show you another addition. The reason they are doing that is because they are supplying one seat to keep the Maritime Provinces at the level of the number of Senators they have. Now not only that, the Province of Quebec is providing 2 extra seats to keep that level of the number of their M.P.s at the level of the number of Senators.

• 1005

Now Alberta also is providing 1, and I will show you this in the next set of figures I have here. I want to explain first that when a province enjoys the benefit of the 15 per cent clause—that 1 seat, for instance, in the case of Nova Scotia last time was added to the total. The fixed membership of the House is 263; 261 members for the 10 provinces, 1 for the Yukon and 1 for the Northwest Territories. Whenever the membership of the House rises above 263, it means that a province has enjoyed the benefit of the 15 per cent clause.

In 1961 Nova Scotia did and that brought the membership of the House to 264. In 1951 Saskatchewan did and they had 2 extra members for a period of 10 years and that brought the membership of the House to 265.

Now this time, if these figures are borne out by the official census figures and Section 51 is not changed, Saskatchewan is going to enjoy that 15 per cent and it is going to be added to the top. However, these calculations

[Interprétation]

Si vous examinez les chiffres que j'ai inscrits ici, vous obtiendrez les résultats suivants. Nous appliquons une formule mathématique exposée à l'article 51 et j'ai inséré le texte de l'article 51 qui vous permettra de mieux comprendre. Si vous appliquez la formule mathématique, l'Île du Prince-Édouard aurait quatre députés; si l'on faisait le remaniement cette année, le Nouveau-Brunswick, 10; la Nouvelle-Écosse, 10; Terre-Neuve, 6; le Québec, 72; l'Ontario, 91; le Manitoba, 2; la Saskatchewan, 12; l'Alberta 19; la Colombie-Britannique, 26; le Yukon, 1; les Territoires du Nord-Ouest, 1. Voilà un aspect de la question. Il y aurait donc 264 députés à la Chambre des communes. Je tiens à signaler que la Saskatchewan aurait un siège de plus, en vertu du 15 p. 100 et comme en 1952 la Saskatchewan ne devait avoir que 15 députés au lieu de 20, cette disposition du 15 p. 100 a été ajoutée en 1952 pour protéger la Saskatchewan. Maintenant, cette province a fait un autre cycle et elle peut tirer profit de cette disposition de 15 p. 100.

On a ajouté un autre siège pour maintenir le nombre actuel de sénateurs dans les Maritimes. Maintenant la province de Québec fournit également deux sièges supplémentaires afin qu'il y ait autant de députés que de sénateurs.

L'Alberta fournit également un siège. J'ai d'autres chiffres. Je voudrais expliquer d'abord que lorsqu'une province profite de la disposition du 15 p. 100, ainsi le siège supplémentaire dans le cas de la Nouvelle-Écosse a été ajouté au total.

Le nombre fixe de députés à la Chambre est de 263; 261 membres pour les provinces, un pour le Yukon, un pour les Territoires du Nord-Ouest. Lorsque le nombre des députés dépasse 263, c'est qu'une province tire avantage de la disposition du 15 p. 100.

En 1961, la Nouvelle-Écosse en a profité et le nombre de députés a été porté à 264. En 1951, la Saskatchewan en a profité et elle a eu deux membres de plus pendant 10 ans. Le nombre de députés à la Chambre a été porté à 265.

Si ces calculs sont confirmés par les chiffres du recensement officiel et que l'article 51 n'est pas modifié, la Saskatchewan profitera de ce 15 p. 100. Les calculs indiquent toutefois qu'il faudra 6 députés provenant d'ailleurs que des

[Text]

show, and I will show you, that it is going to take 6 M.P.s from the other provinces, other than the Maritime Provinces, to keep the number of M.P.s and the senators at the number of senators they have. Prince Edward Island has 4 Senators; their population would justify their having 1 M.P., so that is 3 M.P.s they have because of the Senate clause. New Brunswick's population would justify 8 members, they have 10 Senators—that gives them 2 extra seats; that is 5 members. Nova Scotia's population would justify 9 M.P.s; they have 10 Senators, so that means an extra M.P.; that is 6 Senators.

Now I will show you by the mathematical formula...

Mr. Paproski: Mr. Chairman, may I interrupt, Mr. Castonguay, just for one minute?

The Chairman: Yes.

Mr. Paproski: Could you explain the Senate clause again to us, sir. I am not familiar with it, maybe other members are here but I would like to know a little bit more about it.

Mr. Castonguay: The Senate Clause is that no province can have less M.P.s than Senators. That is it. So when you work out your mathematical formula that you have in front of you here and you find that Prince Edward Island's...

Mr. Paproski: Yes yes.

Mr. Castonguay: ... population would justify only 1 M.P. then that rule 3 comes in, that Senate Clause comes in. Automatically they get 4 and that is why we divide by 237 later on.

Mr. Howe: Mr. Castonguay, I think we have all forgotten the clause which decides how many Senators each province is to have.

Mr. Castonguay: That is the Senate and House of Commons Act. I think that is where it is. Prince Edward Island has 4; New Brunswick and Nova Scotia have 10 each; Newfoundland has 6; I believe Ontario has 24; Quebec has 24 and I think the three Prairie Provinces have 6 each and British Columbia has 6.

Mr. Howe: How long since this Act was passed?

Mr. Castonguay: Now I would not know but this is the number of Senators they have now.

My suggestion I think makes some sense, at least to me it does, and it may make sense to the members of this Committee.

[Interpretation]

Maritimes pour que les Provinces Maritimes conservent le même nombre de députés et de sénateurs. L'Île du Prince-Édouard a 4 sénateurs; sa population justifie qu'elle ait 1 député, ce qui fait donc trois députés à cause de la disposition concernant le Sénat. Le Nouveau-Brunswick pourrait avoir 8 députés, il a 10 sénateurs, ce qui leur donne 2 sièges de plus, ainsi 5 députés. La population de la Nouvelle-Écosse justifie qu'elle ait 9 députés, elle a 10 sénateurs ce qui veut dire 1 député de plus, donc 6 sénateurs. Je vous indiquerai au moyen de la formule mathématique...

M. Paproski: Monsieur le président, puis-je interrompre M. Castonguay un instant?

Le président: Oui.

M. Paproski: Pouvez-vous nous expliquer encore la disposition concernant le Sénat. Je ne la connais pas très bien et je voudrais me renseigner à ce sujet.

M. Castonguay: Cette disposition veut qu'aucune province n'ait moins de députés que de sénateurs. Ainsi lorsque vous établissez votre formule mathématique, et que vous constatez que la population de l'Île du Prince-Édouard...

M. Paproski: Oui.

M. Castonguay: ...ne donnerait droit qu'à 1 député cette disposition entre en jeu. Automatiquement, la province en obtient 4 et c'est pourquoi nous divisons ensuite par 237.

M. Howe: Monsieur Castonguay, je pense que nous avons tous oublié la disposition qui stipule combien de sénateurs chaque province doit avoir.

M. Castonguay: Il s'agit de la Loi sur le Sénat et la Chambre des communes. Je pense que l'Île du Prince-Édouard en a 4; le Nouveau-Brunswick et la Nouvelle-Écosse, 10 chacun; Terre-Neuve, 6; l'Ontario et le Québec, 24 chacun, et les trois provinces des Prairies, 6 chacune; enfin la Colombie-Britannique en a 6.

M. Howe: Quand cette loi a-t-elle été adoptée?

M. Castonguay: Je ne le sais pas, mais il s'agit du nombre de sénateurs pour chacune de ces provinces.

Je crois que ma proposition est sensée.

[Texte]

The Chairman: The last amendment to the Senate and House of Commons Act took place in 1969, but they did not touch these regulations.

Mr. Howe: With regard to the Senate?

The Chairman: Yes.

Mr. Castonguay: I think the number of Senators is fixed in the British North America Act.

Mr. Howe: Yes, I understood that. I just wondered if it had ever been amended?

The Chairman: Oh, I see.

Mr. Howe: No doubt it has been amended since the first Act was passed. It would be the number of Senators from each province that was all.

Mr. Castonguay: No.

The Chairman: No, they were not.

Mr. Castonguay: I do not think so. If I may go back, the Senate Clause is taken at the expense of other provinces; the 15 per cent clause is added to the top. Now this 15 per cent clause was added in 1952. I have not yet been able to find anyone who can explain to me why in one particular case the 15 per cent is added to the top and in the case of the Senators it is taken at the expense of other provinces. It is awfully hard to explain to people why Alberta, Saskatchewan, Ontario and Quebec should be the 4 provinces contributing to maintain the level of M.P.s at the level of Senators for the Atlantic Provinces. I am not suggesting that that right should be taken away. All I am saying is why not have the same method of compensating as the 15 per cent added to the top? In this particular case there would be 6 members added to the top. It would mean a membership in the House of 269.

Now here is the calculation that brings about the next step that will show you clearly where the 6 come from. I know that this is not before the Committee but indirectly it is because I have to prepare proposals if I am going to have trouble, can you imagine my trying to divide, say, the Province of Alberta into 19 parts when it has 20. It is bad enough to do a redistribution there without having 1 less member and Alberta has justification to have 20 M.P.s but they end up with 19 because they give 1 to the Atlantic Provinces.

[Interprétation]

Le président: Le dernier amendement apporté à la loi a été formulé en 1969, mais il ne concernait pas ces règlements.

M. Howe: En ce qui a trait au Sénat?

Le président: Oui.

M. Castonguay: Je pense que le nombre de sénateurs est fixé dans l'Acte de l'Amérique du Nord britannique.

M. Howe: Je sais. Je me demandais tout simplement s'il y a eu des modifications.

Le président: Je vois.

M. Howe: La loi a certainement été modifiée depuis son adoption. Il s'agirait du nombre de sénateurs dans chacune des provinces.

M. Castonguay: Non.

Le président: Non.

M. Castonguay: Je ne crois pas. La disposition concernant le Sénat est appliquée aux dépens des autres provinces: celle du 15 p. 100 a été ajoutée en 1952. Personne n'a encore pu m'expliquer pourquoi on ajoute parfois le 15 p. 100 tandis que dans le cas des sénateurs il est déduit aux dépens des autres provinces.

Il est difficile d'expliquer pourquoi l'Alberta, la Saskatchewan, l'Ontario et le Québec sont les quatre provinces qui contribuent à maintenir le même nombre de députés que de sénateurs dans les Provinces de l'Atlantique. Je ne dis pas qu'il faille retrancher ce droit. Je demande tout simplement pourquoi il n'y aurait pas la même méthode de compensation que le 15 p. 100 ajouté? Dans ce cas particulier, 6 députés seraient ajoutés, et ainsi il y aurait 269 députés à la Chambre des communes.

Je vous indiquerai maintenant d'où viennent ces 6 députés.

Je sais que le Comité n'est pas saisi de cette question si ce n'est indirectement parce que je dois rédiger des propositions. Pouvez-vous vous imaginer combien il me serait difficile de répartir la province d'Alberta en 19 secteurs lorsqu'elle en compte 20? Il est déjà assez malheureux d'avoir à effectuer le remaniement sans qu'il y ait 1 député de moins. L'Alberta a droit à 20 députés, mais elle finit par en avoir 19 parce qu'elle en cède aux provinces maritimes.

[Text]

• 1010

[Interpretation]

And I look at it from a very selfish point of view. It is easier from the point of view of making proposals and it is easier from the point of view of the Commissions, at least for Quebec, Ontario, Alberta and Saskatchewan. Of course, Saskatchewan would drop from 12 to 10, but that is more than 15 per cent so they save one seat by invoking that Rule 5 again, that 15 per cent clause.

I have also worked on the first sheet. The last number shows the quotas worked out. These will be the quotas for your next redistribution roughly. They are up by about 14,000 from the last time in most provinces.

I have another problem that comes up. I might as well bring them all out. The last time that redistribution came forward, there was a rumour that some effort should be made to save the provinces the seats that they are losing and the only way that could be done at that time was to increase the membership of the House.

If there are any thoughts on those lines now, that in order to save all provinces' seats that are losing seats, you would have to increase the membership of the House by 34, and that would mean that no province would lose a seat, but it would end up this way. Nova Scotia would have four seats; this is on the basis of the estimate of population of 1970 and if it is supported by the official figures in 1971 this would be the result. Prince Edward Island would have four; New Brunswick, ten; Nova Scotia, eleven; Newfoundland, seven; Quebec, eighty-two seats; Ontario, one hundred and four; Manitoba, thirteen, Saskatchewan, thirteen; Alberta, twenty-two; British Columbia, twenty-nine; Yukon, one; Northwest Territories, one, for a grand total of two hundred and ninety seven. No province loses a seat by increasing the membership of the House by thirty-four.

I am not suggesting it be done, but if people are curious to find a solution, this is the one that was kicked around in 1961. If it is kicked around again this is the arithmetic.

These are all the problems that have to do with the actual proposals and the work of the Commissions in so far as the number of M.P.s they have to work with when they start to carve up the province into electoral districts and making modifications as a result of shifts in population.

There is one matter I would like to deal with. It is very hard for me to give you an assessment of the necessity of my being a member of the 10 Commissions and whether I

Je considère cette situation d'un point de vue très égoïste. C'est plus facile pour ce qui est de la présentation de propositions et en ce qui concerne les commissions, tout au moins pour le Québec, l'Ontario, l'Alberta et la Saskatchewan. Bien sûr, cette dernière province passerait de 12 à 10 députés mais il s'agit de plus de 15 p. 100; elle gagne donc un siège en invoquant à nouveau le Règlement n° 5, la disposition relative au 15 p. 100.

J'ai travaillé à l'élaboration de la première page. Le dernier nombre montre les quotas établis; il s'agit des contingents qui seront appliqués au cours du prochain remaniement. Ils ont augmenté d'environ 14,000 depuis la dernière fois dans la plupart des provinces.

Un autre problème se pose. À l'occasion du dernier remaniement, on a dit qu'on aurait dû tenter de laisser aux provinces les sièges qu'elles perdaient et la seule façon de procéder était d'augmenter le nombre de sièges à la Chambre. Pour laisser aux provinces les sièges qu'elles ont perdus, il faudrait augmenter de 34 le nombre de sièges à la Chambre; dans ce cas, aucune province ne perd de siège, mais voici comment la situation se présenterait: la Nouvelle-Écosse aurait 4 sièges; on se fonde sur les prévisions de 1970 en ce qui concerne l'importance de la population; et si les chiffres officiels de 1971 concordent avec ces prévisions, le résultat serait celui que nous venons de donner. L'Île du Prince-Édouard aurait 4 sièges, le Nouveau-Brunswick, 10, la Nouvelle-Écosse, 11, Terre-Neuve, 7, le Québec, 82, l'Ontario, 104, le Manitoba, 13, la Saskatchewan, 13, l'Alberta, 22, la Colombie-Britannique, 29, le Yukon, 1, les Territoires du Nord-Ouest, 1; le total serait de 297 sièges. Si on augmente de 34 le nombre de sièges à la Chambre, aucune province ne perdra de sièges.

Je ne recommande pas de procéder ainsi, mais si l'on cherche une solution, en voici une qui avait déjà été proposée en 1961.

Au moment du réexamen de la division des provinces en circonscriptions électorales, voilà quels sont les problèmes qui entourent les propositions actuelles et le travail des commissions en ce qui concerne le nombre de membres du Parlement.

J'aimerais aborder une autre question. Il est très difficile pour moi de savoir si je devrais être ou non membre des dix commissions et d'évaluer la contribution que j'ai pu apporter

[Texte]

have made any valuable contribution to these 10 Commissions by being a member of the 10 Commissions. It was a bit of a bind in 1965. I was not only a member of the 10 Commissions and they were all working during that year, but I had an election thrown at me and was running an election and being a member of 10 Commissions. During the election I was holding sittings and some of the Commissions came to Ottawa to hold meetings so there was a bit of a problem. I lived out of a suitcase for a year and a half. The only thing I could do and the only contribution I might have made was what I was originally put in there for—and it was indicated during the debate—to bring about uniformity in the routine matters that the Commissions were faced with; for instance, the format of their report; the format of their notices; the guidelines for their staff and this type of thing. I fully share any decision they made. I did all I could to acquaint myself with their work, but when 10 Commissions are working concurrently and they have a year to complete their work and you are a member of the 10 Commissions, it is impossible to give it 100 per cent of your time.

My own feeling is that these Commissions felt completely autonomous. I have not heard any evidence to the contrary despite the fact that I gave them proposals and despite the fact that as Representation Commissioner I was a member of the 10 Commissions. I would consider that my proposals are not necessary and I would consider that my presence as a member of these 10 Commissions is no longer necessary. That may seem pretty harsh but I may be able to make a contribution to this extent. For instance, in one province—and that is your province, Mr. Paproski—the Chairman has retired because of age so the Chief Justice could not reappoint him. He is no longer a member of the bench. The Clerk of the Legislative Assembly who was a member of the Commission at that time is dead. The President of the University of Calgary has moved to another province and the Secretary is in Ottawa. So there will be a brand new Commission in the Province of Alberta.

• 1015

In the other nine provinces, I know that in the Province of British Columbia the Chairman died shortly after the completion of his work, and not as a result of his work...

The Chairman: I hope not.

Mr. Castonguay: Then in New Brunswick the Chairman is retired because of age.

[Interprétation]

à ces dix commissions à titre de membre. En 1965, non seulement j'étais membre de ces dix commissions mais j'ai également dû faire face à une élection. Pendant cette élection, j'ai dû me rendre à des réunions de commissions qui parfois se sont réunies ici à Ottawa, situation qui a bien sûr créé certains problèmes. Pendant un an et demi, je n'ai pas cessé de voyager. La seule contribution que je pouvais apporter était en vue de réaliser une certaine uniformité dans les problèmes quotidiens que les commissions devaient affronter, notamment le format du rapport et des avis, l'établissement des lignes directrices pour leur personnel et ainsi de suite. Je m'associe entièrement aux décisions qui ont été prises. J'ai fait ce que j'ai pu pour m'acquitter de mon travail, mais lorsque dix commissions travaillent en même temps et lorsqu'elles n'ont qu'une année pour terminer leur travail, si vous êtes membre des dix commissions, il est impossible de leur consacrer tout votre temps.

J'ai le sentiment que ces commissions se sentaient complètement autonomes. Je n'ai jamais entendu dire le contraire même si j'ai présenté certaines propositions et malgré le fait qu'à titre de commissaire à la représentation, j'étais membre des dix commissions. Je pense que mes propositions ne sont plus nécessaires et que ma présence au sein de ces dix commissions ne l'est plus également. Cette mesure peut sembler brutale mais j'y crois fermement. Ainsi dans une des provinces et c'est la vôtre, monsieur Paproski, le président a pris sa retraite, et le juge en chef n'a donc pu le nommer à nouveau. Il n'est plus membre de la commission. Le greffier de l'Assemblée législative, qui était membre de la commission à ce moment, est décédé. Le président de l'Université de Calgary a déménagé, il habite maintenant dans une autre province et le secrétaire se trouve à Ottawa. Il y aura donc une commission entièrement neuve dans la province d'Alberta.

En ce qui concerne les autres provinces, j'ai appris que le président de la commission de la Colombie-Britannique est décédé peu avant la fin de son travail; il n'est pas mort des suites de son travail...

Le président: J'espère que non.

M. Castonguay: Au Nouveau-Brunswick le président a pris sa retraite à cause de son âge avancé.

[Text]

Whether the chief Justices of the seven provinces are again going to reappoint the Chairmen who acted in previous redistribution, I do not know. And whether the Speaker is going to appoint the same two and whether the same two are prepared to accept the work, again I do not know. I could make a contribution, I think, from the experience I gained in that first redistribution, but I can assist the Commissions whether or not I am Representative Commissioner on that basis. They are free to hire whomever they want.

I am not trying to bury my office, but I do not see any necessity for the proposals anymore, and I do not see any necessity for my being Representation Commissioner and member of the 10 Commissions. But if my office is abolished you still will need a secretariat to maintain the administrative services and the financing services and the machinery necessary for the 10 Commissions. Remember they are *ad hoc*. We serve them in many capacities. We dealt with them as liaison officer with the translators, with the printer, with mapping and surveys, Dominion Bureau of Statistics—I could name you all kinds of services we did for these 10 Commissions. Also, you have to provide Public Works and all this type of thing.

I do not think the role of Chief Electoral Officer is compatible with that of a member of the 10 Commissions. He should not be a member of the Commissions but he can act as taking the staff that I have now. That could be the nucleus of a secretariat. That staff could be usefully employed during redistribution times servicing these Commissions, and in nonredistribution years they could be employed on the revision of the polling division arrangements of the various constituencies. So they can be kept continuously employed. As a matter of fact, at the last redistribution, I loaned my staff, all these technicians to the Chief Electoral Officer and they assisted the Chief Electoral Officer in the revision of the polling division arrangements. They were very useful.

The thing is that whether or not my office is abolished, in my view you still need a secretariat for these 10 Commissions. This problem was faced in 1963. The \$64 question is what do you do with a Representation Commissioner in between censuses? There is absolutely no work that could be done.

[Interpretation]

Je ne sais pas si les juges en chef des sept provinces renouvelleront les mandats des provinces qui ont participé au remaniement précédent ni si l'Orateur a l'intention de nommer les deux mêmes personnes et si elles sont prêtes à accepter à nouveau ce travail. Je puis être d'une certaine aide, grâce à l'expérience que j'ai acquise au cours du premier remaniement et je peux assister les commissions que je sois ou non commissaire à la représentation. Elles peuvent recruter tous ceux qu'elles désirent.

Je n'essaie pas de supprimer mon poste, mais je ne vois plus la nécessité de ces propositions ni l'obligation pour moi d'être commissaire à la représentation et membre des dix commissions. Toutefois, si le poste que j'occupe est supprimé, il faudrait toujours un secrétariat pour s'occuper des services administratifs et financiers et tous les autres services nécessaires au fonctionnement de ces dix commissions. Rappelez-vous qu'il s'agit de commissions *ad hoc*. Nous leur rendons de nombreux services. Nous servons d'agent de liaison avec les traducteurs, les imprimeurs, les cartographes, et les évaluateurs, le Bureau fédéral de la statistique; la liste des services que nous rendons à ces dix commissions est très longue. Nous devons aussi nous charger des travaux publics et d'autres problèmes du genre.

Je ne pense pas que le poste de directeur général des élections soit compatible avec celui de membre des 10 commissions. Il ne devrait pas être membre des commissions, mais il pourrait reprendre le personnel qui est à ma disposition et qui pourrait former le noyau du nouveau secrétariat. Ce personnel pourrait être employé utilement au cours des années de remaniement; il travaillerait pour les commissions. En dehors des périodes de remaniement, il pourrait être employé à la révision des accords concernant les arrondissements de votation dans les différentes circonscriptions. On pourrait lui fournir du travail continuellement. En fait, au cours du dernier remaniement, j'ai prêté mon personnel—tous les techniciens—au directeur général des élections pour l'aider dans la révision des accords au sujet des arrondissements de votation. Je crois que leur contribution a été utile.

Que mon bureau soit supprimé ou non, le problème est que vous aurez toujours besoin d'un secrétariat pour assurer le fonctionnement des 10 commissions. On a fait face à ce problème en 1963. Il faut savoir ce qu'il faut faire du commissaire à la représentation entre les recensements. En fait, il n'y a aucun travail à faire.

[Texte]

I thought that maybe with decennial or quinquennial census in 1966 you could do some work that would help the redistribution commissions in 1971. If Newfoundland, we will say, is to have seven members and as a result of the quinquennial census and then the decennial census is only allowed six, it is a new ball game. Try and make a map of Newfoundland with seven members and then after that, one with six. It is just a completely new thing. I thought there could be some work with the quinquennial census to help to carry and to keep my staff busy.

The only useful work I have been able to find is to lend one of my people to the Bilingual Districts Advisory Board. The other work he has done is to prepare growth maps to show the Commissions a bird's eye view of the growth areas of the various provinces. That is one thing. But it is very demoralizing for staff to have nothing to do who could be usefully employed by the Chief Electoral Officer.

However, as the Chief Electoral Officer, I had the experience of doing both and I would recommend that a Chief Electoral Officer never, never be called upon to be a member of the 10 Commissions while being Chief Electoral Officer. I had that in 1965. The thought was in 1963 that there would never be a general election running concurrently with a redistribution. In 1965 I got both. I hope nobody thinks that these things cannot occur. And one way to drive the Chief Electoral Officer into the nearest cemetery is to give him those two jobs of being a member of 10 Commissions and running an election concurrently. However, if he is not required to make proposals and if he is not required to be a member of the 10 Commissions, he could fulfil a very useful and natural function as a secretariat of these 10 Commissions.

• 1020

According to Section 8 I am required to prepare population maps which help the Commission in their work. Prior to this last redistribution there were no population maps prepared for a whole province. As a result, my staff spent about six or seven months with the help of DBS and Mapping and Surveys to prepare these base maps.

I will show you now. As a result of our experience of the last redistribution, I worked out with DBS a master map for all purposes. All that is required for future redistributions, and it will be available to anybody, is to get DBS to bet their working map—here is the working map they are going to prepare—it shows all the census divisions. With that map

[Interprétation]

J'ai pensé que peut-être, avec les recensements décennaux ou quinquennaux de 1966, il était possible d'apporter de l'aide aux commissions de remaniement en 1971. Si Terre-Neuve doit avoir 7 députés, et si l'on ne lui en accorde que 6 par suite du recensement quinquennal ou décennal, tout est à refaire. Essayez de dresser une carte de Terre-Neuve en tenant compte de 7 députés et tentez de la refaire avec seulement 6 députés. La situation sera complètement transformée. J'ai pensé qu'il y avait peut-être du travail pour mon personnel pour le recensement quinquennal.

Le seul travail utile que j'ai pu trouver a été de prêter quelques membres de mon personnel au conseil consultatif des circonscriptions bilingues. L'autre travail a été la préparation de cartes pour montrer aux commissions quelles sont les zones de croissance dans les différentes provinces. Toutefois c'est très démoralisant pour des personnes qui pourraient être utilement employées par le directeur général des élections de n'avoir rien à faire.

Cependant, à titre de directeur général des élections, j'ai occupé les deux postes et je recommande que le directeur général des élections ne soit plus jamais membre des 10 commissions. Voilà ce qui m'est arrivé en 1965. On avait pensé en 1963 que jamais une élection générale n'irait de pair avec un remaniement. En 1965, le cas s'est présenté. J'espère que personne ne pense que ce genre de situation ne peut pas arriver. Si l'on veut conduire le directeur général des élections au cimetière, qu'on lui donne les deux postes; qu'il soit membre des 10 commissions et qu'il s'occupe en même temps des élections. Cependant, si l'on n'exige pas de lui qu'il présente des propositions ni qu'il soit membre des 10 commissions, il pourra accomplir un travail utile en dirigeant le secrétariat de ces commissions.

En vertu de l'article 8, je dois préparer des cartes démographiques qui seront utilisées par la commission dans son travail. Avant le dernier remaniement, aucune carte démographique pour l'ensemble d'une province n'existait. Ainsi mon personnel a passé six ou sept mois à préparer ces cartes avec l'aide du Bureau fédéral de la statistique.

Après le dernier remaniement, j'ai établi avec la collaboration une carte générale avec l'aide du Bureau fédéral de la statistique, carte qui est nécessaire pour les prochains remaniements et tout le monde pourra en disposer et elle indiquera les divisions du recensement. Les propositions pourront être établies en se servant de cette carte. Les com-

[Text]

you can work out your proposals. This is the base work arithmetic map; it is the map from which the Commissions do their arithmetic. There is a plastic overlay that goes over it and they put it on the topographical map.

I had staff for about five or six months preparing those maps in 1966 for the one redistribution because they were not available. Right now it is a matter of rolling them off the press. I do not need any staff for that and it is one of the requirements of Section 8 that is no longer necessary; DBS have them and will have them for the next census.

That is all I have to say, Mr. Chairman.

Le président: Je vous remercie beaucoup, monsieur Castonguay. Je pense bien utiles ces remarques que vous faites sur les difficultés qui surgiront sûrement lors du prochain recensement. Il serait peut-être dans l'intérêt des membres du Comité de savoir qui, dans le passé, a décidé du choix de la méthode de calcul? Vous avez dit, je crois qu'il n'y avait rien dans la loi qui précisait sur quelle base les calculs doivent être faits. Est-ce exact?

M. Castonguay: Pas exactement. D'autres lois disent qu'une fois connues les statistiques de la population, le statisticien doit me les communiquer. Ensuite, c'est moi qui fais les calculs d'après les règles mathématiques du paragraphe 1 de l'article 51, je les publie dans *La Gazette du Canada*. A la date de publication commence à une période de deux mois durant laquelle le juge en chef de chaque province et l'Orateur doivent nommer le président et les autres membres des commissions. Après ces nominations commence la période qu'un changement important ne se soit produit leur travail et présenter leur rapport à la Chambre des communes.

Ainsi, tout est automatique. Une seule chose: les commissions vont commencer à travailler vers le mois de mars 1962 et s'il y a des changements à apporter à l'article 51, il faudrait que cela soit fait avant que les commissions commencent leur travail. Autrement, leur travail peut n'avoir servi à rien. Personnellement, j'aimerais que les changements soient faits avant que je commence à travailler sur mes cartes; mais ce ne sera pas nécessaire pour moi si, comme je l'espère que vous acceptiez la recommandation voulant que les cartes ne sont pas nécessaires pour les commissions.

• 1025

The Chairman: Mr. Howe.

Mr. Howe: Mr. Chairman, Mr. Castonguay. With the facilities DBS has of collecting fig-

[Interpretation]

missions établissent leur calcul à partir de cette carte. Elle est recouverte de plastique et ceux qui l'utilisent la place sur une carte topographique.

Mon personnel a travaillé à l'élaboration de ces cartes pendant cinq ou six mois pour le remaniement de 1966 car elles n'étaient pas disponibles. A présent, il n'y a plus qu'à les mettre sous presse. Je n'ai pas besoin de personnel à cette fin, et une des dispositions de l'article 8 n'est plus nécessaire; le Bureau fédéral de la statistique les a à sa disposition et les aura pour le prochain recensement.

C'est tout ce que j'avais à dire, monsieur le président.

The Chairman: Thank you very much, Mr. Castonguay. I think these observations you made on the difficulties which would arise from the next census are useful. It would perhaps be in the interest of the members of the Committee to know who in the past decided which would be the method to be used. You said that the Act did not specify on which basis the calculations had to be made. Is this true?

Mr. Castonguay: Not exactly. Other acts say that once the statistics on population are available, the statistician has to send them to me and I make the calculations according to mathematical rules provided for in Clause 51 (i). These calculations are published in *The Canada Gazette*. The date of publication is in a period of two months during which the Chief Justice of each province and the Speaker must appoint the chairman and the other members of the commissions. After these appointments the one year period starts during which these people have to complete their work and submit their report to the House of Commons.

All is automatic. The only thing is that the commissions will start working around March 1972 and if they have to amend Clause 51, this should be done before the commissions begin their work. Otherwise, the work could be useless. I would like the amendments to be made before I start working of my maps; but it would not be necessary for me if the recommendation that the maps are no longer necessary for the commissions is carried.

Le président: Monsieur Howe.

M. Howe: Monsieur le président et monsieur Castonguay, étant donné les possibilités

[Texte]

ures and data these days and the fact that practically all municipalities have to submit their population figures yearly to the Dominion Bureau of Statistics, how do these figures compare with the census figures? Is there much variation between the DBS figures and those sent in by the municipalities? Their clerks must send them in to the Dominion Bureau of Statistics.

Mr. Castonguay: I could not answer that question because I usually work only with the official figures or figures put out by the DBS. Somebody from DBS would have to answer that question, Mr. Chairman. I have never made a study of the municipal figures vis-à-vis federal figures.

Mr. Howe: I wondered how close they were; you could keep these maps almost up to date with the DBS figures, with a little variation at the time of the census.

Mr. Castonguay: In order to do that you would have to determine a fixed number of members for each province. It is quite all right for me to start keeping constituencies in line with the population growth, say, on a yearly basis, but on a yearly basis the number of M.P.s for that province increases as growth increases. If I work to arrive at a quota, I have to divide the number of M.P.s into the population of that province. If I do not start from that basis then I am going to be in deep trouble so far as arranging constituencies.

If you wanted adjustments on a yearly basis, I think you would have to change the constitution in a way that there would be a fixed number for each province. As that would not vary, then you could keep the seats adjusted.

But may I point out one experience the U.K. had. They used to have a revision of their electoral districts every six years. It turned out to be very unsatisfactory for this reason. First, the electorate were never long enough with the constituency to be identified with the constituency and the political parties had a hard time getting organized in the new constituencies. So the Speaker's Conference recommended that it be done every 10 years; the House in England, Westminster, now does it every 12 to 15 years.

To keep constituencies up to date on a yearly basis would be very disruptive from the point of view of the electorate, not so

[Interprétation]

que le Bureau fédéral de la statistique a de recueillir des chiffres et des données, étant donné que toutes les municipalités doivent soumettre les données statistiques démographiques au Bureau fédéral de la statistique, pourriez-vous nous dire comment se présentent ces chiffres en comparaison de ceux qu'on a obtenus par le recensement? Y a-t-il de très grandes différences? Les secrétaires doivent les faire parvenir au Bureau fédéral de la statistique.

M. Castonguay: Il me serait difficile de répondre à cette question, car je ne travaille généralement que sur des chiffres officiels ou sur les chiffres du Bureau fédéral de la statistique. C'est un employé du Bureau qui devrait répondre à cette question, monsieur le président. Je n'ai jamais fait d'étude comparative des chiffres des municipalités et ceux du Bureau fédéral de la statistique.

M. Howe: Je me demandais si ces chiffres concordaient; vous pourriez garder ces cartes presque complètement à jour avec les chiffres du Bureau et apporter quelques changements au moment du recensement.

M. Castonguay: Pour y parvenir, il faudrait déterminer un nombre de députés fixes pour chaque province. Je suis entièrement d'accord de tenir compte de l'expansion démographique dans l'établissement des circonscriptions, disons sur une base annuelle, mais le nombre de députés pour cette province augmente avec la population. Pour obtenir un quota, je dois diviser le nombre de députés par le nombre d'habitants de la province. Si je ne pars pas de là, je risque d'avoir quelques difficultés à délimiter les circonscriptions.

Si vous voulez des rajustements annuels, je crois qu'il faudrait changer la constitution afin d'attribuer un nombre de députés fixes dans chaque province. Dans ce cas les rajustements sont possibles.

Puis-je rappeler ce qui s'est passé au Royaume-Uni? On révisait la carte électorale tout les six ans. Cette mesure est apparue satisfaisante. Tout d'abord, l'électorat ne se trouvait jamais assez longtemps dans la circonscription pour pouvoir permettre de l'identifier par une circonscription, et il était difficile pour un parti politique de se réorganiser dans les nouvelles circonscriptions. Donc, la conférence de l'Orateur a recommandé que la révision se fasse tout les dix ans; la Chambre en Angleterre, Westminster, procède à cette modification tout les douze à quinze ans. Le fait de tenir à jour ces circonscriptions sur une base annuelle peut créer certaines diffi-

[Text]

much in the rural area but it would be disruptive, the rural area would be adding more territory and you would need more seats for the urban areas.

With our present system of revision every 10 years, at least your map is alive for 10 years. The electorate and body politic has a chance to get associated with that map for 10 years. But if you have the disruption every year like we had after the 1966 one, it would not be to that extent, but the following year distribution is going to be as severe as the last one with the exception of two provinces.

For instance, in P.E.I. and New Brunswick, relatively speaking, there will only be perimeter trimming, a small adjustment of population, because they are not gaining and they are not losing. But try to make a map of Newfoundland. They have seven seats now and they can bring it to six without making a major change in Newfoundland. Try to make a map of Nova Scotia with 10 instead of 11 seats without making a major change and taking care of the shift to Halifax and Dartmouth. Try to make a map of Quebec with 72 seats and maybe the Island of Montreal needing a couple of seats and Quebec City needing one. Try to make a map of Ontario with 91 seats, and maybe the Toronto area needing X number of seats. Then get into Saskatchewan and Manitoba; try to make a map of Manitoba, shift the population to Winnipeg and you are going to work with one seat less and maybe Winnipeg will then need another seat.

What has happened for instance in Australia where they have had this system for over 60 years? In one state, Western Australia, there are 10 electoral districts. One of those electoral districts covers nine tenths of the area of the province and their quota there is 20 per cent. You divide the number of M.P.s into the number of electors and a 20 per cent variation.

Here in Canada, with the shift in population from rural to urban, it would not be unlikely that some of our Prairie Provinces as well as the other provinces get to the stage where we are going to have constituencies covering at least seven tenths of the area. This is inevitable with the present rules.

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Hinterland constituencies now are more populous than city ones; for instance, there is one electoral district in B.C. that has more population than any of the seats in Vancou-

[Interpretation]

cultés du point de vue de l'électorat, et pas seulement dans les zones rurales; on ajouterait un certain territoire à la zone rurale et il faudrait plus de sièges pour les autres centres urbains.

Avec le système actuel de révision tous les dix ans, au moins votre carte reste valable pendant dix ans. L'électorat et les organismes politiques peuvent s'intégrer dans cette carte pendant dix ans. S'il y a tous les ans un bouleversement comme celui qui s'est produit en 1966, même s'il est de moindre importance, le remaniement de l'année suivante sera aussi sévère que le dernier à l'exception de deux provinces.

Ainsi, dans l'Île-du-Prince-Édouard et le Nouveau-Brunswick, il y aura un petit rajustement de population, car il n'y a ni perte ni gain, mais tentez d'établir un carte de Terre-Neuve. Ils ont 7 sièges, ils en reçoivent 6 sans qu'un changement important ne se soit produit. Tentez d'établir une carte de la Nouvelle-Écosse avec 10 sièges au lieu de 11 sans changement important et essayez de tenir compte des mouvements d'Halifax et de Dartmouth. Tentez d'établir une carte du Québec avec ses 72 sièges, et l'Île de Montréal doit peut-être avoir 2 sièges et la ville de Québec 1. Essayez de tracer une carte d'Ontario avec ses 91 sièges et une ville comme Toronto qui devrait avoir X sièges. Examinez le problème de la Saskatchewan et du Manitoba et essayez de dresser la carte du Manitoba sans tenir compte de la population de Winnipeg; vous aurez à votre disposition 1 siège de moins tandis que Winnipeg a besoin de 1 siège de plus.

Que s'est-il passé en Australie où ils ont utilisé ce système depuis plus de 60 ans? Dans un état d'Australie occidentale, il y a 10 districts électoraux. Un de ces districts couvre les neuf-dixièmes de la superficie de la province et le quota est de 20 p. 100. Divisez le nombre de députés par celui des électeurs, et tenez compte de la variation de 20 p. 100.

Ici au Canada, avec les mouvements de population des zones rurales aux zones urbaines, il ne serait pas improbable que certaines de nos provinces des Prairies ou autres en arrivent à un stade où les circonscriptions couvriront au moins les sept-dixièmes de la superficie. C'est inévitable dans le cadre des règlements actuels.

Les circonscriptions de l'arrière-pays sont actuellement plus peuplées que celles des villes; ainsi il y a en Colombie-Britannique une circonscription électorale qui est plus

[Texte]

ver, and it is a hinterland constituency in terms of geography.

So it is not the hinterland seats that are going to suffer. It is between the cities and the hinterlands, that rural area. They are the ones that are going to be large. So adjusting these would be a terrible disruption to the body politic and to the electorate, on an annual basis.

M. Forest: Monsieur Castonguay, les commissions de délimitation qui, dans chaque province, ont procédé à la délimitation des comtés, lors du dernier recensement, ont cessé d'exister, si je comprends bien. Sera-t-on obligé d'en former d'autres après le prochain recensement?

M. Castonguay: Oui.

M. Forest: A-t-on maintenu un personnel quelconque?

M. Castonguay: Non.

M. Forest: Il n'y a rien.

M. Castonguay: Il n'y a rien.

M. Forest: Alors, quand vous parliez de techniciens tantôt, ce sont ceux qui sont à votre bureau seulement.

M. Castonguay: Qui étaient à mon bureau.

M. Forest: Vous n'en avez plus?

M. Castonguay: Je n'en ai qu'un.

M. Forest: Combien de personnes avez-vous sous vos ordres?

M. Castonguay: Cinq.

M. Forest: Vous en avez cinq. Alors, ce serait des techniciens qui...

M. Castonguay: C'est le minimum dont j'ai besoin pour remplir les fonctions prévues dans la Loi. Mais quand nous préparerons le recensement au mois de juin de l'an prochain, il me faudra plus de personnel. Je suis obligé de continuer à préparer des cartes donnant les nouvelles délimitations, il faut donc que j'embauche cinq autres techniciens immédiatement ou vers le mois de juin l'année prochaine, pour commencer à les entraîner à faire les cartes. Vous savez, j'ai deux mois pour faire toutes ces cartes-là. Je ne peux pas les commencer, je peux faire un peu de travail préliminaire, en ce moment, je n'en fais pas, car ce serait une perte de temps, advenant un changement à l'article 51.

[Interprétation]

peuplée que toutes les circonscriptions de Vancouver; il s'agit en termes géographiques d'une circonscription de l'arrière-pays.

Ce ne sont donc pas les sièges de l'arrière-pays qui en souffriront, mais entre les villes et l'arrière-pays dans la zone rurale. Ce rajustement serait un bouleversement annuel considérable pour l'organisme politique et l'électorat.

Mr. Forest: Mr. Castonguay, those Commissions that have fixed the country limits in each province at the time of last census have ceased to exist. Will we be obliged to create others after the next census?

Mr. Castonguay: Yes.

Mr. Forest: Have they kept some kind of staff?

Mr. Castonguay: No, they have not.

Mr. Forest: There is nothing.

Mr. Castonguay: Nothing.

Mr. Forest: When you talk about technicians, are there those who are employed in your office only?

Mr. Castonguay: Who were employed in my office.

Mr. Forest: You don't have some anymore?

Mr. Castonguay: I have only one.

Mr. Forest: How many employees do you have in your office?

Mr. Castonguay: Five.

Mr. Forest: You have five. Then they would be technicians who...

Mr. Castonguay: This is the minimum I need to fulfill the duties provided by the Act. But when we prepare the census in June of next year, I should need more staff. I have to go on preparing maps showing the new limits; therefore I have to hire five more technicians immediately or around June of next year in order to train them in the making of maps. You know, I have two months for preparing all those maps. I cannot really begin, I can do some preliminary work but right now, I am not doing anything because it would be a loss of time if clause 51 were going to be amended.

[Text]

M. Forest: Maintenant, vous avez mentionné que vous faites faire des cartes, sauf peut-être au Québec et en Ontario, où cela ne s'avère pas tellement utile. D'après les rapports des commissions, elles n'ont pas semblé faire cas des cartes que vous aviez préparées la dernière fois.

M. Castonguay: C'est impossible de faire des cartes avec une nouvelle délimitation officielle, du moins ce l'est pour moi. D'autres personnes, possédant une meilleur connaissance des dix autres provinces peuvent peut-être le faire mieux que moi. Mais, à mon avis, il est impossible de faire des cartes acceptables et donnant une nouvelle délimitation pour les provinces.

M. Forest: Alors, votre rôle consisterait à les informer de la répartition de la population.

M. Castonguay: Mon rôle consisterait peut-être en deux choses, si c'est continu: diriger un secrétariat pour les dix commissions lors du prochain recensement, le remaniement de la carte électorale; fournir les cartes donnant un relevé de la population et son accroissement. Enfin, je devrais voir à leur procurer l'aide dont on aurait besoin, tout comme nous l'avons déjà fait, et les faire profiter de mon expérience. Mais, ce n'est pas nécessaire.

M. Forest: Est-ce que cela pourrait se faire?

M. Castonguay: A mon avis, ce n'est pas nécessaire.

M. Forest: Est-ce que le bureau du directeur général des élections pourrait donner ces services?

M. Castonguay: Bien, la difficulté réside en ceci: une tâche énorme attend M. Hamel pour la préparation de la prochaine élection. Outre l'étude d'une loi de 355 pages, il y a la révision des arrondissements à faire et ainsi de suite. Personnellement, si j'étais directeur des élections, je n'aimerais pas cumuler d'autres fonctions, à ce moment-ci. S'il y a une élection en 1972, tout mon temps et celui de mon personnel vont être requis pour la préparer.

Maintenant, peut-être M. Hamel est-il d'avis contraire, mais je ne recommanderai certainement pas en tant que directeur général des élections de donner du travail supplémentaire à ce temps-ci. Mais je serais content, d'une façon ou d'une autre, de continuer ou de ne pas continuer à faire le travail. Toutefois, tant pour mes employés que pour moi-même, il faut qu'on prenne une décision, car la situation actuelle ne satisfait personne. C'est bien difficile de garder mes employés quand il n'y a rien à faire.

[Interpretation]

Mr. Forest: Now, you mentioned that you have maps made up, except perhaps in Quebec and Ontario where this is not really useful. According to the reports of the Commissions, it seems they haven't considered the maps you prepared the last time.

Mr. Castonguay: It is impossible to draw maps with a new official limit; at least, it is impossible to me. Maybe other people having a better knowledge of the other 10 provinces can do it better than I. But I think it is impossible to make maps which are acceptable and giving the new limits for the provinces.

Mr. Forest: So, your role would consist in informing them of the distribution of people.

Mr. Castonguay: My role would consists of two things: to supervise a secretariat for the 10 Commissions during the next census and redistribution, of the map and to supply them with maps that would indicate the population and the growth of the population. Finally, I would have to supply them with the help they would need, as we did before, and to make them benefit from my experience. But that is not necessary.

Mr. Forest: Could that be done?

Mr. Castonguay: I do not think it is necessary.

Mr. Forest: Could the office of the Chief Electoral Officer offer that kind of service?

Mr. Castonguay: The difficulty is the fact that the Mr. Hamel has a lot of work to do in preparing the next election. In addition to the study of the Act of 355 pages, there is the revision of the polling divisions. Personally, if I were the Chief Electoral Officer, I would not like to have other tasks at such a time. If there is an election in 1972, the preparation would take all my time and the time of all my personnel.

Maybe Mr. Hamel has another opinion, but as Chief Electoral Officer I would certainly not recommend to give more work at such a time. I would be happy to go or not to go on carrying on this work. However, in the interest of my employees as well as in my own interest a decision has to be taken because the present situation does not meet anyone wishes. It is very difficult to keep employees when there is nothing to do.

[Texte]

Si je peux continuer, je crois qu'il serait bon d'en faire une étude, de présenter un rapport comme j'ai fait au sujet des listes électorales, avec l'assistance des autres commissaires. Quand la loi sera étudiée de nouveau après 1973, le Comité aura un rapport préparé par les commissaires et le directeur général des élections et vous aurez ainsi quelque chose de concret à étudier. Mais, à mon avis, à moins qu'on donne d'autres responsabilités à ce bureau après 1973, il n'auront rien à faire jusqu'en 1982; mais je ne vois pas quelle sorte de travail on peut donner.

M. Forest: Il faudrait l'abolir après 1973.

M. Castonguay: Si on ne trouve aucun travail à donner, on devrait abolir ce service. A ce moment-là, je crois que M. Hamel pourrait certainement réorganiser son bureau; premièrement, il a besoin de mon personnel, composé de cinq personnes, c'est un minimum. De plus, en tant que directeur général des élections, j'ai toujours pensé que le nombre d'employés était insuffisant et en trouver cinq possédant de l'expérience sur les délimitations des circonscriptions va certainement l'aider à faire la révision des cartes des arrondissements et il peut les garder pour d'autres fonctions. Mais il n'éprouvera aucune difficulté à trouver de l'emploi pour la période entre les recensements. Mais d'après mon expérience, les cartes que je suis censé donner aux commissions ne sont pas nécessaires, on ne peut pas exiger de les faire.

Deuxièmement, quant à mon rôle comme membre des commissions, nous avons obtenu une uniformité dans les affaires de routine, mais on pourrait certainement se passer de mes services. Personne d'Ottawa n'est membre des commissions, ce sont trois personnes de la province qui en font partie. Si un fonctionnaire fédéral en fait partie, on croit qu'il peut exercer une trop grande influence à la commission; cette critique a déjà été faite. On ne peut pas exercer d'influence auprès d'un juge de la Cour suprême et des personnes faisant partie de ces commissions. Cependant, il y a toujours ce doute, mais comme je n'en fais plus partie et que je ne leur donne aucune carte ils sont complètement indépendants.

M. Forest: Alors, pour assurer l'uniformité et les communications entre les commissions, il n'est pas nécessaire d'avoir un agent de liaison.

M. Castonguay: Cela aide un peu, du moins ce fut le cas au début, car nous n'avions aucune formule pour les rapports ou les avis. Certains précédents ont été créés, mais je ne

[Interprétation]

If I may go on, I think it would be desirable to make a study, to present a report as I did before with the lists of electors with the help of other commissioners. For the next review of the Act in 1973, the Committee will have a report prepared by the commissioners and the Chief Electoral Officer; in this way, you would have something to study. But I think that unless we give other responsibilities to this office after 1973, they would not have anything to do until 1982, but I do not see what kind of work could be given to them.

Mr. Forest: It should be abolished after 1973.

Mr. Castonguay: If no other work is found for them, this office would have to be abolished. Then, I think Mr. Hamel could certainly reorganize his office; first, he needs my personnel made up of five people; it is a minimum. In addition, as the Chief Electoral Officer, I have always considered that the number of employees was not sufficient and to receive five employees with a great experience in this field would certainly help him for the review of district maps; he can also keep them for other duties. Then, he will not have difficulty in finding employment between the census. However, according to my experience, the maps I am supposed to give to the Commissioners are not necessary, they should not be requested.

Secondly, as far as my role as member of the Commission is concerned, we have obtained the uniformity in routine matters but I am sure my services are no longer necessary. Nobody in Ottawa is a member of the Commission; the three who are members come from the province. If a federal civil service servant is member, people generally believe that his influence in the Commission can be exaggerated, this criticism has already been made. No influence can be exercised on a Supreme Court judge and on members of those commissions. However, there is always some doubt, but as I am not a member any more and as I do not give them any maps, they are completely independent.

Mr. Forest: Do you believe that in order to ensure uniformity and communications in the Commission, it is not necessary to have a liaison officer.

Mr. Castonguay: This can help, at least, it did in the beginning, because we did not have any formula for the reports or the notices. Some precedents have been created, but I can

[Text]

veux pas dire qu'ils sont immuables. Il ne faut pas commencer à faire des manières pour établir des avis, des routines, c'est fait. Mon personnel, la personne responsable de la division savent si telle chose va au directeur général des élections et lui, peut faire le travail, s'adresser aux commissions. Il n'y aura aucune difficulté. Mais je ne dis pas que je ne peux pas apporter mon aide, au prochain remaniement, avec l'expérience que j'ai acquise je pourrais certainement le faire, mais ce n'est pas nécessaire.

M. Forest: Maintenant, au point de vue de la population, pour arriver aux chiffres que vous avez mentionnés, sans trop affecter les députés, il faudrait que le Comité recommande d'amender l'article 51, paragraphe 3.

M. Castonguay: Bien, c'est d'inclure les paragraphes 3 et 5.

M. Forest: Oui, 5.

M. Castonguay: Les rendre semblables.

M. Forest: Oui.

Le président: Ce n'est pas à l'intérieur de l'Ordre de renvoi de la Chambre?

M. Forest: Si c'est nécessaire avant que vous fassiez votre rapport au point de vue population...

M. Castonguay: Oui, je dois faire cela. D'après les renseignements que j'ai du bureau de recensement, ces chiffres-là devraient être disponibles vers le mois de février ou mars 1972; c'est là que je vais faire mon calcul qui décidera du nombre de députés pour chaque province. À cet effet, il faudrait nécessairement que ce soit fait dans ce temps-là. Il m'est facile de faire un nouveau calcul, mais il doit être fait avant que les commissions commencent leurs travaux. Si c'est fait quatre, cinq mois après ce sera une perte de temps énorme.

The Chairman: Are there any more questions?

Mr. Howard (Skeena): Mr. Chairman, I would like to ask Mr. Castonguay if he himself has any—I have not seen them—proposed amendments, in legal words, to the Representation Commissioner Act?

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Mr. Castonguay: No, I did not prepare any because I only had certain comments and certain suggestions that I wished to make as a result of the experiences I had but the only amendment if you go along with my recommendation is the repeal of Section 8—not the

[Interpretation]

not say that they are inflexible. The responsible person of the division and myself know what goes to the Chief Electoral Officer and he can do the work and go and see the Commission. There would not be any difficulty. But I am not saying I can not contribute to the next redistribution; I could do it with the experience I have acquired, but this is not necessary.

Mr. Forest: Now, as far as the population is concerned, in order to reach the figures you mentioned without affecting too much the members, the Committee should recommend that Clause 51 (3) be amended.

Mr. Castonguay: We should include subsections 3 and 5.

Mr. Forest: Yes, subsection 5.

Mr. Castonguay: To make them similar.

Mr. Forest: Yes.

The President: This is not provided for in the order of reference of the House?

Mr. Forest: If it is necessary before your report on population...

Mr. Castonguay: Yes, that is what I should do. According to the information I get from the census, those figures should be available around February or March 1972; then I should have to do make my calculations which will determine the number of members for each province. That would have to be done at that time. It is easy for me to make new calculations, but it must be done before the Commission starts its work. If that is done four or five months later it would be an almost lost of time.

Le président: Y a-t-il d'autres questions?

M. Howard (Skeena): Monsieur le président, j'aimerais demander à M. Castonguay s'il a des amendements à proposer à la Loi sur le commissaire à la représentation.

M. Castonguay: Non, je n'en ai préparé aucun; je voulais uniquement faire quelques commentaires et présenter quelques propositions fondées sur l'expérience que j'ai acquise en la matière. Le seul amendement que je proposerais serait l'abrogation de l'article 8,

[Texte]

complete repeal of Section 8. In Section 8, I am required to do two things. One is to prepare a population map, a working map for the commissions so that they can do their arithmetic on it. That has been done by DBS now and all I do is to go to DBS or send a messenger over and I get the maps, but they will still be required, so that Section could be amended by repealing the part where I am required to make alternative proposals, and I think I have given my views on alternative proposals. I do not think I can make alternative proposals that are acceptable. There may be other people who can but I cannot. The commissions were kind; they said they were useful. I say they were kind but remember I was a member of the commissions and they wanted me to sign the report, I suppose.

Mr. Howard (Skeena): I apologize for missing the earlier part, Mr. Chairman, but there is also a Fisheries Committee across the hall. I was there and now here. I missed what Mr. Castonguay had to say earlier. I just had that one thought. I am very partial, incidentally, to the idea of increasing the 25 per cent tolerance figure. I do not appreciate these ridings that take in half or more of the province as is anticipated. I think you mentioned Saskatchewan or Manitoba with the concentration of the population in Winnipeg relative to the rest of the province, and with the decline in the number of seats for the province, you get some fantastic sized areas there.

Mr. Castonguay: If there is a reduction of seats in Manitoba from 13 to 12, that Churchill seat is going to be rather large.

Mr. Howard (Skeena): Yes, and it is large now. I am wondering whether we might not consider, since adjusting the tolerance of 25 per cent upwards is not the answer, putting some saving features in there to make exceptions as we do now, for instance, with Prince Edward Island. We make an exception no matter what the population. No matter how low the population goes, there is still going to be a minimum number of seats. We might consider doing something like that.

The Chairman: These comments you make, Mr. Howard, are really appropriate in the way of analysing the consequences of repealing Section 8, but our terms of reference from the House do not deal with this particular section which is related, I believe, to some other act. This one deals simply with this.

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ou tout au moins d'une partie de l'article 8. En vertu de cet article, je dois accomplir deux tâches: tout d'abord préparer une carte démographique qui servira d'outil de travail à la commission; ils s'aideront de cette carte pour faire leurs calculs. A présent le Bureau fédéral de la statistique s'occupe de ce travail —et je me rends tout simplement au Bureau ou j'y envoie un messenger pour prendre les cartes, mais on demandera encore de présenter certaines propositions afin que cet article puisse être modifié en supprimant les dispositions prévoyant que je dois proposer ces solutions de rechange. Je ne crois pas pouvoir en proposer qui soient acceptables. Peut-être d'autres personnes pourraient-elles le faire; moi, je m'en sens incapable. Les membres des commissions étaient gentils; ils ont dit que mes propositions étaient utiles. Rappelez-vous toutefois que j'étais membre des commissions; je suppose qu'ils voulaient que je signe le rapport.

M. Howard (Skeena): Je suis désolé d'être arrivé en retard, monsieur le président, mais il y a également le Comité des pêches qui siège de l'autre côté du couloir. J'ai dû y assister. Je n'ai pas entendu ce qu'a dit M. Castonguay. Je vous ai parlé de ce chiffre de 25 p. 100 qu'on a avancé. Vous avez mentionné notamment la Saskatchewan et le Manitoba, et de la concentration de la population à Winnipeg par rapport au reste de la province; vous avez parlé également de la diminution du nombre de sièges attribués à la province; vous obtenez ici des zones d'une taille pour le moins fantastique.

M. Castonguay: Si l'on réduit le nombre de sièges du Manitoba de 13 à 12, le siège de Churchill risque d'être assez important.

M. Howard (Skeena): Oui, il l'est déjà maintenant. Je me demande si l'on ne pourrait pas considérer la possibilité, puisque le rajustement avec une tolérance de 25 p. 100 ne semble pas être la solution, de prévoir certaines exceptions comme nous le faisons pour ce qui est de l'Île-du-Prince-Édouard. Nous pouvons faire une exception, quelle que soit la population. Quelle que soit la baisse de la population, on doit prévoir un nombre de sièges minimum. On pourrait peut-être trouver une solution dans cette voie.

Le président: Je crois que vos observations, monsieur Howard, sont très valables si l'on tient compte de l'analyse des conséquences que pourrait avoir l'abrogation de l'article 8, mais l'ordre de renvoi que nous avons reçu de la Chambre ne traite pas de cet article; il s'agit d'une autre loi. C'est pourquoi nous

[Text]

This is why we heard Mr. Castonguay on the consequences of the next census on the representation. Part of this is not relevant to the terms of reference we have, but I believe it will be up to the members of the Committee to make such representations or to raise some points as you just did.

Mr. Howard (Skeena): What do we have for consideration, the Representation Commissioner Act? That is the Act within which the 25 per cent tolerance...

Mr. Castonguay: No, the Electoral Boundaries Readjustment Act.

Mr. Howard (Skeena): Oh, I am sorry, I apologize.

The Chairman: Section 13 of the Electoral Boundaries Readjustment Act.

Mr. Howard (Skeena): I got the two mixed up. It is fine in theory but will not work right here.

The Chairman: Are there any more questions?

Monsieur Castonguay, je vous remercie sincèrement des commentaires que vous avez apportés. Nous allons étudier les implications de l'article 8 de la Loi sur le commissaire à la représentation. A la lumière des résultats du recensement national qui aura lieu l'an prochain, nous allons sûrement lors de notre prochaine séance préconiser des recommandations à la Chambre des communes, recommandations qui tiendront compte de vos commentaires et suggestions.

Mr. Castonguay: Merci, monsieur le président.

Le président: Monsieur Lefebvre.

Mr. Lefebvre: La question de M. Howard m'intéresse également beaucoup. Allons-nous avoir l'occasion d'étudier cette autre partie de la loi?

Le président: A la condition que la loi nous soit référée par la Chambre.

Mr. Lefebvre: Pouvons-nous demander qu'elle le soit?

Le président: Non.

Mr. Lefebvre: M. Howard a soulevé un point très important.

Le président: Ce sont des questions connexes. Il aurait fallu que la Chambre nous demande d'étudier la Loi relative aux limites

[Interpretation]

avons écouté M. Castonguay qui nous a parlé des conséquences du prochain recensement sur la représentation. Une partie de ce que nous avons discuté n'était pas prévu à l'ordre de renvoi, mais je crois que les membres du Comité peuvent décider de soulever certains points comme vous venez de le faire.

M. Howard (Skeena): Que devons-nous examiner? La Loi sur le Commissaire à la représentation? C'est dans cette loi qu'on parle de la tolérance de 25 p. 100.

M. Castonguay: Non, il s'agit de la Loi sur la Révision des limites de circonscriptions électorales.

M. Howard (Skeena): Excusez-moi.

Le président: L'article 13 de la Loi sur la Révision des limites de circonscriptions électorales.

M. Howard (Skeena): J'avais confondu les deux. C'est très beau en théorie mais on ne pourra pas en arriver à une conclusion ici.

Le président: Y a-t-il d'autres questions?

Mr. Castonguay, I thank you very much for these comments you have just made. We will now be studying the implications of Section 8 of the Representation Commissioner Act. Taking into account the results of the national census which will take place next year, we will certainly have some recommendations to make during our next meeting in the House of Commons which will reflect our comments and suggestions.

Mr. Castonguay: Thank you, Mr. Chairman.

The Chairman: Mr. Lefebvre.

Mr. Lefebvre: I am also interested in Mr. Howard's question. Should we have the opportunity of examining the other part of the Act?

The Chairman: If the Act is referred to us by the House.

Mr. Lefebvre: Could you ask it to be referred?

The Chairman: No.

Mr. Lefebvre: Mr. Howard has raised a very important point.

The Chairman: These are related questions. The House should have asked us to consider the Electoral Boundaries Readjustment Act at

[Texte]

des circonscriptions électorales en même temps que celle-ci, car on ne peut pas parler de l'une sans parler de l'autre.

M. Lefebvre: Exactement.

Le président: Et ainsi de suite.

Dans les recommandations que nous ferons ou que nous allons étudier à la prochaine séance, nous tiendrons évidemment compte de ces suggestions, comme on nous demande de le faire. Je pense que l'ordre de renvoi de la Chambres est automatique. Il était nécessaire que la Chambre renvoie au Comité l'étude de la présente loi. Nos recommandations tiendront compte des renseignements et des faits des prochains mois. Allons-nous modifier l'article 51 de la Constitution, la Loi sur la révision des limites des circonscriptions électorales, créer un système de calcul mieux approprié ou augmenter le nombre de sièges? En fin de compte, ce sont toutes des questions extrêmement importantes qu'il faudra examiner lors de notre prochaine séance.

M. Lefebvre: Je crois que nous sommes tous d'accord pour juger impensable un autre agrandissement des comtés ruraux. C'est impensable parce que ces comtés sont tellement grands qu'un député ne peut rendre les services nécessaires à ses commettants.

D'après le tableau que M. Castonguay nous a donné, au Québec, au lieu d'être de 59,100 personnes, le minimum sera de 62,365 personnes.

M. Castonguay: D'accord.

M. Lefebvre: Dans un comté comme le mien qui est loin d'être le plus grand comté de la province où le minimum est de 59,000 à l'heure actuelle, où la circonscription qui compte 62 municipalités est plus grande que la province de la Nouvelle-Écosse, où allons-nous trouver 3,000 autres personnes? Je ne le sais pas. Cela agrandira le comté de 5 à 10,000 milles.

M. Castonguay: Monsieur le président, il s'agit des chiffres tirés du recensement de 1966 qui ont trait aux populations des circonscriptions.

Si vous regardez les chiffres relatifs à la population, chiffres que je pourrais distribuer aux députés, en analysant les chiffres de 1966 par rapport à ceux de 1970, c'est ce qui se produira. Qu'il y ait un écart de 25 ou de 30 p. 100, vous trouverez 2,000 ou 3,000 personnes dans les circonscriptions rurales. Il faut parcourir parfois 10,000 milles carrés pour trouver à peu près 500 personnes.

M. Lefebvre: C'est juste.

[Interprétation]

the same time as this one, because it is impossible to talk about one without talking about the other.

Mr. Lefebvre: Exactly.

The Chairman: And so on. In the recommendations we shall make or in the recommendations we shall consider in our next meeting, we will take into account the suggestions as we are requested to do. I think the order of reference of the House is automatic. It was necessary that the House sent to the Committee the study of the existing Act. Our recommendations will take into account the information and facts of the next months. Are we going to amend Section 51 of the Constitution, the Electoral Boundaries Readjustment Act, in order to establish a more adequate system or to increase the number of seats? Finally all these questions are extremely important and we shall have to consider them at our next meeting.

Mr. Lefebvre: I think we all agree that rural constituencies must not be extended because these constituencies are already so large that one member cannot assume all his responsibilities.

According to the table Mr. Castonguay gave to us, in Quebec, instead of being 59,000 people, the minimum will be 62,365.

Mr. Castonguay: Right.

Mr. Lefebvre: In a constituency like mine which is of course not the biggest one in the province, where the minimum is presently 59,000, and where the constituency which includes 62 municipalities is larger than the province of Nova Scotia, where are we going to find all the 3,000 people? I do not know. This is going to extend the constituency by 5 to 10,000 miles.

Mr. Castonguay: Mr. Chairman, these are figures coming from the census of 1966 relating to the population of those constituencies.

If you look at the figures related to population for the years 1966 and 1970, you will notice that you may have a margin of 25 or 30 per cent and you will find 2,000 to 3,000 people in the rural constituencies. Sometimes, you need a 10,000 square miles area for finding about 5,000 people.

Mr. Lefebvre: That is correct.

[Text]

M. Castonguay: Oui.

M. Lefebvre: Il faudrait donc examiner cette question, monsieur le président. Cela ne devait peut-être pas dépasser 35 p. 100. Je m'objecte tout de suite en Comité à un autre agrandissement des comtés ruraux et j'espère que le Comité pourra résoudre ce problème.

Le président: Très bien, monsieur Lefebvre.

Would you agree that we sit on Thursday about the same time to consider recommendations?

Mr. Paproski: Provided we do not have any other meetings. This could be cleared with the co-ordinating committee.

The Chairman: We will try to have a meeting on Thursday at an appropriate time. Thank you. This meeting is adjourned.

[Interpretation]

Mr. Castonguay: Yes.

Mr. Lefebvre: These questions should be considered, Mr. Chairman. It should not be more than 35 per cent. I hope this Committee will be able to find a solution to this problem.

The Chairman: Thank you, Mr. Lefebvre.

Etes-vous d'accord pour siéger jeudi à la même heure pour examiner ces recommandations?

M. Paproski: A condition qu'il n'y ait pas d'autres réunions. Peut-être faudrait-il consulter le comité de coordination.

Le président: Nous allons tenter d'organiser une réunion pour jeudi à l'heure qui conviendra le mieux. Merci, messieurs. La séance est levée.

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969-70

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

PRIVILEGES AND ELECTIONS

PRIVILÈGES ET ÉLECTIONS

Chairman

M. Ovide Laflamme

Président

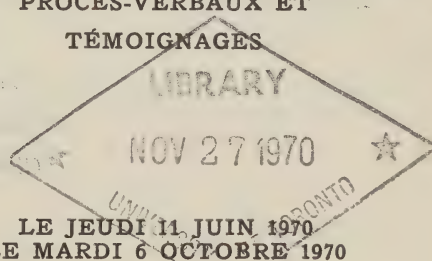
MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 21

THURSDAY, JUNE 11, 1970
TUESDAY, OCTOBER 6, 1970

LE JEUDI 11 JUIN 1970
LE MARDI 6 OCTOBRE 1970



Respecting
Revision of the provisions of the Representation Commissioner Act

Including
THE SIXTH REPORT

Concernant
Révision des dispositions sur la Loi sur le Commissaire à la représentation

Y compris
LE SIXIÈME RAPPORT

WITNESSES—TÉMOINS

(See Minutes of Proceedings)

(Voir les Procès-verbaux)

STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS

Chairman
Vice-Chairman

and Messrs.

Alkenbrack,
Badanai,
Benjamin,
Duquet,
Forest,
Forget,
Forrestall,

M. Ovide Laflamme
Mr. Steve Paproski

Fortin,
Howe,
Jerome,
Lefebvre,
Macquarrie,
Marceau,
Orange,

COMITÉ PERMANENT
DES
PRIVILÈGES ET ÉLECTIONS

Président
Vice-président

et MM.

Peters,
Portelance,
Peddle,
Thomas (*Maison-
neuve*)—(20).

(Quorum 11)

Le greffier du Comité,
Robert D. Marleau,
Clerk of the Committee.

REPORT TO THE HOUSE

WEDNESDAY, October 7, 1970.

The Standing Committee on Privileges and Elections has the honour to present its

SIXTH REPORT

A copy of the Minutes of Proceedings and Evidence (*Issue No. 20*) is tabled.

Respectfully submitted,

Le Président,
OVIDE LAFLAMME,
Chairman.

RAPPORT À LA CHAMBRE

Le MERCREDI 7 octobre 1970.

Le Comité permanent des privilèges et élections a l'honneur de présenter son

SIXIÈME RAPPORT

Un exemplaire des procès-verbaux et des témoignages (*fascicule n° 20*) est déposé.

Respectueusement soumis,

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, June 11, 1970
(30)

The Standing Committee on Privileges and Elections met at 9:50 a.m. this day. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Badanai, Forest, Laflamme, Thomas (*Maisonneuve*)—(4).

There being no quorum, at 9:52 a.m. the Committee adjourned until Tuesday, June 16, 1970.

*Le greffier du comité,
Robert D. Marleau,
Clerk of the Committee.*

TUESDAY, October 6, 1970.
(31)

The Standing Committee on Privileges and Elections met *IN CAMERA* at 3:15 p.m. this day. The Chairman, Mr. Laflamme, presided.

Members present: Messrs. Alkenbrack, Badanai, Forget, Howe, Jerome, Laflamme, Macquarrie, Peddle, Peters, Portelance, Thomas (*Maisonneuve*)—(11).

The Committee *agreed unanimously* that the sixth report which reads as follows:

"The Standing Committee on Privileges and Elections has the honour to present its

SIXTH REPORT

A copy of the Minutes of Proceedings and Evidence (*Issue No. 20*) is tabled.

Respectfully submitted,

*Le président,
OVIDE LAFLAMME,
Chairman."*

be adopted as read and that the Chairman be hereby instructed to report to the House accordingly.

At 3.27 p.m., the Committee adjourned to the call of the Chair.

*Le greffier du comité,
Robert D. Marleau,
Clerk of the Committee.*

[Texte]

PROCÈS-VERBAL

le JEUDI 11 juin 1970
(30)

Le Comité permanent des privilèges et élections se réunit à 9 h. 50 du matin, aujourd'hui. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Badanai, Forest, Laflamme, Thomas (*Maisonneuve*)—(4).

Faute de quorum, à 9 h. 52 du matin le Comité s'ajourne jusqu'au mardi 16 juin 1970.

Le MARDI 6 octobre 1970.
(31)

Le Comité permanent des privilèges et élections se réunit à huis clos à 3 h. 15 de l'après-midi, aujourd'hui. Le président, M. Laflamme, occupe le fauteuil.

Députés présents: MM. Alkenbrack, Badanai, Forget, Howe, Jerome, Laflamme, Macquarrie, Peddle, Peters, Portelance, Thomas (*Maisonneuve*)—(11).

Le Comité décide à l'unanimité que le sixième rapport qui se lit comme suit:

«Le Comité permanent des privilèges et élections a l'honneur de présenter son

SIXIÈME RAPPORT

Un exemplaire des procès-verbaux et témoignages (*fascicule n° 20*) est déposé.

Respectueusement soumis,

soit adopté tel que lu et que le président soit autorisé à le présenter à la Chambre des Communes.

A 3 h. 27 de l'après-midi la séance est levée jusqu'à nouvelle convocation du président.

HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Second Session

Deuxième session de la

Twenty-eighth Parliament, 1969-70

vingt-huitième législature, 1969-1970

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

**PRIVILEGES
AND
ELECTIONS**

**PRIVILÈGES
ET
ÉLECTIONS**

Chairman

M. Ovide Laflamme

Président

I N D E X

OF

PROCEEDINGS

DES

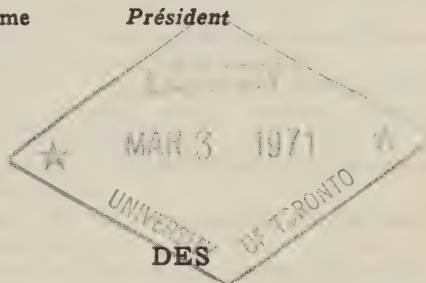
DÉLIBÉRATIONS

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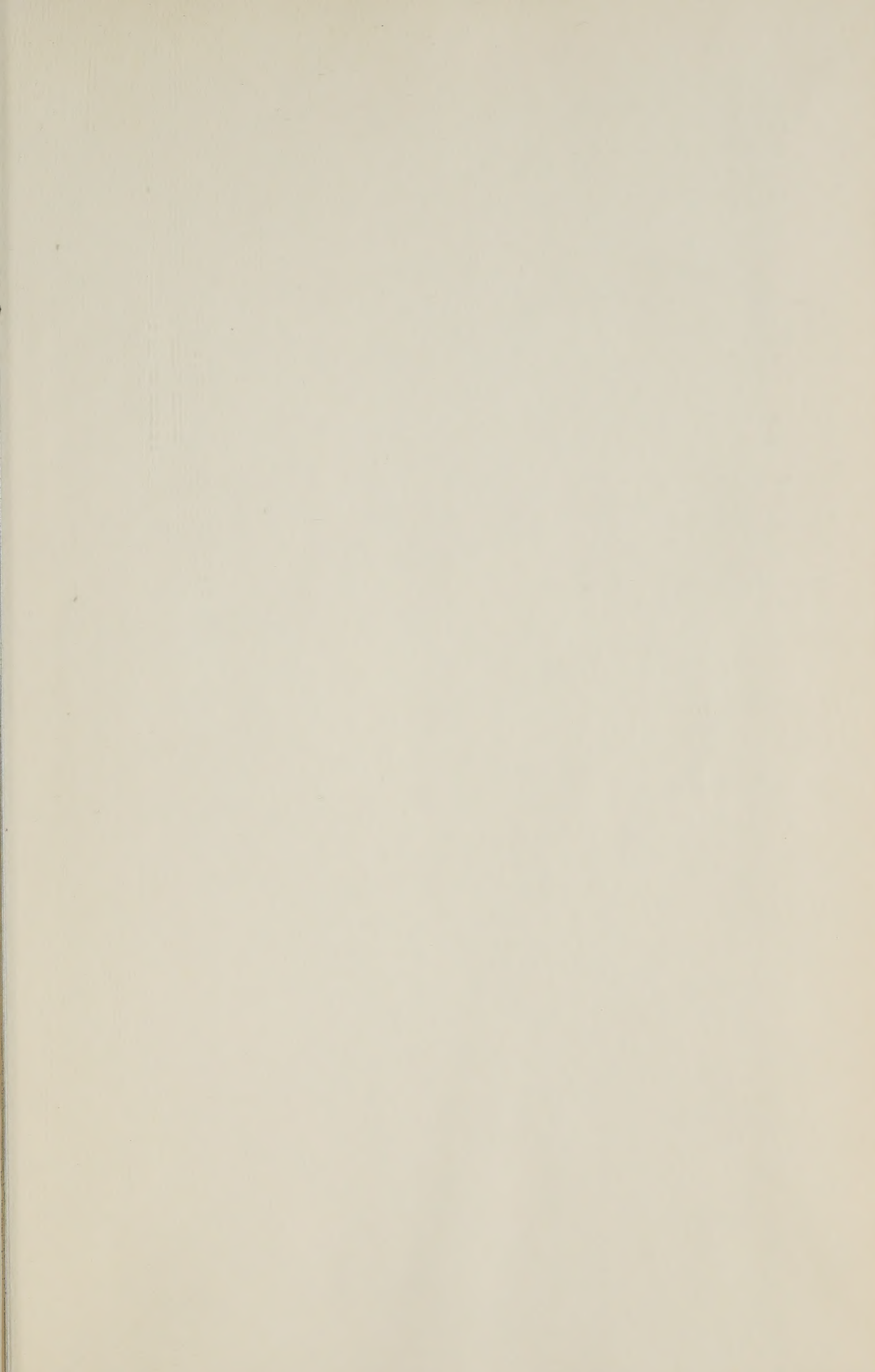
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